| Reviewed By: | |
|---|---|
| Legal | ■ |
| Finance | □ |
| Engineer | ■ |
| City Administrator | ■ |
| Community Development | ■ |
| Purchasing | □ |
| Police | □ |
| Public Works | ■ |
| Parks and Recreation | ■ |

Agenda Item Number

Mayor's Report #9

Tracking Number

PZC 2023-09 & EDC 2023-36

**Agenda Item Summary Memo**

**Title:** Unified Development Ordinance (UDO) Discussion

**Meeting and Date:** City Council – November 28, 2023

**Synopsis:** Summary of Unified Development Ordinance (UDO) Recommendations

**Council Action Previously Taken:**

Date of Action: CC – 11/14/23 Action Taken: Presentations and discussions took place at the 9/26/23, 10/11/23, 10/24/23, and 11/14/23 City Council meetings.

Item Number: PZC 2023-09 & EDC 2023-36

**Type of Vote Required:** Discussion

**Council Action Requested:** Feedback

**Submitted by:** Krysti J. Barksdale-Noble (Name) Community Development (Department)

**Agenda Item Notes:**

Additional packet material can be found at:

https://www.yorkville.il.us/Archive.aspx?ADID=5429

# Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: November 22, 2023
Subject: UDO updates – ADU owner occupied

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**Summary**

Status update on the questions posed at the last City Council meeting related to owner occupation of accessory dwelling units.

**Background**

This item was last discussed by the City Council at the November 14th meeting, when the City Council gave direction to staff to include an owner-occupied requirement to all accessory dwelling units (detached or attached). The intent of this direction is to prevent large scale purchase and redevelopment of single-family homes into two rental units for each property. Director Noble has drafted simple language requiring the owner of a property to live in either the home or the ADU (Chapter 4 of the UDO, page 35 of the pdf). This requirement is theoretically simple to implement on the front end: if someone applies for a permit for an attached ADU, we will require them to include proof of the owner residing in one of the units, and if someone applies for a special use for a detached ADU, that proof would be part of the public record before it is approved by City Council. However, and as discussed in the November 14th City Council meeting, post-approval enforcement of this requirement is fraught with issues.

Attorney Orr is still researching the impact of enforcement of this requirement and may have a verbal update for the November 28th City Council meeting. In her initial review, she has questioned the constitutionality of the requirement and provided some practical hurdles on enforcement should it be adopted. For instance, we are unclear whether enforcement from the City would come through administrative adjudication and the new authorities granted by the state, or whether it would have to come through the circuit court. Further, Attorney Orr has doubts that the City would have the authority (even as a future home rule city) to evict a renter living in an ADU which does not have an owner living in the other unit. While an eviction outcome may not have been the City Council's intent, we are unaware of any practical designation or action that could be taken to remedy the violation. As Attorney Orr's research continues, she will provide updates as needed.

**Recommendation**

This is an informational item.

# Memorandum

To: City Council
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: November 21, 2023
Subject: **Unified Development Ordinance**
Recommendations for Proposed Unified Development Ordinance

---

**UNIFIED DEVELOPMENT ORDINANCE (UDO) RECOMMENDATIONS:**

At the November 14th City Council meeting, staff was given direction to remove the **"Connectivity Index Calculation"** located in Chapter 7 – Subdivision Standards which has been revised and incorporated into the attached redlined version of the Unified Development Ordinance *(page 3 of Chapter 7)*:

**ITEMS FOR CONTINUED DISCUSSION:**

The City Council recommended further discussion of the proposed **Accessory Dwelling Unit (ADU)** regulations in Chapter 4 – Use Standards and requested draft language which includes:

a. Add language which requires owner-occupancy for either the primary structure or the ADU *(page 35 of Chapter 4).*

b. Make detached ADUs a special use *(page 11 of Chapter 3)*.

Staff has attached draft ADU regulations based upon the above feedback, as prepared by the city's planning consultant for the UDO, Houseal Lavigne.

**STAFF COMMENTS**

Staff is seeking feedback and direction regarding the continued discussion item listed above within the proposed in the Unified Development Ordinance so that those changes can be implemented in a revised version of the document and presented at a future City Council meeting for a vote.

# Chapter 7. Subdivision Standards

10-7-1. Intent and Purpose ..... 1
10-7-2. Lots ..... 2
10-7-3. Street Design and Improvements ..... 3
10-7-4. Circulation and Connectivity ..... 13
10-7-5. Easements ..... 13
10-7-6. Water, Sewer, and Stormwater ..... 14
10-7-7. Cluster Development ..... 15
10-7-8. Anti-Monotony Standards ..... 16
10-7-9. Park and Recreation Land and School Site Dedication ..... 18

## 10-7-1. Intent and Purpose

A. The regulations of this Chapter are adopted to:

1. Protect the interests of the landowner, the investor in land, the homeowner, and the municipal unit;
2. Conserve, protect, and enhance property and property values; to secure the most efficient use of land; and to facilitate the provisions of public improvements;
3. Provide for orderly growth and development; to afford adequate facilities for the safe and efficient means for traffic circulation of the public; and to safeguard the public against flood damage;
4. Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width, and course of streets and highways; the installation of utilities, street pavements, and other essential improvements; and the provision of necessary public grounds for schools, parks, playgrounds, and other public open space; and
5. Establish procedures for the submission, approval, and recording of plats, to provide the means for enforcement of this title, and to provide penalties for violations.

B. **Provision of Improvements.** All improvements required by this Chapter shall be installed by the developer as part of a Subdivision as detailed in Section 10-8-6.

C. **Conformance With Standard Specifications and Ordinances.** All improvements required in this Chapter shall be as specified in the City's standard specifications for improvements, the Kendall County Stormwater Management Ordinance, and other applicable County ordinances.

## 10-7-2. Lots

A. **Conformance With District Standards.** All lots shall meet the minimum depth, width, and area requirements of the governing district, unless otherwise approved as a cluster development.

B. **Lot Size and Shape.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision, and for the type of development and use contemplated, as determined by the Planning and Zoning Commission and City Council.

C. **Orientation.** Where appropriate, lot orientation along an east-west longitudinal axis is recommended for increased energy efficiency for potential solar panels.

D. **Double Frontage and Reverse Frontage Lots**.

1. Double frontage and reverse frontage lots shall be avoided, except where necessary to overcome disadvantages of topography and orientation, and where a limited access highway, railroad right-of-way, major street, or similar situation exists.

2. In these instances, double frontage lots shall be provided with suitable screen planting when adjoining roadways as follows:

    a. **Local or Collector Roads.** Double frontage lots adjoining a local or collector road shall provide a type C transition yard as specified in Table 10-5-2(F)(3).

    b. **Arterial Roads.** Double frontage lots adjoining a local or collector road shall provide a type D transition yard as specified in Table 10-5-2(F)(3).

3. Double frontage lots may be subdivided and utilize a separate lot or outlot where the rear property line fronts an adjoining roadway for required transition yards.

E. **Subdivisions to Include Entirety of Parent Parcels.** Subdivisions must include and plan for the entire parcel or parcel(s) being divided and shall not exclude portions of the parcel or parcel(s) being divided from the subdivision.

F. **Access.**

1. All lots shall front or abut on a public street.

2. The fronting of residential lots on state and county highways or major thoroughfares, major collectors as designated in the comprehensive plan is prohibited. Each subdivision entrance shall be located not less than one thousand three hundred (1,300) feet apart, centerline to centerline, unless topography or existing street locations dictate otherwise.

3. Non-access provisions controlling ingress and egress to streets may be required by the Planning and Zoning Commission and City Council to assure traffic safety and to relieve congestion at intersections.

4. The distance between access points shall adhere to the City's standard specifications and be approved by the City Engineer.

## 10-7-3. Street Design and Improvements

A. **Street Network Design**

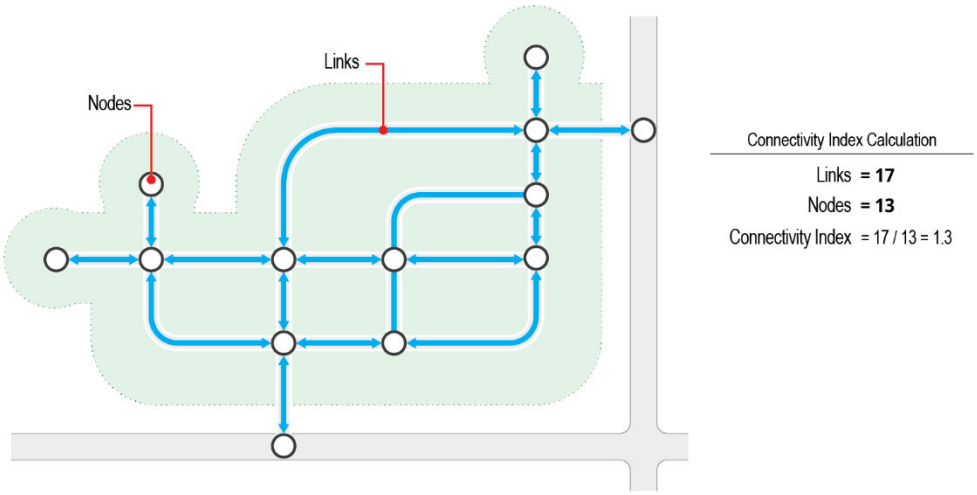
1. **General Street Layout**.

a. In general, streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth, and provide adequate public safety and convenience for motorists, cyclists, and pedestrians alike.

b. The proposed street layout shall also be coordinated with the existing street system of the surrounding area. Where a through street or a series of streets establishes a connection between two (2) public streets, such street shall be a public street.

~~c. **Connectivity Index**. A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and two-tenths (1.2).~~

~~***Figure 7.1. Connectivity Index Calculation***~~

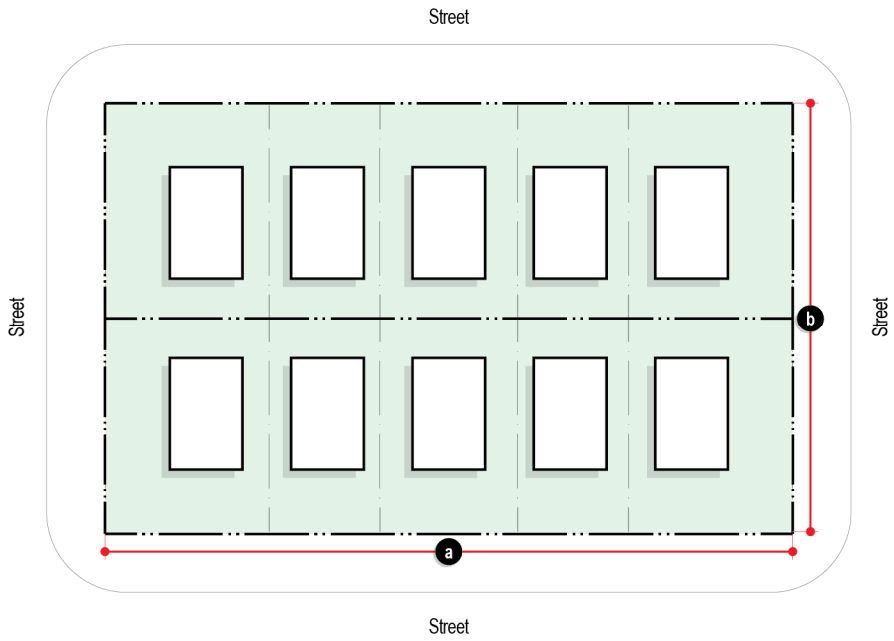


2. **Blocks.**

   a. **Length.** Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length. Shorter blocks of eight hundred (800) feet or less in length are encouraged.

   b. **Width.** Lots shall have sufficient width to provide two (2) tiers of lots of appropriate depth, except on boundaries of a proposed subdivision or where required to separate and discourage through traffic between residential subdivisions and nonresidential development.

***Figure 7.21. Blocks***



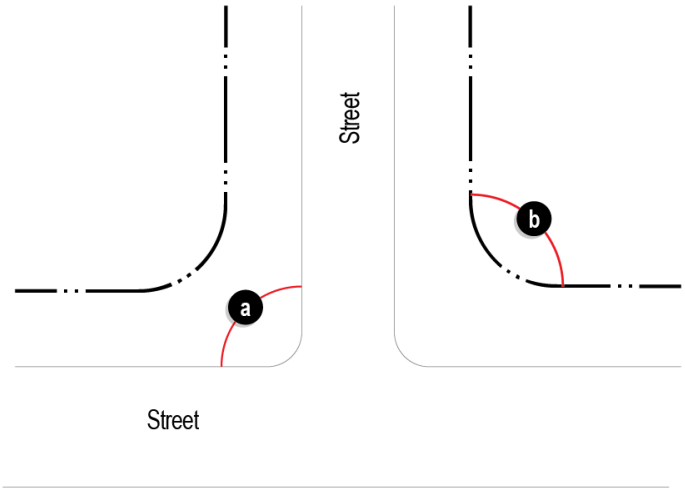
3. **Street Jogs.** Street intersection jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited. Horizontal changes in alignment shall have a radius of twenty (20) feet to permit safe vehicular turning movements.

4. **Street Intersections.**

   a. Streets shall be laid out so as to intersect at right angles. Proposed intersections at angles of less than eighty (80) degrees shall not be acceptable. Proposed intersections at less than ninety (90) degrees shall be approved only when the proposed layout enhances the subdivision's overall layout and circulation pattern or is required due to natural constraints on the site as determined by the Zoning Administrator.

   b. Property lines at minor street intersections shall be rounded with a minimum radius of twenty-five (25) feet. Property lines at major streets or highway intersections shall be rounded with a minimum radius of thirty (30) feet.

***Figure 7.32. Street Intersections***



5. **Cul-de-sacs.**

   a. Cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around.

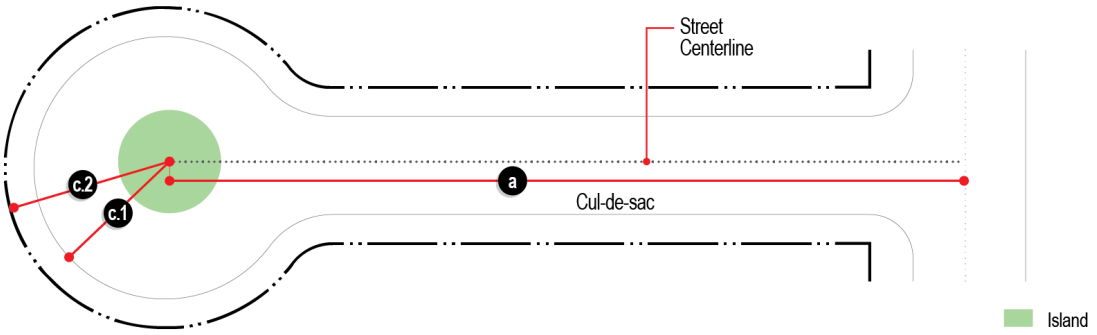
   b. **Islands.** Islands in the center of cul-de-sacs with a minimum radius of fifteen (15) feet shall be required. Islands shall use mountable curbing only that allows vehicular access to the islands. Islands may be planted with vegetation, however, such vegetation shall not exceed four (4) feet at maturity to allow for vision clearance across the cul-de-sac's diameter.

   c. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular paved area allowing for vehicular turn around and having a minimum radius of:

      (1) Fifty (50) feet from the center of the island to the outside curb.

      (2) Sixty (60) feet the center of the island to the edge of right-of-way.

***Figure 7.43. Cul-De-Sac Standards***



6. **Street Stubs**.

   a. In new developments the subdivider shall terminate streets as stubs at the outer perimeter boundaries of the development based on the criteria below. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:

      (1) The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.

      (2) The street by its general configuration, in relationship to the existing development of the area, serves any collector function.

      (3) The street extends into an undeveloped area in such a manner as to serve any future collector function.

      (4) The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.

   b. Street stubs shall be clearly demarcated and identified for future street extension by street signage.

   c. All street stubs shall terminate with a turn-around for vehicles.

   d. All stub streets shall conform to the City's adopted version of the International Fire Code.

   e. The City Engineer may deem that the street stub is impractical due to topographic conditions, environmental constraints, property shape, or property accessibility.

7. **Dead End Streets**. Dead end streets shall not be permitted except as street stubs per the requirements of this section.

B. **General Improvement Requirements.**

1. **Sidewalks.** Concrete sidewalks shall be at least five (5) feet in width.

2. **Shared Use Paths.** Shared use paths shall be at least eight (8) feet in width.

3. **Bicycle Facilities**.

   a. Bicycle lanes shall be at least four (4) feet in width.

   b. Shared bicycle and vehicle lanes and bike lanes shall be delineated in accordance with NACTO standards.

4. **Parkways**.

   a. Parkways shall be at least seven (7) feet in width, however, parkways may be reduced to five (5) feet in width along minor streets or lower-traffic volume street types as approved by the City.

   b. Parkways shall be located between the back of curb and sidewalk.

   c. **Street Trees.** A minimum of one (1) canopy tree shall be planted per every forty (40) linear feet of parkway. Where overhead utility line conflicts are present, a minimum of one (1) understory tree shall be planted every twenty (20) feet. The spacing of trees shall take into consideration site-specific conditions and clear vision triangles.

      (1) **Substitution on Private Property Allowed.** Up to twenty-five (25) percent of the street trees required in Section 10-7-3 (B)(4)(c) may be planted on private property within the subdivision provided the following are met.

(a) The trees located on private property shall be located within the same subdivision as the parkway trees they will be substituted for.

(b) The trees shall be located within the required front yard on each subject lot.

(c) The trees provided on private property shall be provided in addition to any landscaping required per Section 10-5-3.

(d) The trees provided on private property shall meet the planting specifications of Section 10-5-3(A) above.

(e) The substitution of street trees on private property shall enhance the visual quality of the neighborhood and achieve the same visual effects as trees planted in parkways as proposed by the developer and approved by the Zoning Administrator.

d. A complete streetlight system shall be installed in the required parkway in all subdivisions.

5. **On-Street Parking**.

a. On-street parking shall be parallel.

b. On-street parking spaces shall have the following minimum dimensions:

(1) Width: Eight (8) feet.

(2) Length: Twenty-three (23) feet.

c. On-street parking spaces shall be delineated with striping with a minimum width of four (4) inches. For all types of local streets, the striping of the on-street parking spaces may be provided but shall only be required when no curbing is provided.

d. On-street parking spaces shall be visually delineated from drive aisles with striping or other means.

6. **Medians**.

a. Medians shall have a minimum width of ten (10) feet.

b. Medians shall taper to a minimum of four (4) feet in width at intersections.

c. Medians shall be planted with a minimum of fifteen (15) shrubs or native grasses every fifty (50) linear feet. Landscaped elements shall be maintained privately by a homeowners association or another organization associated with the development in which they are located.

C. **Street Design Requirements.**

1. **Right of-Way Widths.** The minimum right-of-way widths of proposed streets shall be as detailed in Table 10-7-3(C)(1).

| Table 10-7-3(C)(1): Minimum Right-of-Way Widths | |
|---|---|
| **Type of Street** | **Minimum Right-of-Way Widths (Feet)** |
| *Arterial* | 85 |
| *Collector* | 70 |
| *Local Nonresidential* | 80 |
| *Local Residential* | 66 |

2. **Paving Widths.** The minimum paving widths from curb face shall be as detailed in Table 10-7-3(C)(2).

| Table 10-7-3(C)(2): Minimum Paving Widths | |
|---|---|
| **Type of Street** | **Minimum Paving Width (Feet)** |
| *Arterial* | 51 |
| *Collector* | 41 |
| *Local Nonresidential* | 39 |
| *Local Residential* | 30 |

3. **Required Street Design Elements.** Required street design elements shall be as established per street type in Table 10-7-3(C)(3).

   a. A "●" indicates an element that is required on one (1) side of a given street.

   b. A "○" indicates an element that is required on both sides of a given street.

   c. A "◊" indicates an element that is required.

   d. A "□" indicates an element that is required at the discretion of the City.

| Table 10-7-3(C)(3): Required Street Design Elements | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **Required Street Design Element** | | | | | | |
| **Type of Street** | *Sidewalk* | *Shared Use Path* | *Parkway* | *Bicycle Lane* | *Shared Bicycle & Vehicle Lane* | *On-Street Parking* | *Median* |
| *Freeway or Expressway* | As required by the IDOT | | | | | | |
| *Arterial* | • | • | ○ | ○ | | | ◊ |
| *Collector, Bike Lane & Median* | • | • | ○ | ○ | | | ◊ |
| *Collector, On-Street Parking* | • | • | ○ | | □ | ○ | |
| *Local Nonresidential, Bike Lane & Median* | ○ | | ○ | ○ | | | ◊ |
| *Local Nonresidential, On-Street Parking* | ○ | | ○ | | □ | ○ | |
| *Local Residential* | ○ | | ○ | | □ | ○ | |

*Figure 7.4. Arterial Design Standards*

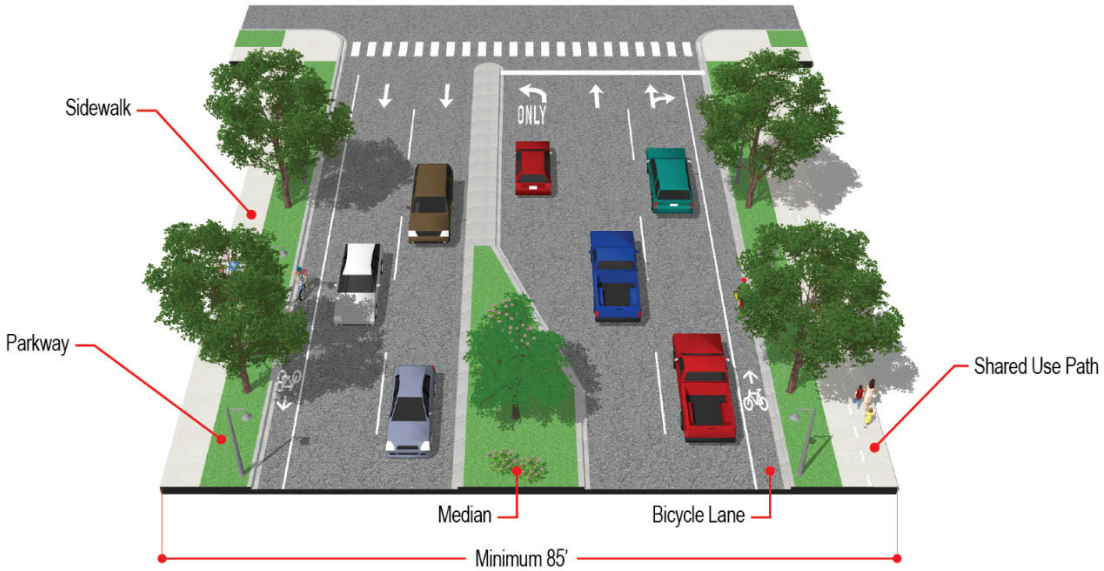



*Figure 7.5. Collector Street With Bicycle Lane and Median Standards*

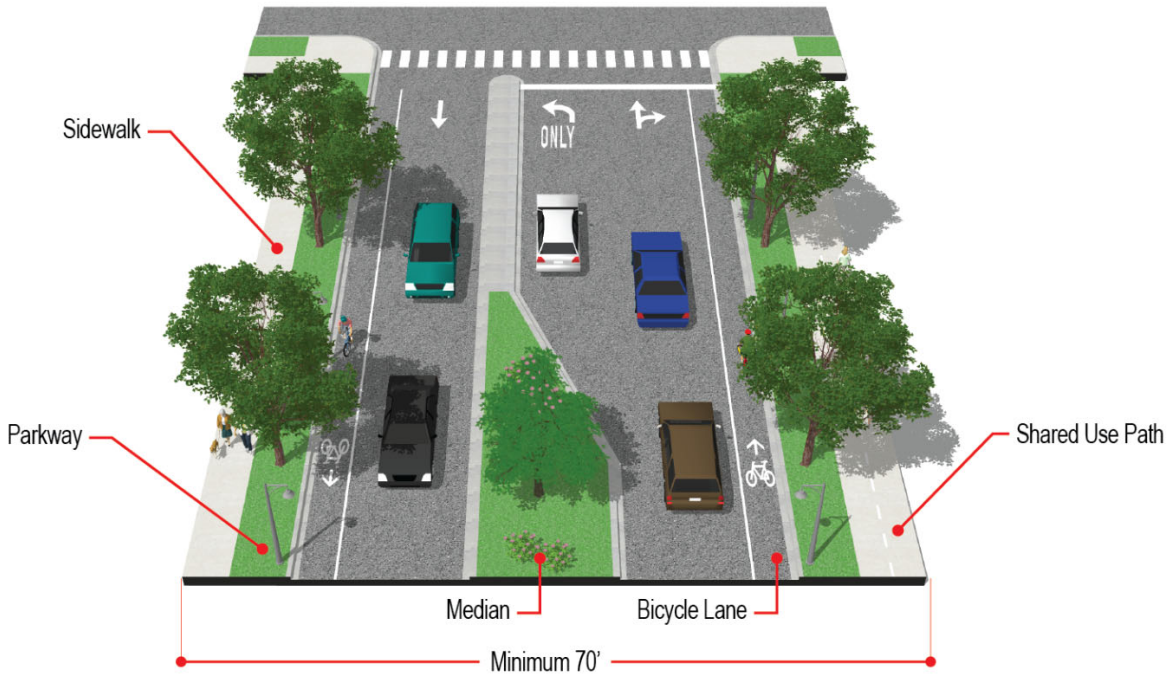


***Figure 7.6. Collector Street With On-Street Parking Standards***

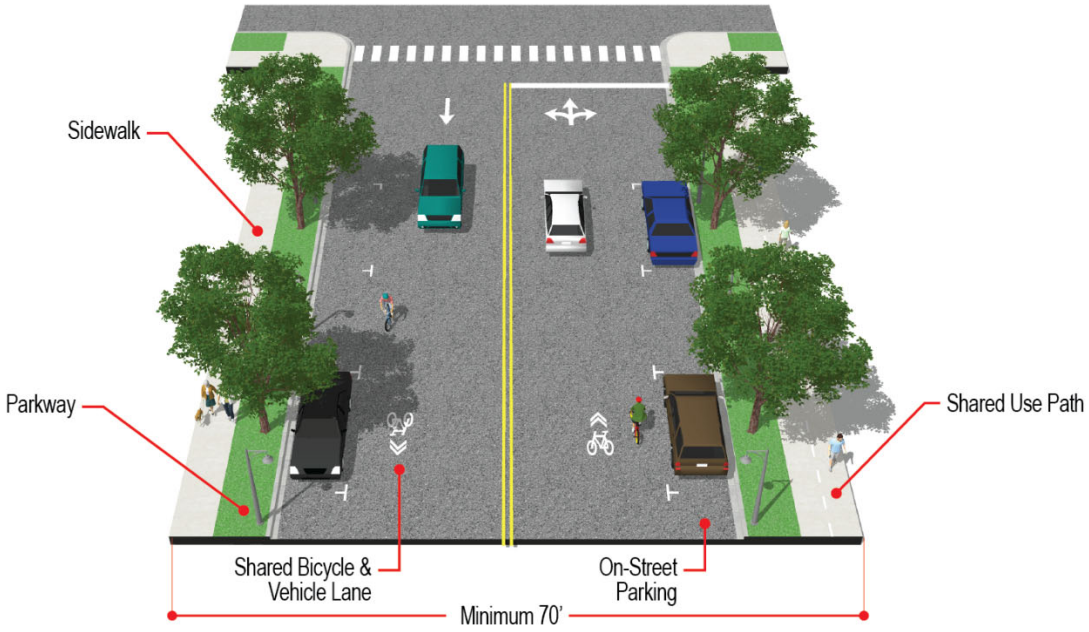



***Figure 7.7. Local Nonresidential Street With Bicycle Lane and Median Standards***

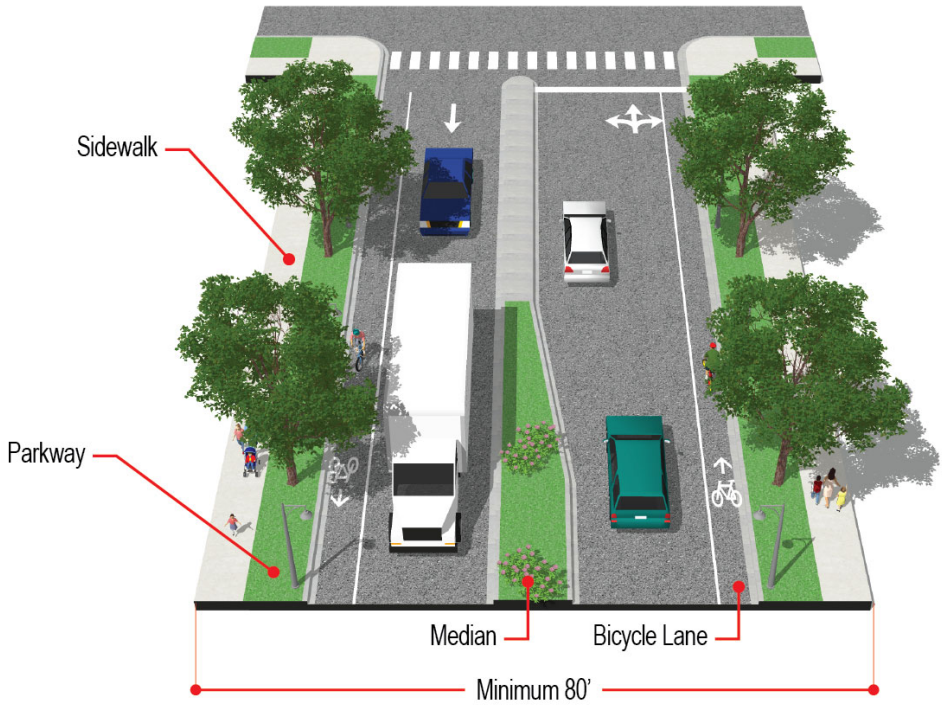


***Figure 7.1. Local Nonresidential Street With Bicycle Lane and Median Design Standards***

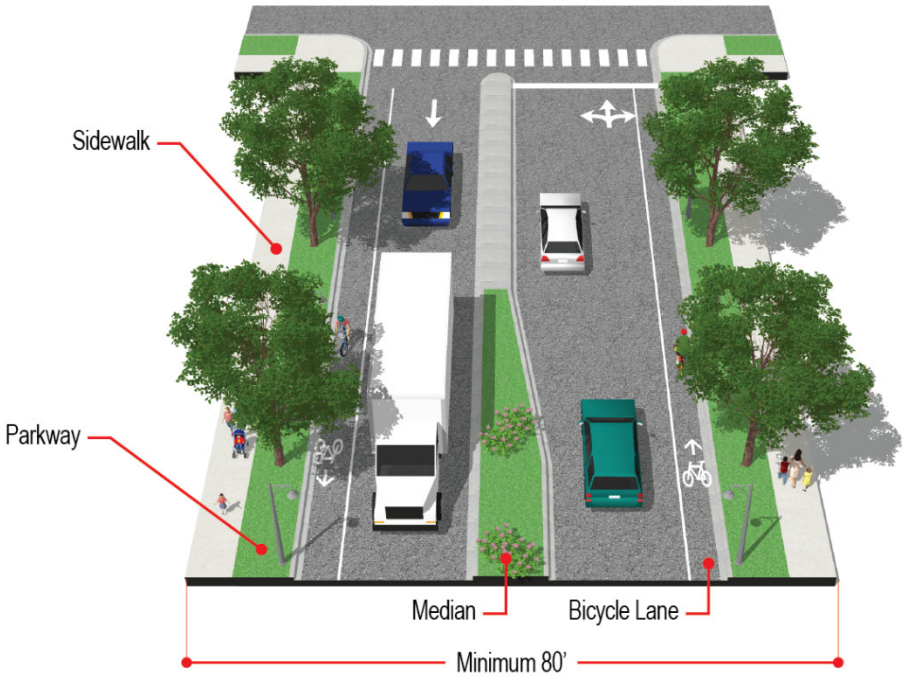
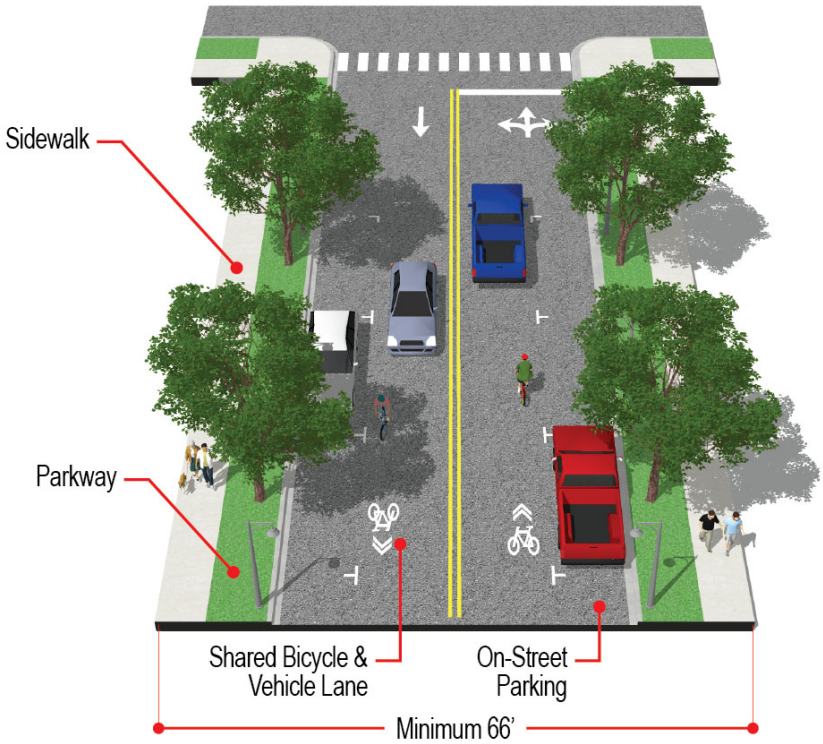



***Figure 7.9. Local Residential Street Design Standards***



## 10-7-4. Circulation and Connectivity

A. **Half Streets.**

1. Half streets shall be prohibited, except where the Planning and Zoning Commission deems them essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

2. A right-of-way width of not less than forty (40) feet, and a pavement width of not less than twenty-two and one-half (22½) feet, shall be required for the half street.

3. Where a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted and constructed within such tract.

4. In cases where half streets are accepted, the owner and subdivider shall be required to grade and improve the half street, the same as all other subdivision streets.

B. **Alleys.**

1. **All Alleys.** All alleys shall be privately maintained.

2. **Commercial and Industrial.** Alleys shall be provided for all commercial and industrial districts, except that the City may waive this requirement where another definite and assured provision is made for service access, such as off-street loading and parking consistent with, and adequate for, the uses proposed.

3. **Residential.** Alleys are encouraged in subdivisions in the R-2D, R-3, and R-4 Districts and when provided shall have a minimum right-of-way width twenty (20) feet. Alleys shall be prohibited in the A-1, R-1, and R-2 Districts, unless deemed necessary by the City Engineer because of topography or other exceptional circumstances.

4. **Dead End.** Dead end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by the City Engineer.

5. **Obstructions.** No obstructions shall be permitted in areas reserved for alleys.

## 10-7-5. Easements

A. **Utility Easements Required.**

1. Utility easements at least ten (10) feet wide shall be provided at the rear of all lots and shall be centered on the rear or side lot lines, unless otherwise approved by the City Council due to topography, natural features, or other site constraints.

2. Utility easements may be required at other locations than the rear of lots and at greater widths than ten (10) feet to accommodate proposed utilities and to provide space for future utilities, as deemed appropriate by the City Engineer.

3. Utility easements shall be provided along both sides of all road right-of-ways.

B. **Stormwater Control Facilities Easements Required.** Easements shall be required for all stormwater control facilities and for overflow routes.

C. **Watercourse Easements Required.** Where a watercourse, drainage channel, stream, or other body of water traverses a subdivision, appropriate dedications or easement provisions, with adequate width to accommodate the observed, computed, or anticipated stormwater drainage through and from the subdivision shall be made. The width of the easement shall depend on the area of land drained by the watercourse and shall be of adequate width to allow access for construction and maintenance equipment.

D. **Transition Area Easements.** Transition zone easements may be required in accordance with the standards of Section 10-5-3(F). If said easement is to also be used for public utilities, only such plant materials that have an ultimate growth not exceeding fifteen (15) feet shall be used.

## 10-7-6. Water, Sewer, and Stormwater

A. **Water System Connection Required.**

1. All parcels within a subdivision shall be required to connect to the United City of Yorkville's Public Water Supply System, including required water main extensions off-site, to the sizes required by the City.

2. All subdivisions shall provide a looped, double fed water system, and extensions to the boundaries of the development, as directed by the City.

B. **Sanitary Sewer Connection Required.**

1. All parcels within a subdivision shall be required to provide connection to the sanitary sewer system, including required sewer extensions off-site, to the sizes and depths required by the City.

2. The sanitary sewers shall be extended to the far boundaries of the development, as directed by the City.

C. **Stormwater Drainage Required.**

1. Surface water drainage improvements consisting of storm sewers or open channels, inlets, catch basins, manholes, and/or detention facilities, shall be designed and constructed to adequately drain the area being developed and any other areas that naturally drain through the area being developed.

2. If the natural surface water drainage will be changed by the construction of the subdivision, adequate provision shall be made for collection and diversion of such surface waters into public areas or drains which the subdivider has a right to use. Surface waters shall not be deposited on the property of adjoining landowners in a manner that causes erosion or other damage.

3. The property owner shall maintain any drainage course across their property and shall keep their property free from features that restrict the natural drainage.

## 10-7-7. Cluster Development

Cluster development is allowed in residential subdivisions in the R-1, R-2, and R-2D Districts to encourage and accommodate, in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas and encourage compact, walkable design of subdivisions and neighborhoods.

A. **Resources to be Conserved**. To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.

B. **Maximum Density per Acre**. The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table 10-7-7(B).

| Zoning District | Maximum Density |
|---|---|
| R-1 | 3.63 dwelling units/acre |
| R-2 | 4.36 dwelling units/acre |
| R-2D | 2.90 dwelling units/acre |

C. **Maximum Dimensional Standards Reduction**. The dimensional standards established in Table 10-3-9(A) may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.

D. **Density Bonus**. The maximum gross density per acre, per district, may be exceeded by a maximum of thirty (30) percent if either the natural resource conservation or subdivision design standards below are met.

1. **Natural Resource Conservation.** A minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the City Council and shall be directly tied to the amount of land area placed in a conservation easement.

    a. Native landscapes,

    b. Mature tree stands,

    c. Prime farmland,

    d. Critical habitat, and/or

    e. Other as approved by the Zoning Administrator.

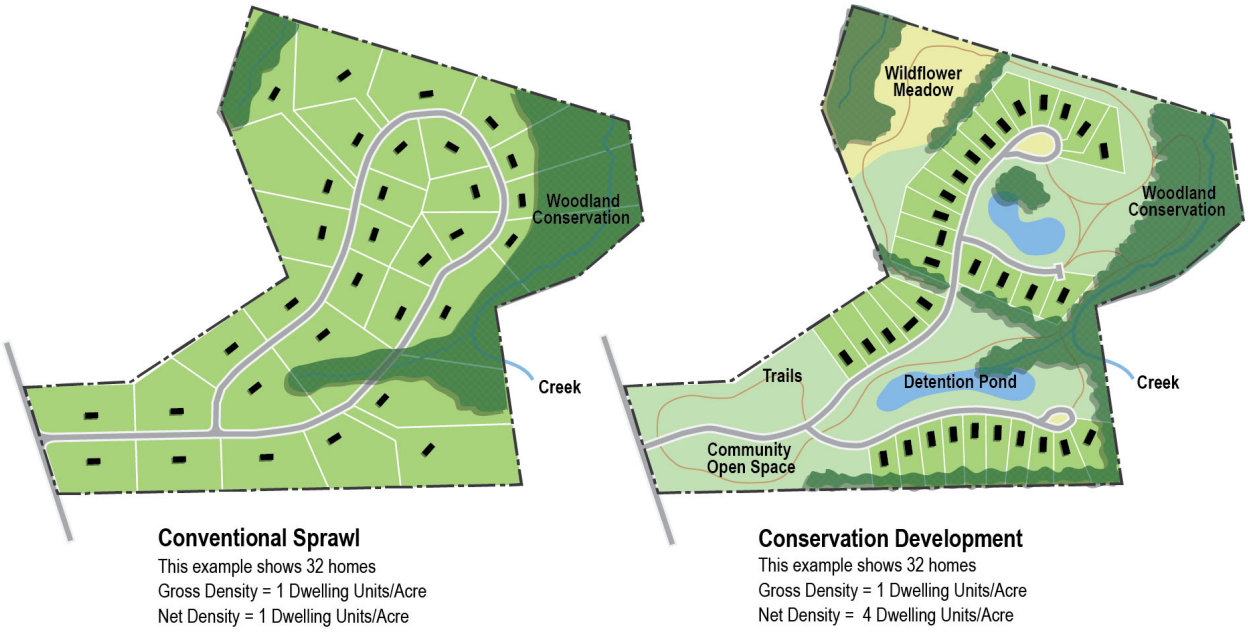
2. **Subdivision Design.** The subdivision provides an enhanced pedestrian environment throughout the neighborhood by fulfilling at least one (1) of the following standards. The maximum allowed density bonus shall be as determined by City Council and shall be directly tied to the enhancements to the pedestrian environment provided.

    a. At least twenty (20) percent of blocks in the subdivision are eight-hundred (800) feet or less in length.

    b. At least twenty (20) percent of the cul-de-sacs in the subdivision are four-hundred (400) feet or less in length.

E. **Planned Unit Development Required.** Any subdivision employing cluster development techniques shall require approval through the Planned Unit Development Process as specified in Section 10-8-8.

*Figure 7.2. Cluster Development*




## 10-7-8. Anti-Monotony Standards

A. **Building Variety Standards.**

1. No new single-family or duplex dwelling units shall be similar in appearance to any other single-family or duplex dwelling units within two (2) units on either side of the subject property or on any of the five (5) units across the street from the subject property.

2. On cul-de-sac turnarounds, no single-family or duplex dwelling shall be similar in appearance to another dwelling on the turnaround.

B. **Similarity Standards.** Any two (2) dwelling units shall be considered similar in appearance if they are identical or nearly identical to one another in any three (3) or more of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, or combination);

2. Similar roof pitch at an angle of ten (10) degrees or less;

3. Dimensions (height and/or length) of the front wall closest to the front lot line that are within twenty (20) percent the same as either the height or width shall constitute similarity;

4. Shape of the front elevation silhouette;

5. Relative location and size of windows on the front elevation;

6. Relative location and dimensions of garage door(s), if included on the front elevation; and

7. Type(s) of exterior building cladding materials on the front elevation. The following differences in construction material shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.

    a. Four (4) inch exposure horizontal siding;

b. Eight (8) inch exposure horizontal siding;

c. Brick facing;

d. Vertical siding;

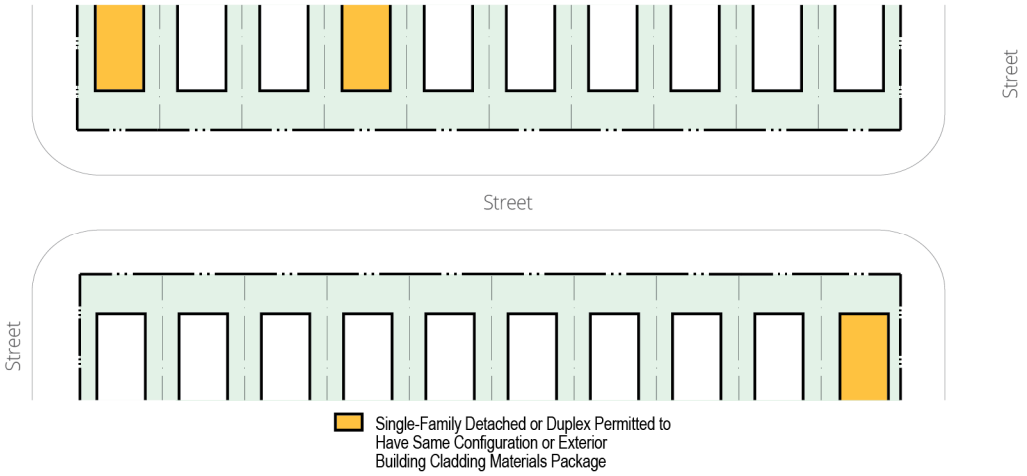
e. Stone facing; and

f. Stucco/staccato board and trim.

g. When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.

h. Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.

***Figure 7.11. Anti-Monotony Standards***



## 10-7-9. Park and Recreation Land and School Site Dedication

As a condition of approval of a final plat of a subdivision, the developer shall dedicate land for park and recreational purposes and for school sites to serve the needs of residents of the development, or a cash contribution in lieu of the land dedication, or a combination of both, at the discretion of the City, in accordance with the criteria and formula below.

A. **Criteria For Requiring Park and Recreation Land Dedication.**

1. **Requirements and Population Ratio.** The quantity of land required for park dedication shall result directly from the total population of the proposed development. The total requirement shall be five and one half (5 ½) acres of land per one thousand (1,000) residents. The required five and one-half (5 ½) acres shall be allocated into different types of recreation areas as shown in Table 10-7-9(A)(1), or as may be required by City Council at its discretion.

**Table 10-7-9(A)(1): Parkland Dedication Requirements**

| Type of Recreation Area | Size Range | Minimum Acres Per 1,000 People |
|---|---|---|
| *Play lot* | Minimum - 8,000 square feet | n/a |
| *School/park (neighborhood playground)* | Minimum - 5 acres | 1.25 |
| *Neighborhood park* | Minimum - 3 1/2 acres | 1 |
| *District-wide park or play field* | Minimum - 4 acres, up to 30 acres | 1.25 |
| *Community-wide recreation park* | Minimum - 12 acres, up to 30 acres | 2 |
| *Total* | | 5.5 |

B. **Criteria For School Site Dedication.**

1. **Requirement and Population Ratio.** The required dedication of land for school sites shall depend on the quantity of students projected to be generated within the subdivision. The land dedication requirement shall be determined by obtaining the ratio of the maximum number of students to be served in each such school classification as defined in Table 10-7-9(B)(1) and the minimum number of acres for a school site of each school classification defined in Table 10-7-9(B)(1). The product shall be the number of acres of land required for sufficient school sites to serve the estimated children in each such school classification.

**Table 10-7-9(B)(1): School Dedication Requirements**

| School Classification Grade | Maximum Number of Students For Each School Classification | Minimum Number of Land Acres For Each School Site For Such Classification |
|---|---|---|
| *Elementary Schools - Grades K-5* | 600 students | 11 acres |
| *Junior High Schools - Grades 6-8* | 900 students | 19 acres |
| *High Schools - Grades 9-12* | 2,300 students | 48 acres |

C. **Contribution in Lieu Procedure.** At the City's discretion, it may require the developer to pay a contribution in lieu of the land dedication required. The cash contribution required in lieu of park and recreation and/or school facilities shall be per the City's adopted ordinances. The cash contributions in lieu of park and recreation land dedication shall be held in trust solely for the acquisition of park and recreation land which will be available to serve the needs of the residents of the subdivision.

D. **Estimated Population Per Dwelling Unit.** Table 10-7-9(D) of population density shall be used to calculate the quantity of dedicated acres of land for parkland or schools or to determine the required cash contribution in lieu of.

| Table 10-7-9(D): Estimated Population Per Dwelling Unit | | | | | | |
|---|---|---|---|---|---|---|
| **Type of Unit** | **Preschool** | **Elementary** | **Junior High** | **High School** | **Adults** | **Total Per Dwelling Unit** |
| | 0-4 Years | 5-10 Years | 11-13 Years | 14-17 Years | 18+ Years | All Ages |
| *Dwelling, Single-Family* | | | | | | |
| *2 Bedroom* | 0.113 | 0.136 | 0.048 | 0.020 | 1.700 | 2.017 |
| *3 Bedroom* | 0.292 | 0.369 | 0.173 | 0.184 | 1.881 | 2.899 |
| *4 Bedroom* | 0.418 | 0.530 | 0.298 | 0.360 | 2.158 | 3.764 |
| *5 Bedroom* | 0.283 | 0.345 | 0.248 | 0.300 | 2.594 | 3.770 |
| *Dwelling Duplex, Dwelling, Townhome* | | | | | | |
| *1 Bedroom* | 0.000 | 0.000 | 0.000 | 0.000 | 1.193 | 1.193 |
| *2 Bedroom* | 0.064 | 0.088 | 0.048 | 0.038 | 1.752 | 1.990 |
| *3 Bedroom* | 0.212 | 0.234 | 0.058 | 0.059 | 1.829 | 2.392 |
| *4 Bedroom* | 0.323 | 0.322 | 0.154 | 0.173 | 2.173 | 3.145 |
| *Dwelling, Multi-Family* | | | | | | |
| *Efficiency* | 0.000 | 0.000 | 0.000 | 0.000 | 1.294 | 1.294 |
| *1 Bedroom* | 0.000 | 0.002 | 0.001 | 0.001 | 1.754 | 1.758 |
| *2 Bedroom* | 0.047 | 0.086 | 0.042 | 0.046 | 1.693 | 1.914 |
| *3 Bedroom* | 0.052 | 0.234 | 0.123 | 0.118 | 2.526 | 3.053 |
| *Note: Estimated population per dwelling unit formula is based on standards in use in the Village of Sleepy Hollow, Illinois* | | | | | | |

# Chapter 4. Use Standards

10-4-1. Agricultural Use Standards ..... 1
10-4-2. Residential Use Standards ..... 2
10-4-3. Lodging Use Standards ..... 6
10-4-4. Commercial Retail Use Standards ..... 6
10-4-5. Commercial Service Use Standards ..... 7
10-4-6. Commercial Entertainment Use Standards ..... 7
10-4-7. Eating and Drinking Use Standards ..... 8
10-4-8. Medical Use Standards ..... 8
10-4-9. Vehicle Related Use Standards ..... 8
10-4-10. Energy Industrial Uses ..... 9
10-4-11. Industrial Use Standards ..... 9
10-4-12. Transportation Use Standards ..... 9
10-4-13. Alternative Energy Use Standards ..... 10
10-4-14. Medical and Adult Use Cannabis Use Standards ..... 21
10-4-15. Institutional, Public, and Utility Use Standards ..... 23
10-4-16. Accessory Use Standards ..... 32
10-4-17. Temporary Use Standards ..... 40

## 10-4-1. Agricultural Use Standards

A. **Apiary.** Apiaries shall be subject to the applicable provisions of Title 8, Chapter 18 of the City of Yorkville Code of Ordinances.

## 10-4-2. Residential Use Standards

A. **Dwelling, Duplex**.

1. The main entrances to a duplex shall face the primary street.

2. A minimum of one (1) of the parking spaces, as required in Section 10-5-1(H) of this Title, shall be provided in an attached or detached garage. Attached garages are encouraged to be located on rear or side façades. If attached garages are located on the primary façade they shall comply with the following standards.

   a. Setback a minimum of twenty-five (25) feet from the street right-of-way or the required front yard setback, whichever is greater.

   b. **Garage Set Ahead.**

      (1) The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.

      (2) If the garage is set ahead from the front façade of the home, as detailed in (a) above, it shall not exceed forty-five (45) percent of the façade's total width.

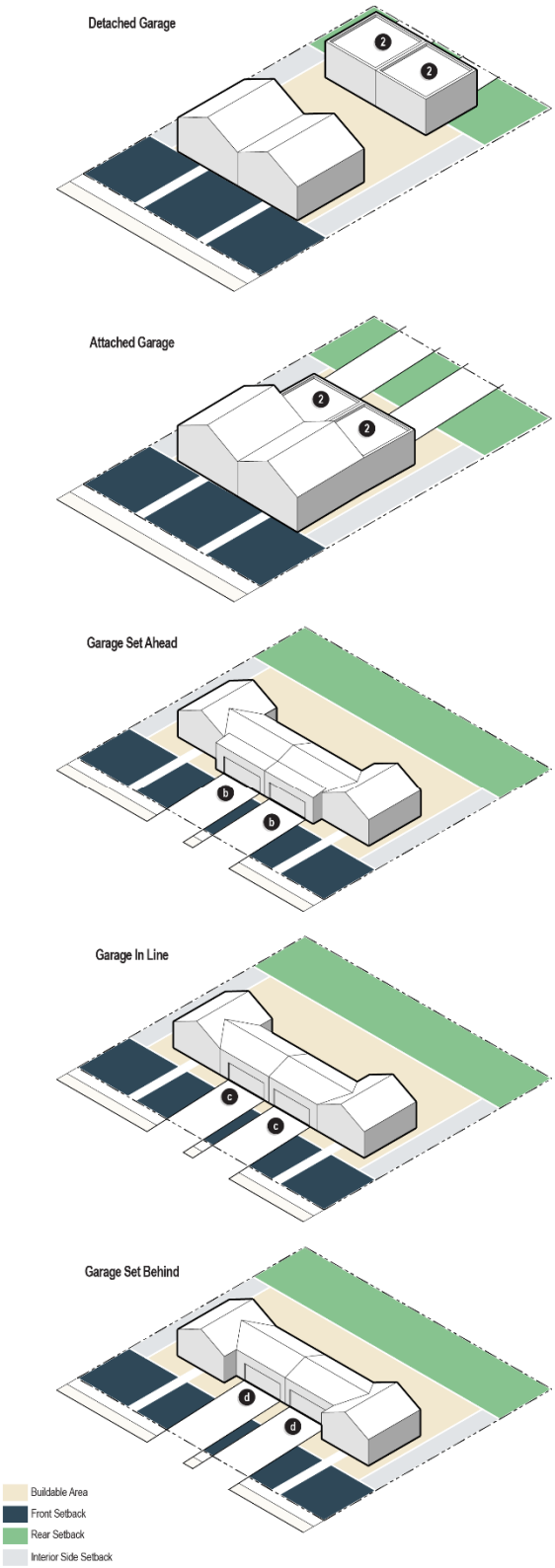
   c. **Garage In Line.** If the garage is in line with the front façade of the home, exclusive of porches, bay windows, or other minor projections, it shall not exceed fifty (50) percent of the façade's total width.

   d. **Garage Set Behind.**

      (1) The garage may be set behind the front façade of the home, exclusive of porches, bay windows, or other minor projections, a minimum of one (1) foot.

      (2) If the garage is set behind the front façade of the home, as detailed in (a) above, it shall not exceed fifty-five (55) percent of the façade's total width.

***Figure 4.1. Duplex Dwelling Standards***



B. **Dwelling, Multi-Family**.

1. The main entrance to a multi-family dwelling shall face the primary perimeter or internal street, unless otherwise allowed in subsection (5) below.

2. All off-street parking shall be located to the side or rear of the primary building. Off-street parking located to the side of the primary building shall be set back a minimum of one (1) foot from the front elevation of the primary building.

3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise recommended by the Public Works Director and approved by the Planning and Zoning Commission.

4. Service areas, dumpsters, utilities and the required nonvegetative screening thereof shall not be visible from rights-of-way.

5. **Multi-Building Developments**. Developments with multiple multi-family dwelling buildings shall meet the following additional standards.

   a. The primary façade shall include a building entrance and be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.

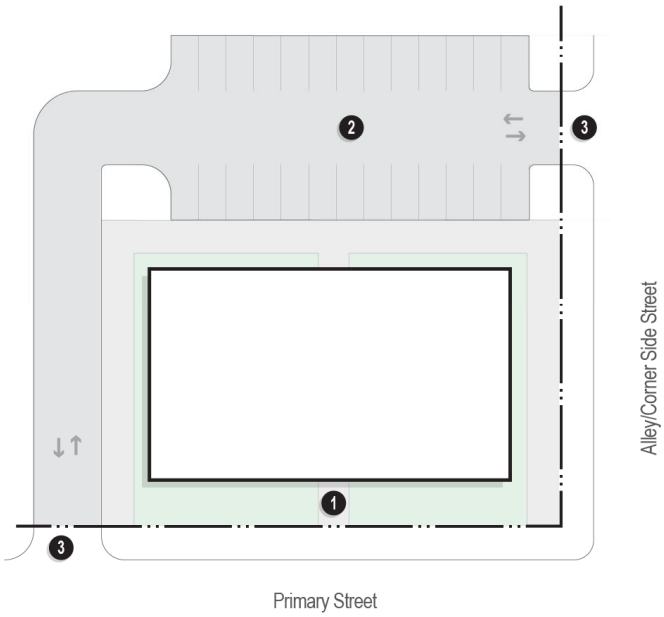
      (1) Perimeter Streets,

      (2) Internal Streets,

      (3) Parks or other common open space, or

      (4) Secondary internal streets.

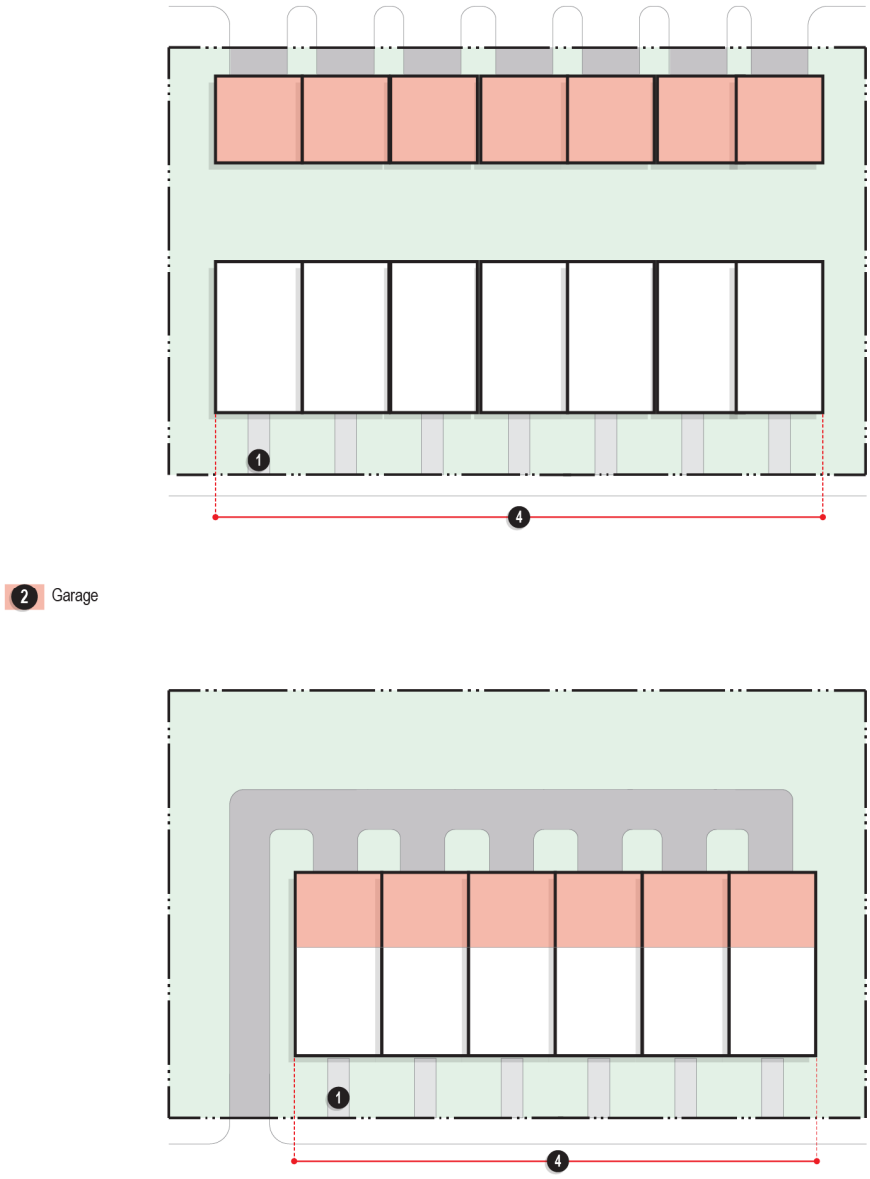
***Figure 4.2. Multi-Family Dwelling Standards***



C. **Dwelling, Townhouse**.

1. The entrance to a townhouse shall face the primary public street unless otherwise approved.
2. A minimum of one (1) of the parking spaces, as required in Section 10-5-1(H) of this UDO, shall be provided in an attached or detached garage.
3. Attached garages shall be located on rear or side façades unless otherwise approved.
4. A maximum width of a townhome cluster shall be two hundred (200) lineal feet.
5. The siting of the townhouse units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.

***Figure 3.3. Townhouse Dwelling Standards***



D. **Mobile Home Park.**

1. The minimum site size shall be ten (10) acres.

## 10-4-3. Lodging Use Standards

A. **Short-Term Rental.** Short-term rentals shall be subject to the hotel tax provisions established in Title 3, Chapter 1, Section 3-2-7 of the City of Yorkville Code of Ordinances.

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

A. **Adult Uses**.

1. **Limitations on Adult Uses**.

a. *Distance from another existing adult use*: An adult use shall not be allowed within five hundred (500) feet of another preexisting adult use.

b. *Distance from zoning districts*: An adult use shall not be located within seven hundred (700) feet of any zoning district which is zoned for single-family suburban residence district (R-1), single-family traditional residence district (R-2), two-family attached residence district (R-2D), multi-family attached residence district (R-3), general multi-family residence district (R-4), local business district (B-1), mixed use district (B-2), general business district (B-3), agricultural district (A-1).

c. *Distance from school or place of worship*: An adult use shall not be located within five hundred (500) feet of a preexisting school or place of worship.

d. *Distance from business selling alcoholic beverages and cannabis dispensaries*: An adult use shall not be located in a building which contains another business that sells or dispenses in some manner alcoholic beverages or Cannabis Dispensing Organization as defined in this UDO.

e. *Arterial roadways*: Adult uses which are located next to an arterial roadway, as defined in the City's comprehensive plan, must provide a twenty-five (25) foot setback from any property line.

f. *Nonarterial roadways*: Adult uses which are located next to a nonarterial roadway, as defined in the City's comprehensive plan, must provide a ten (10) foot setback from the side and rear property lines and shall provide a twenty-five (25) foot setback from the front property line.

g. *Traffic study*: A traffic study may be required as part of the special use permit approval process.

2. **Measurement of Distance**. For the purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the adult use to the property line of the lot or parcel containing the nearest adult use, school, place of worship, cannabis dispensary, or district zone for residential use.

3. **Exterior Signage and Display**. No adult use shall be conducted in any manner that permits the observation of any material, depicting, describing, or relating to "specified sexual activities", "specified anatomical areas" or otherwise deemed to be obscene by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.

4. **Display of License and Permit**. Every licensee (per Chapter 11 Section 3-11-5 of the City of Yorkville Code of Ordinances) shall display a valid license in a conspicuous place within the adult use business so that same may be readily seen by persons entering the premises.

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

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

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

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

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

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

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

1. When located in a multiple-tenant building, shall only be located in an end unit and with the gallery/range not adjacent to an adjoining unit.

2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.

3. The retail operations of any indoor shooting gallery/gun ranges shall occupy not more than twenty-five (25) percent of the total floor area.

B. **Storage, Outdoor Self-Storage**.

1. All storage facilities shall be in completely enclosed buildings or structures when located in a Manufacturing Zoning District or when located within one hundred fifty (150) feet of a property in a Residential Zoning District.

2. There shall be a minimum of twenty (20) feet between buildings.

3. Truck and storage pod rentals are permitted accessory uses.

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

A. **Commercial Entertainment, Outdoor.**

1. All golf course and driving range perimeters shall be fully enclosed in netting not less than thirty-two (32) feet in height, with the maximum height to be established in the Special Use process as specified in Section 10-8-5.

2. The netting shall be at least ninety (90) percent transparent.

B. **Golf Course**.

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

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

A. **Brewpub.**

1. Brewpubs operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five (25) percent 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.

B. **Microbrewery/Microwinery/Microdistillery**

1. **Microbreweries**.

a. 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.

b. Microbrewery operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five (25) percent of the total floor area.

2. **Microdistilleries and Microwineries**.

a. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping, or a combination of both.

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

c. 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.

## 10-4-8. Medical Use Standards

RESERVE

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

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

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

2. Outdoor facilities shall be enclosed by an opaque fence or wall a minimum six (6) feet in height.

## 10-4-10. Energy Industrial Uses

RESERVE

## 10-4-11. Industrial Use Standards

A. **Artisan Manufacturing**.

1. Gross floor area shall not exceed ten thousand (10,000) square feet.
2. Outdoor storage and/or outdoor operations or activities shall be prohibited.
3. Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.
4. A maximum of one (1) residential unit shall be permitted as a special use, but shall be limited to the upper floor or to the rear of the artisan manufacturing use and shall not exceed twenty five (25) percent of the gross floor area.

B. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing**.

1. All related activity shall take place within completely enclosed buildings unless otherwise specified.
2. Within one hundred fifty (150) feet of a residentially zoned property or a property in the B-1, B-2, or PI Districts, all storage shall be in completely enclosed buildings or structures.
3. Storage not located within one hundred (150) feet of a residentially zoned property or a property in the B-1, B-2, or PI Districts may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) with a minimum height of eight (8) feet. In no case shall the solid walls or fences be lower in height than the enclosed storage.
4. Solid fences or walls enclosing storage shall be meet the building foundation landscape requirements per Section 10-5-3(C).

## 10-4-12. Transportation Use Standards

RESERVE

## 10-4-13. Alternative Energy Use Standards

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

1. **Applicability**. The provisions of this Section are to establish zoning parameters by which solar and wind energy systems may be installed in the City. Additional renewable energy solutions not mentioned herein may be authorized subject to compliance with the applicable codes and standards of the City.

2. **Use**. Alternative energy systems shall be an accessory to the principal permitted use of a site.

3. **Abandoned Systems**. All alternative energy systems inactive or inoperable for twelve (12) continuous months shall be deemed abandoned. If the system is deemed abandoned, the owner is required to repair or remove the system from the property at the owner's expense within ninety (90) days after notice from the City. If the owner does not comply with said notice, the Building Code Official shall enforce this as a violation of the Yorkville Zoning Ordinance.

4. **Signage**. No attention getting device is permitted on any alternative energy system. One (1) sign shall be permitted to indicate the emergency contact information of the property owner or operator. Said sign shall not exceed two (2) square feet in size. Graphics, colors, corporate logos, and text on wind energy systems located within business or manufacturing zoned properties are permitted, subject to the discretion of the City Council.

5. **Safety**. All wind energy systems shall be equipped with manual and/or automatic controls and mechanical brakes to limit rotation of blades to prevent uncontrolled rotation.

6. **Lighting**. Alternative energy systems shall not be illuminated, except as required by the FAA or those used in commercial applications such as streetlights.

7. **Shadow Flicker**. No habitable portion of an existing adjacent structure shall be subject to shadow flicker from a wind turbine. Shadow flicker onto an adjacent roof and/or exterior wall which does not contain any windows, doors, and like openings shall be acceptable. If shadow flicker occurs, the operation of the wind turbine shall cease during those times which cause the shadow flicker.

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

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

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

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

B. **Solar Farm**.

1. No solar farm shall be erected on any lot less than three (3) acres in size.

2. A solar farm use may occupy up to eight-five (85) percent of a given parcel in the M-1 or M-2 District or up to eighty (80) percent of a given parcel in any other District.

3. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

4. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

5. Off-street parking provided on site shall be paved. Gravel or other unpaved materials shall be prohibited.

6. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.

7. Groundcover as specified in Section 10-5-3(A)(7) shall be provided beneath all solar panels.

8. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:

    a. *Front and Corner Yards*: one hundred (100) feet,

    b. *Side and Rear Yards*: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.

9. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

    a. **Warnings.**

        (1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

        (2) The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

10. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

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

    a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

    b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

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

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

    b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

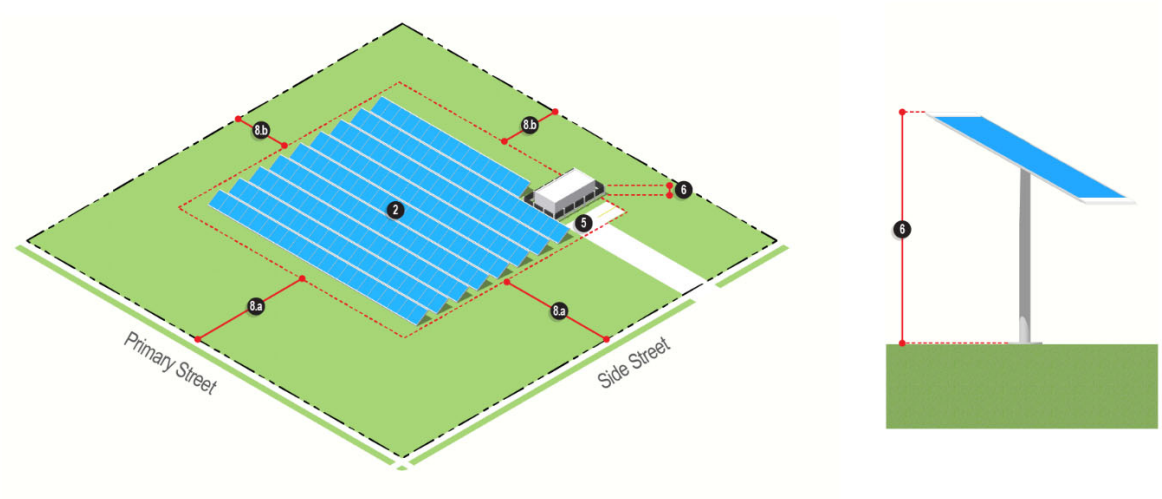
    c. Provisions for the restoration of the natural soil and vegetation,

    d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

    e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to one-hundred and twenty (120) percent of the professional engineer's certified estimate of the decommissioning cost.

    f. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

***Figure 4.4. Solar Farm Standards***



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

1. **Location**. Building-mounted solar energy systems are allowed on the principal and accessory structures, any roof face and side and rear building facades. The systems are allowed on the front or exterior side building facades if the following conditions are met:

   a. Solar access is optimized on the front and exterior side facades.

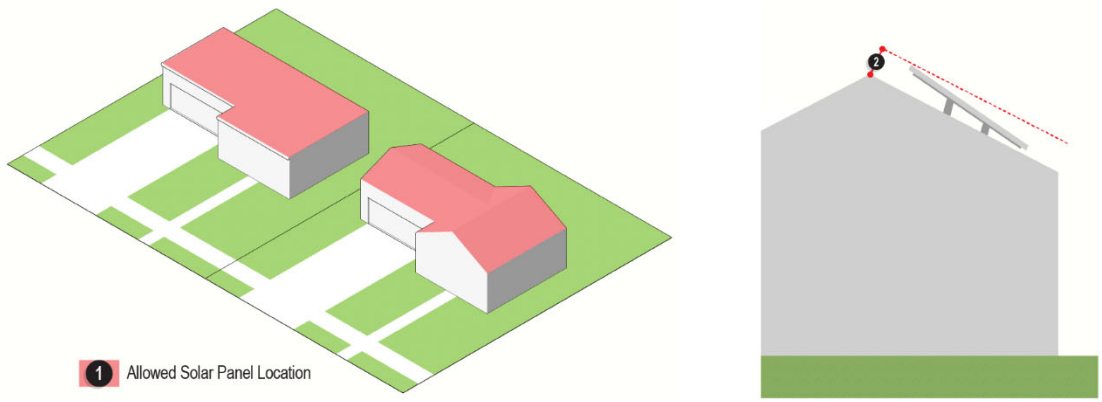
   b. Systems are simultaneously used to shade the structure's doors or windows..

2. **Height**. Systems shall not extend beyond three (3) feet parallel to the roof surface of a pitched roof. Nor shall the system extend beyond four (4) feet parallel to the roof surface of a flat roof unless completely concealed or equal to the height of the parapet wall, whichever is greater. If the system is flush-mounted, the system must be less than eight (8) inches from the roof surface. Refer to Figure 4.5 of this Section.

3. **Quantity**. The total square footage may not exceed the total area of the roof surface of the structure to which the system is attached.

4. **Projection**. The system may project up to four (4) feet from a building facade or roof edge. The system may project into an interior side or interior rear setback but shall be no closer than five (5) feet to the interior side or interior rear property line.

***Figure 4.5. Building-Mounted Solar Energy System Standards***



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

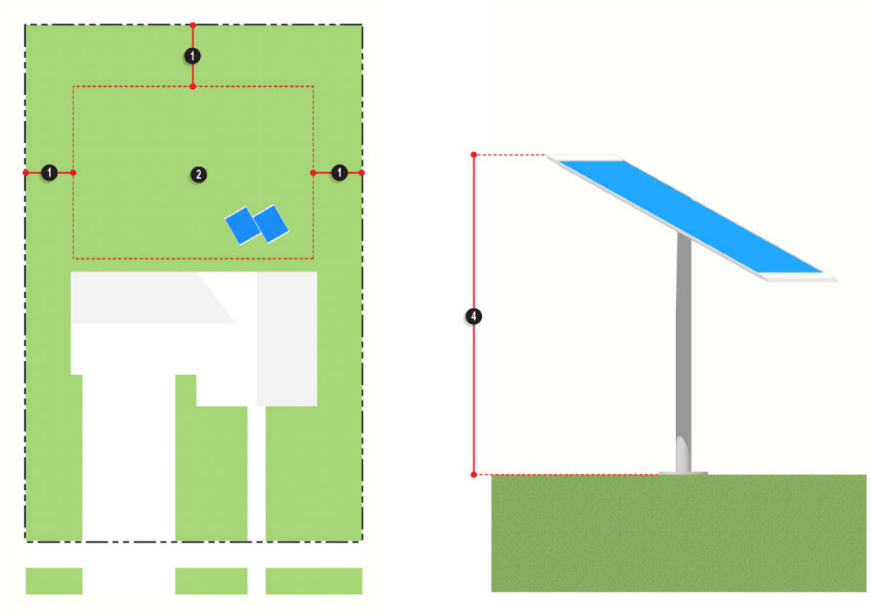
1. **Setbacks**. All parts of any freestanding solar energy system shall be set back eight (8) feet from the interior side and interior rear property lines.

2. **Permitted Yard Locations**. Freestanding solar energy systems shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.

3. **Solar Glare**. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

4. **Maximum Height**. Maximum height of freestanding solar energy systems shall be fifteen (15) feet unless otherwise approved by the Zoning Administrator.

***Figure 4.6. Freestanding Solar Energy System - Accessory Use Standards***



E. **Freestanding Solar Energy System - Principal Use**.

1. **Setbacks**. All parts of any freestanding solar energy system shall meet the setbacks established for the district in which the system is located.

2. **Permitted Yard Locations**. A freestanding solar energy system shall not be located closer to the public right-of-way than the front façade of the principal building on the adjacent lot(s). They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.

3. **Solar Glare**. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

4. **Maximum Height**. Maximum height of a freestanding solar energy system shall be fifteen (15) feet unless otherwise approved.

F. **Wind Farm.**

1. No wind farm shall be erected on any lot less than four (4) acres in size.

2. **Design and Installation.**

a. **Safety Certification.**

(1) Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.

(2) Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.

b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.

d. **Turbine Consistency**. To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.

e. **Warnings.**

(1) A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

(3) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

(4) The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:

(1) Fences with locking portals at least six (6) feet high, or

(2) Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.

g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.

(1) Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.

(2) Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.

(3) Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.

(4) No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system

(5) Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.

h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:

(1) Identify all such public roads, and

(2) Obtain applicable weight and size permits from relevant government agencies prior to construction.

(3) To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:

(a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.

(b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.

i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

3. **Operation.**

a. **Maintenance.**

(1) The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the City. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports, as the City reasonably requests.

(2) Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the special use.

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

(1) All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

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

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

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

(2) Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

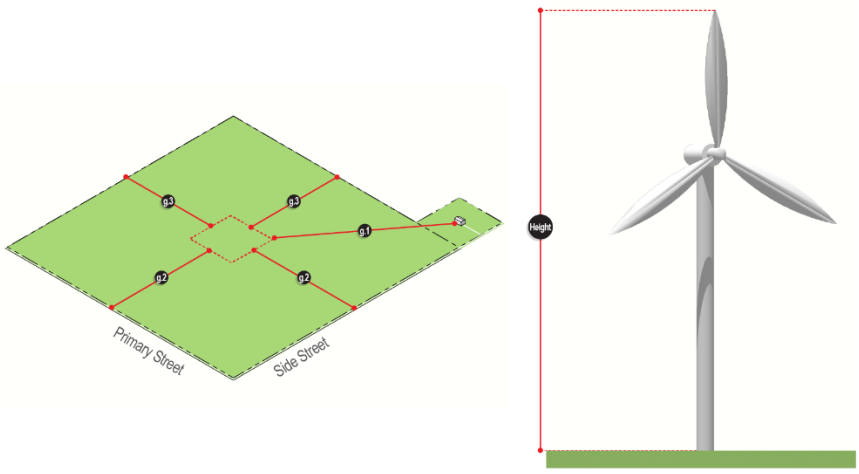
(3) Provisions for the restoration of the natural soil and vegetation,

(4) An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

(5) Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to one-hundred and twenty (120) percent of the professional engineer's certified estimate of the decommissioning cost.

(6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

***Figure 4.7. Wind Farm Standards***



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

1. **Location**. Building-mounted wind energy systems are allowed on all principal and accessory structures and shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.

2. **Setback**. The systems must be set back a minimum of five (5) feet from the edge or eave of the roof.

3. **Quantity**. One (1) turbine is allowed for every five hundred (500) square feet of the combined roof area. For a pitched roof, each surface of the roof shall be included in the roof area calculation.

4. **Noise**. Building-mounted wind energy systems shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

5. **Height**. The maximum height for a building-mounted wind energy system is fifteen (15) feet. The system is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any roof pitches ten to twelve (10:12) or greater. The system shall not exceed fifteen (15) feet above the maximum permitted height of the zoning district. Refer to Figure 4.8 of this Section.

6. **Design.** All systems shall employ a helix-style design employing airfoil blades mounted on a vertical rotor shaft. Fan- and turbine-style designs shall be prohibited.

7. **Appearance Standards.** Graphics, colors, corporate logos, and text on wind energy systems located within business or manufacturing zoned properties are permitted, subject to the discretion of the City Council.

8. **Warnings.**

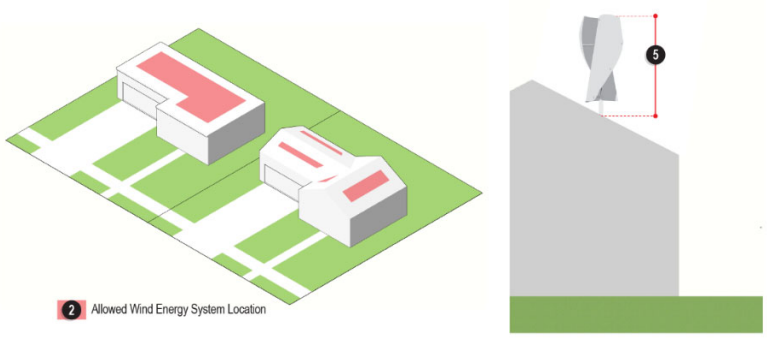
   a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

   b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

   c. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

   d. The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

***Figure 4.8. Building-Mounted Wind Energy Systems***



H. **Freestanding Wind Energy System – Accessory Use**.

1. **Clearance**. In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet. See Figure 4.9 of this Section.

2. **Permitted Yard Locations**. A freestanding wind energy system shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding wind energy system shall be prohibited.

3. **Height**. The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet measured from the base to the highest edge of the system.

4. **Setbacks**. The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.

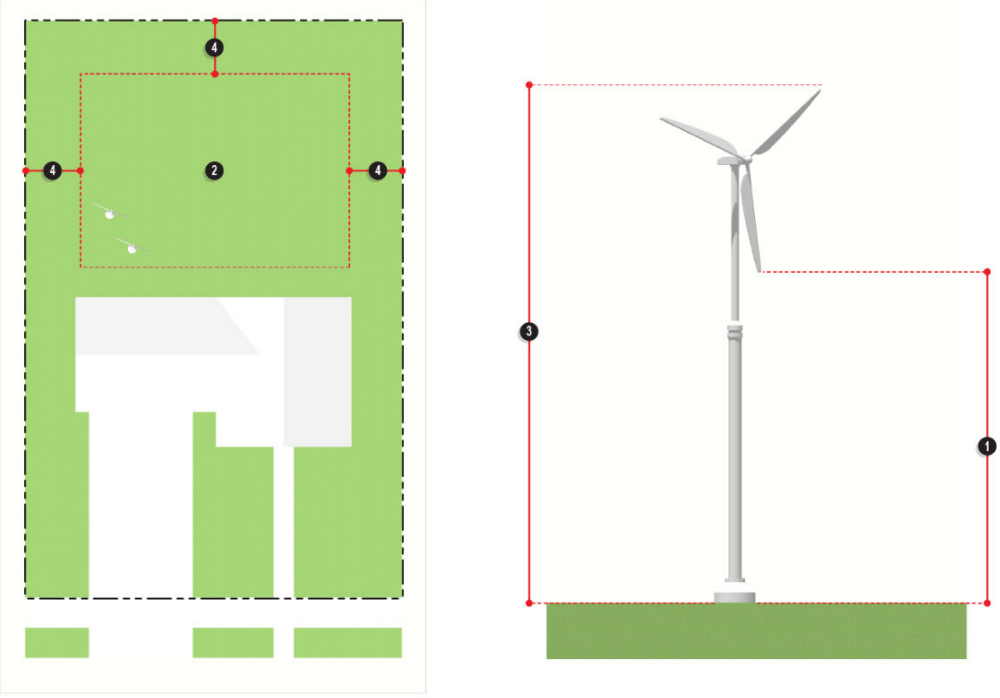
5. **Access**. A freestanding wind energy system and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet above grade.

6. **Noise**. A freestanding wind energy system shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

***Figure 4.9. Freestanding Wind Energy System - Accessory Use Standards***



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

1. **Clearance**. In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet. See Figure 4.10 of this Section.

2. **Permitted Yard Locations**. All parts of any freestanding wind energy system shall meet the setbacks established for the district in which the system is located.

3. **Height**. The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet measured from the base to the highest edge of the system.

4. **Setbacks**. The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.

5. **Access**. Freestanding wind energy systems and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet above grade.

6. **Noise**. A freestanding wind energy system shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

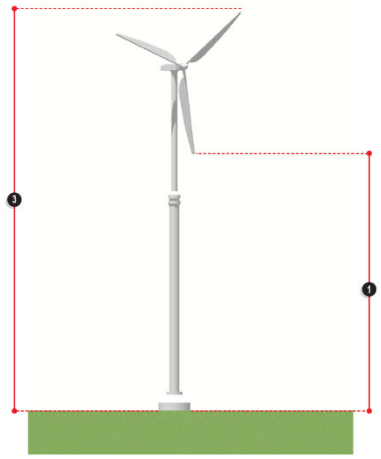
7. **Warnings.**

   a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

   b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

      (1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer. The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

***Figure 4.10. Freestanding Wind Energy System - Principal Use Standards***



## 10-4-14. Medical and Adult Use Cannabis Use Standards

A. **General Requirements for all Cannabis Uses**.

1. **Business Hours**. Business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays.

2. **On-Premises Consumption**. On-premises consumption of cannabis products in all cannabis businesses operations is prohibited.

3. **Signage**.

   a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.

   b. All cannabis establishments shall be prohibited from having electronic message board signs.

   c. Signage for cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.

B. **Cannabis Craft Grower**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located within two hundred fifty (250) feet 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. Cannabis craft grower shall be limited to one (1) facility within the boundaries of the City.

C. **Cannabis Cultivation Center**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located within two hundred fifty (250) feet 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. Cannabis cultivation center shall be limited to one (1) facility within the boundaries of the City.

D. **Cannabis Dispensing Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.

3. Facility shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five (75) percent 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. Cannabis dispensing organizations shall be limited to one (1) facility within the boundaries of the City.

E. **Cannabis Infuser Organization**.

1. Facility may not be located within five hundred (500) feet 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 or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet 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 (75) percent of the floor area must be devoted to the activities authorized by the Act.

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

F. **Cannabis Processing Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.

3. At least seventy-five (75) percent 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. Cannabis processing organizations shall be limited to one (1) facility within the boundaries of the City.

G. **Cannabis Transporting Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet 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. Cannabis transporting organization shall be limited to one (1) within the boundaries of the City.

## 10-4-15. Institutional, Public, and Utility Use Standards

A. **Telecommunication Tower and Antennae.**

1. **Applicability.**

a. **New Towers and Antennas.** All new towers or antennas in Yorkville shall be subject to these regulations, except as provided in subsections B through E of this section inclusive.

b. **Amateur Radio Station Operator/Receive Only Antennas.** This chapter shall not govern any tower, or the installation of any antenna, that is under eighty (80) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. No receive only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet.

c. **Preexisting Towers or Antennas.** Existing towers and existing antennas which predated this chapter, shall not be required to meet the requirements of this chapter other than the requirements of Sections 10-4-15(A)(2)(f), (A)(2)(h), and (A)(2)(r) of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

d. **AM Array.** For purposes of implementing this chapter, AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

e. **Within Public Right-of-Way:** If the tower and/or antenna is situated within the public right-of-way, such tower and/or antenna must meet the requirements of title 7, chapter 8, "Construction of Utility Facilities in Rights-of-Way", of this Code.

2. **General Requirements.**

a. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with Yorkville's development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. **Inventory of Existing Sites.** Each applicant for approval of an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Yorkville or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of Yorkville, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. **Aesthetics.** Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

e. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

f. **State or Federal Requirements.** All towers must meet or exceed current standards or regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

g. **Building Codes/Safety Standards.** Any owner or operator of an antenna, antenna structure or tower shall maintain the antenna, antenna structure or tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for towers that are published by the national electrical code NFPA 70 and international building code; radio, television sec. 3108, as amended from time to time. If, upon inspection, the City of Yorkville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring the antenna, antenna structure, or tower into compliance within the thirty (30) day period shall constitute grounds for the removal of the antenna, antenna structure or tower at the owner's expense.

h. **Measurement.** For purposes of measurement, tower setbacks and tower separation distances shall be calculated and applied to facilities located in Yorkville irrespective of municipal and county jurisdictional boundaries.

i. **Not Essential Services.** Antennas, antenna structures, and towers shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

j. **Public Notice.** For purposes of this chapter, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice and individual notice by the City of Yorkville to all abutting property owners and all properties that are located within two hundred fifty feet (250) feet of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty (250) feet.

k. **Signs.** No signs shall be allowed on an antenna or tower other than those required by the FCC.

l. **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 10-4-15 (A)(4)(k) of this chapter.

m. **Multiple Antenna/Tower Plan.** The City of Yorkville encourages all plans for towers and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

n. **Antenna on Existing Structures.** Any antenna may be approved by the City of Yorkville as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

(1) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes and safety standards as referenced in subsection g of this section.

o. **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(1) **Additional Antenna.** A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Officer allows reconstruction as a monopole.

(2) **Height.**

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, such height not exceeding one hundred fifty (150) feet in total, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (O)(2)(a) of this section may only occur one (1) time per communication tower.

(c) The additional height referred to in subsection (O)(2)(a) of this section shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.

(3) **On-Site Location.**

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.

(c) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this chapter.

(d) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in this zoning ordinance shall only be permitted when approved by the Zoning Officer.

(4) **New Towers in Nonresidential Zoning Districts.** An applicant may locate any new tower as provided in Table 10-3-12(B), provided that: a) a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; b) the Zoning Officer concludes the tower is in conformity with the goals set forth in this subsection o and the requirements of this subsection; c)

the tower meets the setback and separation requirements Section 10-4-15(A)(4)(e) of this chapter; and d) the tower meets the following height and usage criteria:

(a) For a single user, up to and including one hundred twenty (120) feet in height;

(b) For two (2) users, up to one hundred fifty (150) feet in height; and

(c) For three (3) or more users, up to and including one hundred eighty (180) feet in height.

p. **Roadway Access.** All sites on which antennas, antenna structures and towers are located must have a passable roadway access of compacted macadam base not less than seven (7) inches thick surfaced with not less than two (2) inches of asphaltic concrete or some comparable dustless material.

q. **Fencing.** The structures upon any site upon which an antenna, antenna structure, or tower is located shall be surrounded by an opaque screen which is no less than six (6) feet in height and equipped with an appropriate anticlimbing device. Screening materials shall include either wooden or chainlink fencing. Shrubbery and bushes shall be required, in addition to the wooden or chainlink fence, unless specifically waived by Yorkville in its discretion in appropriate cases.

r. **Disguised Structures.** The provider of an antenna, antenna structure, or tower may propose to disguise the proposed antenna, antenna structure or tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of Yorkville residents shall not be endangered. Yorkville may require the disguise of an antenna, antenna structure or tower as a condition of approval of a building permit or special use permit if the antenna, antenna structure or tower is to be erected on a golf course or other public recreational area.

s. **Annual Administrative Fee and Certifications.**

(1) The annual administration fee payable to the City of Yorkville by any owner and/or operator of an antenna, antenna structure, or tower shall be the sum of thirty-five (35) dollars which shall be due on or before January 10th of each calendar year commencing with calendar year 2001.

(2) In the event a tower is inspected and a certification provided by the owner and/or operator of said tower or related facility showing compliance with all regulations, the above fee shall be the only fee charged. In the event the owner and/or operator of an antenna, antenna structure, or tower fails to have the certification as is required annually to be filed with the City under the terms of this subsection, the owner and/or operator shall reimburse the City for the actual cost of the outside consultant the City deems necessary to conduct said inspection which shall be a minimum of three hundred fifty (350) dollars and any additional cost incurred therein.

(3) The City of Yorkville reserves the right to increase or decrease the amount of the administrative fee as it deems necessary. A separate administrative fee shall be paid by each user or collocator on a tower.

(a) **Permit Required.** Prior to the construction of an antenna, antenna structure or tower the provider of the radio, television, or telecommunications services shall obtain a permit from Yorkville for the erection of such antenna, antenna structure or tower. An applicant for a permit for an antenna, antenna structure, or tower shall pay a fee in accordance with the fee schedule set forth in title 8, chapter 10 of this Code, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.

(b) **Waiver of Provisions.** An applicant can request a waiver of any provision of this chapter upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply.

3. **Permitted Uses.**

   a. **General.** The following uses listed in this section are deemed to be permitted uses and shall not require a special use permit.

   b. **Uses.** Antennas, antenna structures and towers are permitted as an accessory use as provided in Table 10-3-1(B) except that part of any zoning district which is located in a floodplain, so long as said antennas or towers conform to the following and all other requirements of this title:

      (1) Antennas and towers may be located on property owned, leased, or otherwise controlled by Yorkville, particularly and expressly including Yorkville's water tower sites, and City Hall and police station-sites, provided that a lease authorizing such antenna, antenna structure, or tower has been approved by Yorkville.

      (2) Antennas or towers are permitted to be located on the Burlington Northern Railroad easement running southwest and northeast through Yorkville, subject to Section (A)(2)(a) through (s).

4. **Special Uses and Accessory Uses.**

   a. **General Provisions.**

      (1) Radio and telecommunications and towers used for radio transmission, or television transmission when allowed as a Special Use shall be subject to the special use provisions contained within Section 10-8-5 of this title and applications for special use permits shall be subject to the procedures and requirements of this title, except as modified in this chapter.

      (2) In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

      (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

      (4) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the City Council of Yorkville to reimburse Yorkville for the cost of reviewing the application.

      (5) Antennas, antenna structures and towers shall be allowed as special uses only consistent with all of the requirements of this chapter in the following zoning districts and for the following uses.

         (a) R-1, Single-Family Suburban Residence: For commercial/trade school, place of worship/assembly, golf course, or public utility facilities only;

         (b) R-2, Single-Family Traditional Residence: For commercial/trade school, place of worship/assembly, golf course, or public utility facilities.

   b. **Information Required.** In addition to any information required for applications for special use permits referenced above, each petitioner requesting a special use permit under this chapter for an antenna, antenna structures, and tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals, showing the location, type and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by Yorkville to be necessary to assess compliance for this chapter. In addition, the following information shall be supplied:

      (1) Legal description of the parent track and leased parcel (if applicable);

(2) The setback distance between the proposed structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property;

(3) The separation distance from other structures in the inventory of existing sites submitted pursuant to Section 10-4-15 (A)(2)(c) shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing structure(s) and the owner/operator of the existing structure(s), if known;

(4) A landscape plan showing specific landscape materials; the method of fencing and finish color and, if applicable, the method of camouflage and illumination;

(a) A description of compliance with Sections 10-4-15 (A)(2)(c)(e)(f)(g)(h)(i)(m) of this chapter and all applicable federal, state or local laws;

(b) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;

(c) Identification of the entities providing the backhaul network for the structure(s) described in the application and other cellular sites owned or operated by the applicant in Yorkville;

(d) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and

(e) A description of the feasible location(s) of future towers or antennas within Yorkville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(5) An applicant shall be notified within thirty (30) days if the application is incomplete. The City shall make a decision on collocation within ninety (90) days and all other siting applications within one hundred fifty (150) days of the receipt of a completed application.

c. **Factors Considered in Granting Special Use Permits:** The City of Yorkville shall consider the following factors in determining whether to issue a special use permit above and beyond those factors referenced in Section 10-8-5 of this title. The City of Yorkville may waive or reduce the burden on the petitioner of one (1) or more of these criteria if Yorkville concludes that the goals of this chapter are better served thereby.

(1) Height of the proposed antenna, antenna structure or tower;

(2) Proximity of the antenna, antenna structure or tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the antenna, antenna structure or tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress.

d. **Height.** No antenna, antenna structure, or tower shall exceed a height of one hundred (100) linear feet in aerial height. Where an arm has been installed to facilitate collocation of an additional antenna on the existing antenna structure or tower, the arm shall not exceed a length of twelve (12) linear feet.

e. **Setbacks and Separation.**

(1) **Setbacks.** Antennas, antenna structures or towers must be set back a distance equal to the height of the antenna, antenna structure, or tower from any off-site, residential structure. Antenna structures, guylines, and equipment shelters must satisfy the minimum setback requirements for the governing zoning district.

(2) **Separation.** The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Plan Commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby, or if enforcement of said setback would effectively prohibit said tower:

(a) **Separation From Off-Site Uses/Designated Area.**

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 10-4-15(A)(4)(e)(2) of this section.

(ii) Separation requirements for towers shall comply with the minimum standards established in Table 10-4-15(A)(4)(e)(2) of this section.

**Table 10-4-15 (A)(4)(e)(2): Separation Requirements**

| Off-Site Use/Designated Area | Separation Distance |
|---|---|
| *Single-family or duplex principal use* | 500 feet |
| *Vacant single-family or duplex use on residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired* | 500 feet |
| *Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land* | 500 feet |
| *Existing multi-family residential* | 100 feet or 100 percent of the tower height, whichever is greater |
| *Nonresidentially zoned land or nonresidential uses* | None |
| *The Fox River or any watercourse* | 500 feet as measured from the shore |
| *Major highways (as defined in the Yorkville comprehensive plan)* | 500 feet from the right-of-way |

(3) **Separation Distances Between Towers**. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances shall be as shown in Table 10-4-15(A)(4)(e)(3) of this section.

**Table 10-4-15 (A)(4)(e)(3): Existing Tower Separation Requirements**

| Existing Tower Type | Separation Distance (feet) | | | |
|---|---|---|---|---|
| | Lattice | Guyed | Monopole (Taller Than 75 Feet) | Monopole (Shorter Than 75 Feet) |
| *Lattice* | 1,000 | 1,500 | 500 | 250 |
| *Guyed* | 1,000 | 1,750 | 1,500 | 1,250 |
| *Monopole (Taller than 75 feet)* | 500 | 1,500 | 250 | 250 |
| *Monopole (Shorter than 75 feet)* | 250 | 1,250 | 250 | 250 |

f. **Siting on Wetland Prohibited.** No antenna, antenna structure, or tower shall be located in an area which has been designated as a wetland either by the City of Yorkville, Kendall County, the State of Illinois Department of Natural Resources, the United States Department of the Interior or the United States Army Corps of Engineers, and any and all governmental bodies and agencies having jurisdiction.

g. **FCC Signage.** To the extent that signage is required by the FCC on an antenna structure, or tower, that signage shall constitute no more than five (5) percent of the square footage of the antenna, antenna structure, or tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.

h. **Preservation of Landscape.** Existing mature tree growth and natural landforms on the proposed antenna, antenna structure, or tower site shall be preserved to the maximum extent possible.

i. **Utilities and Access Required.** Radio and telecommunications antennas, antenna structures, and towers, including, but not limited to, those used for small wireless services, small wireless facilities, and unlicensed wireless services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the antenna, antenna structure or tower. All such utilities shall be buried.

j. **Signal Interference.** No signal transmission from any antenna, antenna structure, or tower shall interfere with police, fire, public works or any other governmental radio band signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed antenna, antenna structure, or tower, the petition for special use shall be denied.

k. **Equipment Shelter and Equipment Cabinets.** A provider of a radio, television, or telecommunications antenna, antenna structure, or tower may provide an equipment shelter on the site of the antenna, antenna structure, or tower. The square footage of the equipment shelter may not exceed more than twenty (20) percent of the total square footage of the antenna, antenna structure or tower ground site or four hundred fifty (450) square feet, whichever is greater. At any antenna, antenna structure, or tower site in which more than one (1) antenna has been collocated, no more than three (3) equipment shelters shall be allowed. Multiple equipment shelters shall be contained under one (1) roof if at all practicably possible. No equipment shelter shall be approved as part of the site plan unless appropriate electrical power and road ingress and egress facilities are planned for inclusion at the equipment shelter site.

l. **Equipment Cabinets.**

(1) In residential districts, the equipment cabinet or structure may be located in a front or side yard provided the cabinet or structure is no greater than four (4) feet in height or twenty-four (24) square feet of gross floor area and the cabinet/structure is located a minimum of six (6) feet from all lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least forty-two (42) inches to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.

(2) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of eight feet (8') and a planted height of thirty-six (36) inches.

(3) In business and manufacturing districts the equipment cabinet or structure shall be no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

m. **Code Requirements.** Any antenna, antenna structure, or tower must meet code requirements established by the National Electrical Code, NFPA 70 and International Building Code; Radio, Television Towers Codes currently in effect as required by Yorkville and all applicable marking and lighting standards as established by the Federal Aviation Administration.

n. **Removal of Abandoned Antennas, Antenna Structures, or Towers.** Any antenna, antenna structure, or tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such antenna, antenna structure, or tower shall remove same from within ninety (90) days of receipt of written notice from Yorkville notifying the owner of such abandonment. If such antenna, antenna structure, or tower is not removed within said ninety (90) days Yorkville shall remove such antenna, antenna structure, or tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two (2) or more users of a single antenna, antenna structure, or tower, then this provision shall not become effective until all users cease using the antenna, antenna structure, or tower.

o. **Collocation.** A request for approval of a special use permit for the installation of an antenna, alternative antenna, antenna structure or tower, the Zoning Board may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of small wireless telecommunications services to collocate additional antennas or antenna structures on a freestanding pole which is part of applicant's proposed small wireless facility, where collocation is technologically feasible.

7. **Nonconforming Uses.**

a. **Prohibited Expansion of Nonconforming Use.** Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. **Preexisting Towers.** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

c. **Rebuilding Damaged or Destroyed Nonconforming Antennas, Antenna Structures or Towers.** Notwithstanding any provision in this chapter to the contrary, bona fide nonconforming antennas, antenna structures or towers or antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a special use permit and without having to meet the separation requirements specified elsewhere in this chapter. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approved. Building permits to rebuild a facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10-4-15 (A)(4)(n) of this chapter.

8. **Annual Reporting of Information.** Each owner of an antenna, antenna structure, or tower regulated under this chapter, and including those previously existing structures which would have been regulated under this chapter, shall, on an annual basis, furnish Yorkville with such information as is required by Yorkville to aid with the administration of this chapter, such as changes in availability of space on any tower for collocation of additional antennas, plans to abandon a position on a tower, thereby leaving space for the possible collocation of another antenna, plans and/or willingness to modify said tower and antenna structure so as to provide for the possibility of collocation, or intentions to abandon a tower structure, or other nonproprietary information as may be required by Yorkville. Upon written notice from the City of Yorkville to the owner thereof, the effective date of this chapter, which tower and/or antenna structure would otherwise be regulated by this chapter, shall register with Yorkville, and shall provide such nonproprietary information as is deemed useful by Yorkville for administration of this chapter. This section is specifically deemed to have retroactive effect.

## 10-4-16. Accessory Use Standards

A. **Accessory Buildings and Accessory Structures, Permanent**.

1. **Location**. Accessory buildings and structures shall be subject to the following locational requirements:

   a. If located entirely within the required rear or side yard the accessory building or structure shall be located a minimum of five (5) feet from side and rear property lines.

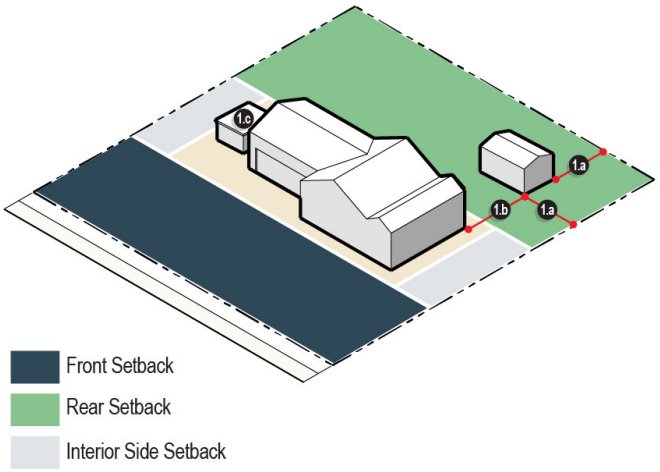
   b. Only accessory buildings shall be located at least ten (10) feet from the principal building, however, accessory structures may be attached to or located adjacent to the principal building.

   c. If located entirely within the buildable area of the lot, the accessory building or structure shall not be located between the primary building and the front property line.

   d. No permanent accessory building or structure shall be located within a public utility easement or within a designated stormwater overflow route.

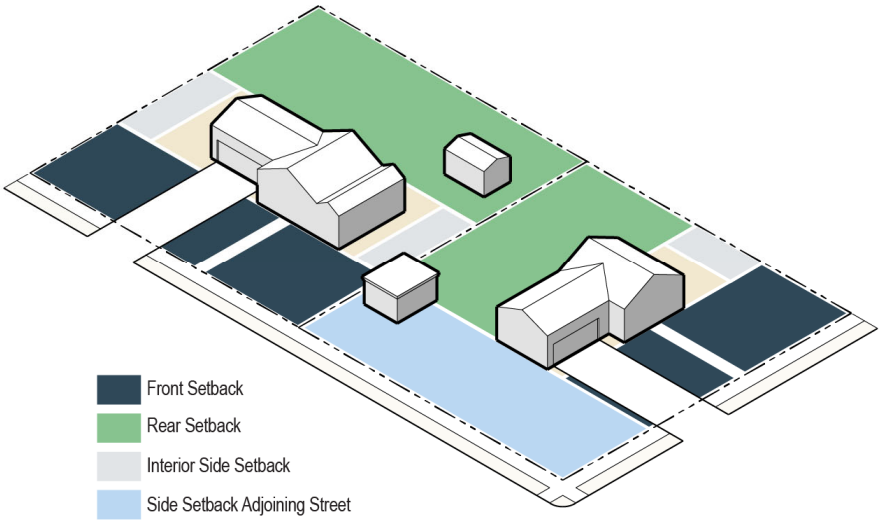
   e. If located partially in a required yard and partially in the buildable area of the lot, the accessory building or structure shall maintain the required side setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

***Figure 4.11. Permanent Accessory Buildings and Accessory Structures Standards***



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

***Figure 4.12. Permanent Accessory Building and Accessory Standards - Location on Reversed Corner Lots***




3. **Time of Construction**. No accessory building or permanent accessory structure with a connected water supply shall be constructed on any zoning lot prior to the start of construction of the principal building to which it is accessory, or as provided in section 10-3-3 of this title for contiguous parcels.

4. **Height of Accessory Buildings or Structures in Required Rear Yards**. No accessory building or permanent accessory structure or portion thereof shall exceed fifteen (15) feet in height when located within the required rear yard.

B. **Accessory Commercial Unit**

1. Only one (1) ACU may be allowed per lot.
2. An accessory commercial unit (ACU) shall be located in a permanent accessory building or structure subject to all standards in Section 10-4-16(A).
3. Outdoor seating, drive-throughs, outdoor display areas, and rooftop decks associated with an ACU shall be prohibited.
4. An ADA-compliant pedestrian circulation system shall connect the primary entrance of the ACU building with the sidewalk in a way that does not require out-of-direction travel.
5. The hours of operation shall be limited to between 7 am and 9 pm daily.
6. The City Council may limit the number of customers or clientele served by the ACU per day during the Special Use Permit process.
7. The ACU shall use the same mailbox, water meter, and trash containers as the principal use. The use of additional mailboxes, water meters, or trash containers by the secondary dwelling unit separate from the principal use shall be prohibited.
8. The owner of the property on which the ACU is situated shall continue to occupy the principal residential structure on-site as their primary residence.

C. **Domestic Hens.** The keeping of domestic hens shall be subject to the provisions of Title 8, Chapter 19 of the City of Yorkville Code of Ordinances.

D. **Drive Throughs.**

1. Drive throughs shall be permitted a maximum of four (4) menu boards per lane.
2. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of Section 10-6-5(B).
3. Any structural element of a drive through, including pavement, speaker boxes, or menu signs shall be located a minimum distance of five hundred (500) feet from the property line of any residentially zoned parcel.
4. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.
5. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
6. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated, subject to City Engineer approval.
7. Drive through facilities shall be provided with a bypass lane with a minimum width of twelve (12) feet unless an alternative means of exit is approved by the City Engineer.
8. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
    a. One (1) lane: twelve (12) feet.
    b. Two (2) or more lanes: ten (10) feet per lane.
    c. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 10-4-16 (D).

| Table 10-4-16(D) Drive Through Stacking Requirements | | |
|---|---|---|
| **Use** | **Minimum Stack** | **Measure From** |
| *Automated Teller Machine* | 3 per machine | teller machine |
| *Bank Teller Lane* | 2 per lane | teller or window |
| *Restaurant* | 6 per order box | order box [1] |
| *Carwash Stall, Automatic* | 5 per stall | stall entrance |
| *Carwash Stall, Manual* | 3 per stall | stall entrance |
| *Oil Change Shop* | 3 per service bay | service bay entrance |
| *Pharmacy* | 4 per lane | machine or window |
| *Other* | as determined by the Zoning Officer | |
| 1. Four (4) of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box. | | |

E. **Dwelling, Accessory**.

1. One (1) accessory dwelling unit shall be permitted on a lot. The accessory dwelling shall only be allowed on a lot on which the sole principal use is a single-family dwelling.

2. Detached accessory dwelling units shall not exceed nine hundred (900) square feet or ten (10) percent of size of the lot, whichever is less.

3. Attached accessory dwelling units shall not exceed nine hundred (900) square feet or thirty (30) percent of the size of the principal building, whichever is less.

4. Detached and attached secondary dwelling units shall be located to the rear of the primary building.

5. Only one (1) entrance shall be located on the front façade of the primary building. Entrances to secondary dwelling units must be located on the side or rear façade.

6. Both the principal structure and the accessory dwelling unit shall be served by one (1) common driveway connecting the principal and accessory dwelling units to a public or private road.

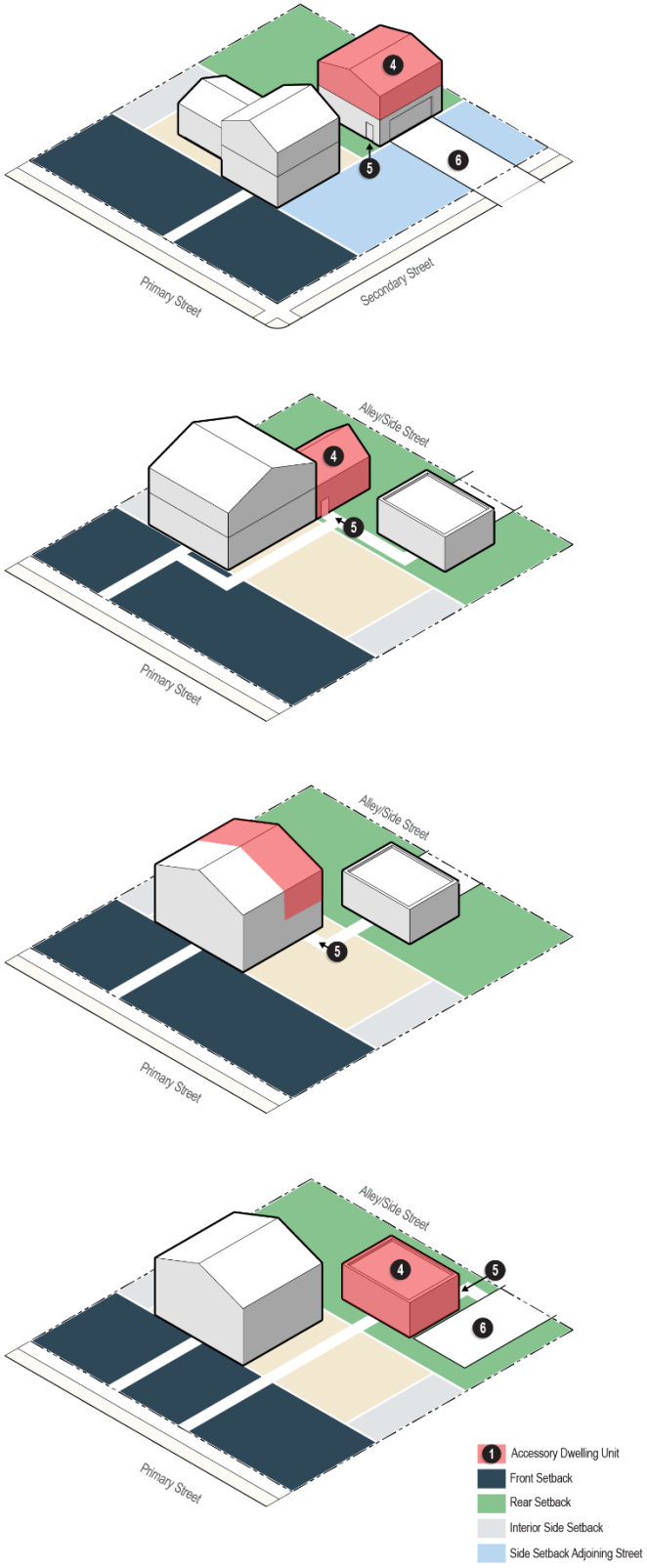
7. Parking for the accessory dwelling unit shall be in addition to the parking space(s) required for the primary dwelling unit. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another within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

~~7.~~8. The primary dwelling or accessory dwelling unit shall be the primary residence of the owner of the property.

~~8.~~9. The accessory dwelling shall use the same mailbox, water meter, and trash containers as the principal dwelling unit. The use of additional mailboxes, water meters, and trash containers by the accessory dwelling unit separate from the principal dwelling unit shall be prohibited.

~~9.~~10. Accessory dwelling units shall be similar in character to the primary building and to abutting properties including roof pitch, eaves, exterior building cladding materials, windows, trim, color, and landscaping.

***Figure 4.13. Accessory Dwelling Unit Standards***



F. **Recreational Vehicle, Trailer, and Boat Parking**.

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

2. **Improved Hard Surface**. Recreational vehicles, trailers, boats, and other recreational equipment shall be parked on a driveway or a parking pad as specified in Section 10-5-2(B)(4) if constructed in a front or side yard but may be parked on the grass if located in the rear yard as approved only by the City Engineer.

3. **Number**. A maximum of one (1) recreational vehicle, trailer, boat, or other recreational equipment shall be parked on a lot any given time, in addition to any automobiles permitted by the Zoning Ordinance.

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

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

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

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

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

G. **Home Occupations**. The standards for home occupations are intended to ensure compatibility with other permitted uses and maintain the existing character of the surrounding area. Any gainful activity which is not a permitted home occupation as defined in this title shall be considered a business use and shall not be allowed under the provisions of this Section. Any such use existing on the effective date of this title shall be subject to provisions of Chapter 9 for the elimination of a nonconforming use.

1. Any customary home occupation shall be permitted provided that:

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

   b. It does not require internal or external alteration;

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

   d. The entrance to the space devoted to such occupation shall be from within the dwelling;

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

   f. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in part for any use other than a dwelling.

   g. No electrical or mechanical equipment is used, except such as is customarily used for purely domestic or household purposes;

   h. Off-street parking is provided in accordance with the provisions of Section 10-5-1(H), of this title;

i. Limited amounts of goods, commodities or stock in trade shall be received, retained, used, or stored on, or physically transferred from the premises;

j. Teaching of musical instruments and dancing shall be conducted only in a single-family detached dwellings; It does not interfere with the reasonable use and enjoyment of adjacent properties, such as, but not limited to, those home occupations that create any form of electromagnetic interference or cause fluctuation in line voltage outside of the dwelling in which the home occupation is conducted;

k. It does not generate any solid waste or sewage discharge in a volume or type which is not normally associated with a residential use in the zoning district; and

l. In-home daycare/childcare services shall meet the following provisions:

(1) Any person operating an in-home daycare/childcare service shall obtain a license from the Illinois Department of Children and Family Services before commencing the operation of such service.

(2) Any person operating an in-home daycare/childcare service shall obtain an operational permit from the Bristol Kendall Fire District.

(3) In home daycare/childcare services are limited to no more than twelve (12) children under the age of twelve (12) at any one (1) time, unless approved through a special use permit pursuant to Section 10-8-5 of this title.

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

3. The following home occupations are prohibited:

a. Selling or manufacturing of firearms;

b. Automobile repair services;

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

d. Manufacturing business;

e. Medical clinic or hospital;

f. Animal hospital or kennel (animal grooming services are permitted);

g. Restaurant;

h. Mortuary and funeral parlors; and

i. Commercial automobile repair;

j. Any activity that produces noxious matter or employs or produces flammable matter.

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

1. **Accessory Use**. Outdoor displays shall be permitted only as an accessory use on the same lot as a permitted or special use of the business or operation located there and shall not operate as a separate enterprise.

2. **Nature of Merchandise**. The goods, merchandise, or products offered for sale in an outdoor display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, landscape supplies, propane or other material contained in a pressurized tank, ice/vending machines, recycling containers and automated teller machines (ATM). Goods, merchandise or products that are

typically located within a permanent building or structure, such as clothing and prepared food, shall not be offered for sale in a permanent outdoor display area.

3. **Location**.

   a. **Setbacks**. Outdoor display areas may be located in front of, on the side of, or behind the primary building, but shall not encroach upon the required minimum yard setbacks for the zoning district in which it is located.

   b. **Parking**. Outdoor display areas may be located within existing parking spaces but only if there is a sufficient number of other parking spaces available to meet the minimum parking requirements of the use(s) on the property, as provided in Section 10-5-1(H)(5) of this title.

   c. **Pedestrian Walkways**. Outdoor display areas may be located on a pedestrian walkway if an unobstructed portion of the walkway measuring not less than three (3) feet in width shall be continuously maintained for pedestrian access and no point of ingress or egress from any building or any individual unit within any building shall be blocked at any time.

   d. **Right-of-Way**. Unless otherwise provided by this title, outdoor display areas shall not be located on any public or private right-of-way.

   e. **Lawn**. Outdoor display areas may be located on concrete, asphalt, or brick paver areas and shall not be located on lawn areas or required landscape areas.

   f. **Near Single-Family Residence District**. No outdoor display areas shall be located within fifty (50) feet of any single-family residentially zoned district, exclusive of rights-of-way.

4. **Size**. Outdoor display areas shall be limited to thirty-five (35) percent of the gross floor area of the primary building or tenant space to which the outdoor display area is an accessory, with the exception of vehicle, trailer and farming equipment dealerships.

5. **Visibility**. Outdoor display areas shall comply with the Vision Clearance requirements of section 10-5-6 of this title.

6. **Maintenance**. All outdoor display areas must be maintained and displayed in a neat, orderly, and safe manner at all times.

## 10-4-17. Temporary Use Standards

A. **Accessory Structures, Temporary.**

1. Temporary accessory structures shall be allowed for between thirty (30) days and six (6) months as approved through a temporary use permit as specified in Section 10-8-3(F).

2. If located entirely within the required yard the accessory building or structure shall be located a minimum of five (5) feet from side and rear property lines.

3. Temporary accessory structures may be attached to or located adjacent to the principal building.

4. If located entirely within the buildable area of the lot the temporary accessory structure shall not be located between the primary building and the front property line.

5. If located partially in the required rear yard and partially in the buildable area of the lot, the temporary accessory structure shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

6. **Time of Construction**. No temporary accessory structure with a connected water supply shall be constructed on any zoning lot prior to the start of construction of the principal building to which it is accessory.

B. **Mobile Food Vendor Vehicles and Retail Vendor Vehicles**.

1. **Purpose**. The purpose of this section is to encourage and regulate the operation of mobile food vendor and retail vendor vehicles subject to operational standards, on public and private property within the City. These operational standards and application procedures are intended to recognize the opportunity for unique outdoor portable fare and added convenience to persons living and working within Yorkville, while protecting the health, safety and welfare of the general public.

2. **General Provisions**.

   a. Mobile food vendor vehicles and mobile retail vendor vehicles shall obtain a certificate of registration from the office of the City Clerk in accordance with title 3, chapter 5 of the City of Yorkville Municipal Code.

   b. Mobile food vendor vehicles and mobile retail vendor vehicles must comply with all federal, state, county, and local business tax, sales tax, and other tax requirements.

   c. It shall be a violation to operate a mobile food vendor vehicle or mobile retail vendor vehicle at any location except in compliance with the requirements of this section.

   d. Mobile food vendor vehicles and mobile retail vendor vehicles are permitted in all zoning districts of the City, subject to the location and operational standards established in this title.

   e. Mobile food vendor vehicles and mobile retail vendor vehicles shall not:

      (1) obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to, access to or from any business, public building, or dwelling;

      (2) conflict with the vision clearance requirements of section 10-5-6 of this title; or

      (3) prevent access of emergency vehicles.

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

   g. No amplified music or loudspeakers shall be permitted.

h. Any exterior lighting provided on the mobile food vendor vehicles or mobile retail vendor vehicles shall comply with the standards of Section 10-5-7.

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

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

3. **Location and Operational Standards**.

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

(1) Mobile food vendor vehicles and mobile retail vendor vehicles shall be legally parked in full compliance with all State and local parking provisions which apply to the location at which it is parked, including any sign prohibiting the parking or standing of a vehicle or indicating a parking time limit.

(2) Operation of mobile food vendor vehicles and mobile retail vendor vehicles within City parks shall be subject to rules and regulations established by the Park Board.

(3) No unattended mobile food vendor vehicle or mobile retail vendor vehicle shall be parked or left overnight within a public right-of-way or on any other public property.

(4) Mobile food vendor vehicles or mobile retail vendor vehicles shall not operate within the public right-of-way within five hundred (500) feet from any K-12 school building, as defined by the State of Illinois, between the hours of 7:00 a.m. and 4:00 p.m. on regular school days, unless as part of a permitted special event or rally.

(5) Mobile food vendor vehicles or mobile retail vendor vehicles shall not be parked within twenty-five (25) feet from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five (25) feet from a railroad crossing.

(6) Mobile food vendor vehicles or mobile retail vendor vehicle operators shall be responsible for organizing customer queuing in a manner that maintains a clear path along the sidewalk that is at least four (4) feet wide and does not interfere with or obstruct the free passage of pedestrians.

(7) All sales and service shall be limited solely to that side of the mobile food vendor vehicle or mobile retail vendor vehicle facing away from the public street.

(8) Mobile food vendor vehicles and mobile retail vendor vehicles shall not encroach onto a public sidewalk with any part of the vehicle, or any other equipment or furniture related to the operation of its business, except for required refuse receptacles.

(9) Mobile food vendor vehicles greater than thirty-five (35) feet in length, or that occupy more than two (2) on-street parking spaces, are not permitted to operate in the public right-of-way adjacent to residentially zoned properties.

(10) Mobile food vendor vehicles or mobile retail vendor vehicles shall not block a lawfully placed monument sign of another business.

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

(1) Mobile food vendor vehicles and retail vendor vehicles may be permitted to operate on private property as a temporary accessory use in all zoning districts.

(2) Mobile food vendor vehicles and retail vendor vehicles shall not occupy more than eight (8)of the required parking spaces on an improved lot or exceed the maximum lot coverage for the district in which it is located on an unimproved lot.

(3) The maximum number of mobile food vendor vehicles and retail vendor vehicles permitted on a site shall be determined as follows:

(a) One (1) mobile food vendor vehicle or retail vendor vehicle may operate on the site for every five hundred twenty-five (525) square feet of paved area (at least thirty-five (35) feet by fifteen (15) feet in dimension); except that mobile food vendor vehicles or retail vendor vehicles greater than thirty-five (35) feet in length require a space at least seventy feet (70) by fifteen (15) feet.

(b) Mobile food vendor vehicle and retail vendor vehicle operations shall occur upon a paved, level parking area or surface.

(c) Mobile food vendor vehicles and retail vendor vehicles parked within required parking areas shall not impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way.

(d) Mobile food vendor vehicles and retail vendor vehicles may be permitted to have canopies and outdoor seating areas, provided these additional outdoor accessories may not occupy more than two (2) parking spaces per mobile food vendor vehicle or retail vendor vehicle.

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

(1) Canteen trucks may operate on an unimproved lot or parcel, only if such lot or parcel or an adjoining lot or parcel is undergoing permitted construction activity.

(2) Canteen trucks shall not block fire lanes, designated construction traffic lanes for ingress or egress, or access to or from the construction site.

(3) No unattended canteen truck shall be parked overnight on any property.

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

(1) Mobile food vendor vehicles and mobile retail vendor vehicles may provide private sales service within the public right-of-way and on private property in residential districts only.

(2) Private vendor services by mobile food vendor vehicles and mobile retail vendor vehicles shall be limited to private guests of the event host only. No walk-up customers are permitted.

(3) Payment shall occur directly between the event host and the mobile food vendor vehicle and retail vendor vehicle. No payment transactions shall occur for individual orders.

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

C. **Storage of Roadway Construction Materials**.

1. A temporary use permit and building permit shall be required prior to the establishment of a storage area for roadway construction materials. In addition to all required permit application materials, the following shall be required:

   a. A site plan depicting the location of proposed construction material storage locations, site ingress and egress, stormwater runoff control measures, other stormwater management practices, and any other information requested by the Zoning Officer shall be required; and

   b. A traffic plan.

2. Roadway construction material storage areas shall be utilized between the hours of 7:00am and 10:00pm only.

D. **Portable Outdoor Storage Device**. Portable outdoor storage devices are allowed in any district provided they are issued a temporary use permit and meet the following conditions:

1. Only one portable outdoor storage device may be located on a lot at a time.

2. No portion of any portable outdoor storage device may extend onto the public right-of-way, including but not limited to sidewalks, parkways, streets, or alleys unless otherwise approved through the temporary use permit.

3. The portable outdoor storage device shall not exceed eight (8) feet in width, twelve (12) feet in length and eight (8) feet in height, or seven-hundred sixty-eight (768) cubic feet.

4. The portable outdoor storage device must be located on an impervious surface.

5. Placement of a portable outdoor storage device shall be limited to thirty (30) days per residential lot, per calendar year.

6. Placement of a portable outdoor storage device shall be limited to sixty (60) days per business, manufacturing, institutional, open space, or agricultural lot, per calendar year.

7. Every portable outdoor storage device must be locked and secured when not being loaded or unloaded.

8. The temporary use permit shall be prominently displayed during the approval period.

9. The Planning and Zoning Commission may approve containers that exceed the allowable number, size, surface, or length of time.

E. **Temporary and Seasonal Uses**.

1. **Purpose**. To further encourage the revitalization of the downtown and other areas within the City, these standards are intended to provide a temporary but unique environment for relaxation, social interaction, and food or beverage consumption within public rights-of-way and public sidewalks without impeding the free and safe flow of pedestrian or vehicular traffic.

2. **General Provisions**.

   a. **Encroachment**. A sidewalk cafe or parklet cafe shall not be considered an "encroachment" so long as all outdoor facilities related thereto are temporary in nature, are not permanently affixed so as to extend below or above the sidewalk or public right-of-way, involve no penetration of the sidewalk surface or public right-of-way, are not attached to any building and are readily removable without damage to the surface of the sidewalk or public right-of-way.

   b. **Time Period**. Sidewalk cafes and parklet cafes may be permitted from April 1st through October 31st. Time extensions may be granted for sidewalk cafe and parklet cafe operations per the discretion of the Zoning Administrator on a case-by-case basis. Parklet cafes not removed after October 31st and without an approved extension may be removed by the City at the owner's expense.

c. **Permit**.

(1) Sidewalk cafes and parklet cafes shall require a permit pursuant to the standards established in 10-4-16(E) of this title.

(2) Outdoor dining on a public sidewalk or within the right-of-way may occur only pursuant to the issuance of a permit.

(3) A sidewalk cafe or parklet cafe permit is non-transferrable.

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

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

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

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

a. **Sidewalk Café**.

(1) **Design Elements**.

(a) Elements of a typical sidewalk cafe may include, but are not limited to, the following: barriers, planters, tables, chairs, umbrellas, menu display, heat lamps and ingress/egress access point.

(b) The design, material, and colors used for the furniture and fixtures within the sidewalk cafe shall complement the architectural style and colors of the building facade and public street furniture, if any, and withstand inclement weather.

(2) **Setbacks**.

(a) No element of the sidewalk cafe, as described above, may obstruct the pedestrian way in a manner which reduces the depth of the pedestrian way to less than five (5) feet. Light poles, tree wells, fire hydrants and other such items may fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk cafe.

(b) A sidewalk cafe shall not unreasonably obstruct the visibility of neighboring businesses. In such cases a sidewalk cafe operator may be required to adjust the layout of the outdoor dining area per the recommendation of the Zoning Administrator or designee.

(c) Sidewalk cafes must be located a minimum distance of one hundred (100) feet from the nearest residential zoned district.

(d) The width of the sidewalk cafe must not extend beyond the frontage of the business establishment unless written notarized consent of the adjacent business and property owner has been provided to the Zoning Administrator.

(e) Sidewalk cafes located at a street corner must maintain a ten (10) foot setback from the corner of the building along both frontages.

(f) For sidewalk cafes located adjacent to a driveway or an alley, setback distances will be at the discretion of the Zoning Administrator in locations where unusual circumstances exist or where public safety would be jeopardized.

(3) **Barriers**.

(a) The perimeter of sidewalk cafes that extend more than three (3) feet into the public right-of-way shall be enclosed by barriers that are durable, removable, and maintained in good condition.

(b) Sidewalk cafes that extend three (3) feet or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.

(c) Sidewalk cafes that serve alcohol must be surrounded by a barrier in all cases. Barrier access point must be controlled by the sidewalk cafe operator/business establishment. Business establishment owners should maintain compliance with Yorkville's Liquor Control Ordinance standards for serving alcohol outside of enclosed businesses.

(d) Moveable barriers and all furniture shall be removed at the end of each business day unless otherwise approved by the Zoning Administrator or designee. Moveable barriers shall be capable of being removed through the use of recessed sleeves and posts, wheels that can be locked in place, and/or weighted bases. Barrier segment bases should be flat with tapered edges that are between one-fourth (0.25) inch and one-half (0.5) inch thick.

(e) The maximum height of any barrier shall not exceed three (3) feet six (6) inches. The lowest point in the barrier should be no more than six (6) inches in height above the ground to comply with ADA detectable warning regulations.

(f) Rigid fence sections may be placed end-to-end to create the appearance of a single fence. Sectional fencing shall be composed of metal or wood and shall be painted or finished in a complementary color to the building color or accent materials. Sectional fencing may be constructed from other materials such as but not limited to aircraft cable, fabric, steel or iron elements if approved by the Zoning Administrator or designee.

(g) **Planters**.

(i) Planters may also be used as a barrier or planter boxes as barrier components.

(ii) Planters must be no more than three (3) feet in height and plant materials may be up to three (3) feet tall.

(iii) Planters shall be kept in clean condition, contain living plants, and be removed at the end of each business day.

(h) Access openings must be kept clear of all materials and should measure no less than forty-four (44) inches wide.

(4) **Awnings and Umbrellas**.

(a) The use of awnings over the outdoor dining area or removable table umbrellas may be permitted provided they do not interfere with street trees.

(b) No portion of the awning shall be less than eight (8) feet above the sidewalk and no portion of the umbrella shall be less than seven (7) feet above the sidewalk.

(c) Awnings may extend up to five (5) feet from the front of the building's facade or cover up to fifty (50) percent of the outdoor dining area, whichever is less.

(d) Awnings shall have no support posts located within the public right-of-way.

(e) A separate building permit must be obtained prior to the installation of the awning.

(f) Notwithstanding any provisions in this Code, signs and logos shall be permitted on umbrellas or awnings in outdoor dining areas.

(5) **Prohibited Items**.

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

(b) Shelves, serving stations, flimsy plastic tables and chairs, unfinished lumber or splintering wooden materials, rusted metal, and loudspeakers, are prohibited.

(c) Tying or otherwise securing sidewalk cafe elements to trees, lamp posts, street signs, streetlights, and/or hydrants is prohibited.

(d) Chain link, rope rails, and chain are prohibited as barrier materials.

(e) Rails, buckets, flag poles, and newspaper stands are prohibited.

(f) No alterations or coverings should be made to the sidewalks or placed over the sidewalk cafe space. Platforms, artificial turf, paint, or carpet in sidewalk cafe areas is prohibited.

(g) If wait service is not provided in the sidewalk cafe area, the business establishment is required to supply a waste receptacle. If wait service is provided, the business establishment is prohibited from placing a waste receptacle in the sidewalk cafe.

b. **Parklet Café**.

(1) The parklet cafe site shall be located on at least one (1) parking spot within the public way and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of sidewalk. Parklet cafes are restricted to City of Yorkville public streets and shall not be permitted on any state, county or township roadways.

(2) Tables, chairs, umbrellas or other fixtures in the parklet cafe:

(a) Shall not be placed within five (5) feet of fire hydrants, alleys or bike racks.

(b) Shall not be placed within five (5) feet of a pedestrian crosswalk.

(c) Shall not block designated ingress, egress, or fire exits from or to the business establishment or any other structures.

(d) Shall not be physically attached, chained, or in any manner affixed to any structure, tree, signpost, or light pole.

(e) May be removed by the City at owner's expense if not installed per approved plans or installed after permit expiration.

(f) Shall be maintained in a clean, sanitary, and safe manner.

(g) Shall consist of commercial-grade furniture.

(h) Shall not be placed outside or hang over the designated parklet cafe area.

(3) The parklet cafe shall be located in such a manner that a distance of not less than four (4) feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.

(4) The parklet cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. Maintenance details shall include access panels and how drainage will be provided along the existing drainage way.

(5) Parklet cafe decking must be flush with the curb and may not have more than a one-half (0.5) inch gap from the curb.

(6) The parklet cafe platform shall allow for access underneath the platform and curbside drainage may not be impeded.

(7) All rails around the parklet cafe must be capable of withstanding a two hundred (200) pound horizontal force.

(8) The parklet cafe shall be required to have reflective tape, soft hit posts, wheel stops and, depending on the proposed location, may be required by the Zoning Administrator or designee to have edging such as planters, railing or cables.

(a) If cables are used, vertical spacing between cables may not exceed six (6) inches.

(9) Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six (6) feet eight (8) inches above the sidewalk. Umbrellas must be secured.

(10) Temporary signage such as menu boards or easels may be permitted in parklet cafes.

(11) No food preparation, food or beverage storage, refrigeration apparatus or equipment shall be allowed in the parklet cafe unless authorized by the Zoning Administrator or designee as part of a special event.

(12) No amplified entertainment shall be allowed in the parklet cafe unless authorized by the Zoning Administrator or designee as part of a special event.

(13) Parklet cafes shall meet the vision clearance requirements of Section 10-5-6 of this title.

# Chapter 3. District Standards

10-3-1. Establishment of District ..... 1
10-3-2. District Map and Boundaries ..... 2
10-3-3. Zoning of Streets, Alleys, Public Ways, Waterways, and Railroad Rights-of-Way ..... 2
10-3-4. Zoning of Annexed Land ..... 2
10-3-5. Purpose of Residential Districts ..... 3
10-3-6. Purpose of Business and Manufacturing Districts ..... 4
10-3-7. Purpose of Open Space and Institutional Districts ..... 5
10-3-8. Overlay Districts ..... 5
10-3-9. Bulk and Dimensional Standards ..... 6
10-3-10. Calculating Bulk and Dimensional Standards ..... 7
10-3-11. Permitted Yard Setback Obstructions ..... 10
10-3-12. Permitted and Special Uses ..... 11
10-3-13. Downtown Overlay District ..... 17

## 10-3-1. Establishment of District

A. For the purpose and provisions of this title, Yorkville is organized into thirteen (13) base districts and one (1) overlay district.

B. **Residential Districts**.

1. R-1 Single-Family Suburban Residence District
2. R-2 Single-Family Traditional Residence District
3. R-2D Duplex, Two-Family Attached Residence District
4. R-3 Multi-Family Attached Residence District
5. R-4 General Multi-Family Residence District

C. **Business and Manufacturing Districts**.

1. B-1 Local Business District
2. B-2 Mixed Use District
3. B-3 General Business District
4. M-1 Limited Manufacturing District
5. M-2 General Manufacturing District

D. **Institutional and Open Space Districts**.

1. PI Public Institutional District
2. A-1 Agricultural District
3. OS Open Space District

E. **Overlay Districts**.

1. D-O Downtown Overlay District
2. PUD Planned Unit Development

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

A. **Zoning Map**. The boundaries of the zoning districts designated in Section 10-3-1 of this chapter are hereby established as shown on the latest edition of the map entitled "Zoning Map: The United City Of Yorkville", which said map shall have the same force and effect as if the zoning map, together with all notations, references and other information shown on the zoning map, were fully set forth and described in this title.

B. **District Boundaries**. When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:

1. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended or otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter sections or division lines, or centerlines of streets, highways or railroad rights of way unless otherwise indicated.
3. Where a lot held under single ownership and of record on the effective date hereof is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, that this construction shall not apply if it increases the lot width of the lot by more than twenty-five (25) feet.

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

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

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

Any territory or land annexed to the city after the adoption of this title shall automatically, upon such annexation, be classified within the R-1 Single-Family Suburban Residential District and be subject to all conditions and regulations applicable to land in such district until such land is subsequently rezoned.

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

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

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

B. **R-1 Single-Family Suburban Residence District**. The R-1, single-family suburban residence zoning designation is intended to create a spacious suburban residential neighborhood. To protect the character of the district, permitted uses are limited to single-family detached housing yet accommodate other compatible and complementary cultural, religious, educational, and public uses.

C. **R-2 Single-Family ~~Unit~~ Traditional Residence District**. The R-2, single-family traditional residence zoning designation is intended to accommodate smaller, more conventional suburban residential neighborhoods. The primary permitted uses are single-family detached housing in addition to compatible and complementary cultural, religious, educational, and public uses.

D. **R-2D Duplex, Two-Family Attached Residence District**. The R-2D, duplex, two-family attached residence zoning designation is intended for moderate density duplex dwelling structures. This district is primarily located off of a major thoroughfare or as a transitional land use adjacent to single-family residences. Therefore, the R-2D, duplex district is intended to accommodate single-family attached dwelling structures of a size and character that are compatible with the surrounding single-family detached residential districts and adjacent to commercial, office and retail space.

E. **R-3 Multi-Family Attached Residence District**. The R-3, multi-family attached residence zoning designation is intended for moderate density residential developments near commercial areas and transportation corridors, and to promote economically mixed housing developments and the provision of a range housing types including multi-family buildings such as duplexes or townhomes.

F. **R-4 General Multi-Family Residence District**. The R-4, general multi-family residence zoning designation is intended for moderate to high density multi-family buildings and complexes. This district may accommodate other compatible and complementary cultural, religious, educational, and public uses.

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

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

1. Accommodate retail, commercial, service, and mixed uses needed by Yorkville residents, businesses, visitors, and workers; and

2. Maintain and enhance the City's economic base and provide employment opportunities, shopping, entertainment, restaurant, service and other nonresidential uses close to where people live and work; and

3. Create suitable environments for various types of business and manufacturing uses and protect them from the adverse effects of incompatible uses; and

4. Allow flexibility to encourage redevelopment and positive improvements to existing uses; and

5. Help ensure that the appearance and operational impacts of business and manufacturing developments do not adversely affect the character of the areas in which they are located.

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

C. **B-2 Mixed-Use Business District**. The B-2, mixed-use business zoning designation is intended to accommodate pedestrian oriented mixed-use corridors and districts with a range of business, service, office, and residential uses including the Downtown.

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

E. **M-1 Limited Manufacturing District**. The M-1 limited manufacturing district zoning designation is intended to provide for the location of a broad range of warehousing, manufacturing, and industrial uses of minimal environmental impact. The intensity and impact of uses shall be controlled through the special use permitting process to ensure compatibility with adjacent land uses through the minimization of off-site impacts. Related uses such as indoor event or recreation conversions or employee supporting educational, service or limited commercial uses may also be appropriate.

F. **M-2 General Manufacturing District.** The M-2 general manufacturing district zoning designation is intended to provide for the location of manufacturing, industrial, and related uses that have greater off-site impacts than those in the M-1 limited manufacturing district. The district is intended to ensure the compatibility of the manufacturing and industrial uses with surrounding residential and commercial uses and to minimize off-site impacts such as noise, traffic, and visual qualities.

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

A. **A-1 Agricultural District**. The A-1, Agricultural district zoning designation is intended to accommodate areas where the conditions are best suited for agricultural pursuits or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property.

B. **OS Open Space District**. The OS, open space district designation is intended to govern the use of city owned green space and park land in the city of Yorkville. This zoning district shall apply to all existing and newly annexed land currently used or intended for use as open space, recreational areas, and parks identified in Yorkville's park and recreation master plan. These regulations are also intended to provide for the protection, conservation and utilization of high quality natural resources; preservation of wildlife habitats; creation of scenic vistas; provision of public gathering areas or facilities for safe and accessible outdoor space; connectivity between other green infrastructure via bike and hiking trails and paths; and to maintain or establish appropriate buffers between differing land use types or intensities.

C. **PI Public Institutional District**. The PI, Public Institutional district zoning designation is intended to provide for the location of properties used or operated by a public entity or private institution. The purpose of the PI District is to recognize that public and institutional facilities provide necessary services to the community.

## 10-3-8. Overlay Districts

A. All provisions of this title, to the extent that they do not conflict with the standards delineated in this section, shall remain in full force and effect for all properties subject to the provisions of this section.

B. The standards found in this section shall be used by property owners, developers, City staff members, the Planning and Zoning Commission and the City Council during the design and review of development and redevelopment proposals within the overlay districts. These standards and criteria complement and add to those contained within the City's Comprehensive Plan, as amended, Yorkville Downtown Overlay District Form-Based Code, this title and other land use regulations.

C. **D-O Downtown Overlay District**. The D-O, Downtown Overlay district designation is intended to guide the development of a mix of uses and a pedestrian oriented environment, to provide for a mix of housing types for people of all ages and lifestyles, and to achieve development that is appropriate in scale and intensity for the overlay district and adjacent neighborhoods.

D. **Planned Unit Development**. The Planned Unit Development designation signifies that a Planned Unit Development has been approved as provided in Section 10-8-8.

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

A. Table 10-3-9(A) Bulk and Dimensional Standards establishes the requirements applicable to the development or use of a lot in a given district.

**Table 10-3-9(A) Bulk and Dimensional Standards**

| Zone | Min. Lot Size | Min. Lot Size per DU (For Single-Unit Attached Uses) | Maximum Density (For Multi-Unit Uses) | Min. Lot Width | Max. Lot Coverage | Setbacks | | | Max. Building Height | Dwelling Unit Max. Height |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Min. Front | Min. Side* [5] | Min. Rear [5] | | |
| A-1 | - | - | - | - | - | 100' [1] | 50' | - | 80' [3] | 30' |
| R-1 | 18,000 sq. ft. | - | - | 100' | 50% | 40' | 15' (40') | 50' | 30' | 30' |
| R-2 | 12,000 sq. ft. | - | - | 80' | 45% | 30' | 10' (30') | 40' | 30' | 30' |
| R-2D | 15,000 sq. ft. | 9,000 sq.ft. | - | 100' | 50% | 30' | 10' (30') | 30' | 30' | 30' |
| R-3 | 9,000 sq. ft. [2] | 7,000 sq.ft. | 5 dwelling units/acre [2] | 70' (90' for attached units) | 70% | 30' | 10' (20') | 30' | 80' | 30' |
| R-4 | 15,000 sq. ft. [2] | 5,000 sq.ft. | 8 dwelling units/acre | 70' (90' for attached units) | 70% | 30' | 12' or 60% of building height (20') | 40' | 80' | 40' |
| B-1 | 8,000 sq. ft. | - | - | - | 80% | 30' | 20' | 20' | 80' | - |
| B-2 | - | - | - | - | 85% | 0' | - | 20' | 80' | - |
| B-3 | 10,000 sq. ft. | - | - | - | 80% | 50' | 20' (30')[4] | 20' | 80' | - |
| M-1 | - | - | - | - | 85% | 25' | Min. 10% of lot and max. 20' | - | - | - |
| M-2 | - | - | - | - | 85% | 25' | Min. 10% of lot and max. 20' | - | - | - |
| PI | - | - | - | - | 85% | 25' | 20' (25') | 20' | 80' | - |
| OS | - | - | - | - | - | 30' | 10' | 20' | 80' | - |

*Notes:*

* Dimensions within ( ) = requirement for side yards adjoining a street.

1. 200 feet along Illinois Routes 34, 47, 71 and 126.

2. Nonresidential principal uses shall have a minimum lot size of 15,000 square feet and 100 foot width. A one-story structure shall have a minimum of 1,200 square feet and a two-story structure shall have a minimum of 1,400 square feet of livable space.

3. 100 foot structure height shall be allowed for silos on sites with agricultural uses.

4. Parking lots in the B-3 district located adjacent to an arterial roadway, as defined in the city's comprehensive plan, must maintain a minimum setback of 20 feet from the property line and 10 feet from nonarterial roadways.

5. The minimum setback required may be less than the width of the transition yard required by use as specified in Section 10-5-3(F)(3), in which instance, the more stringent width required by the transition yard shall apply.

B. Minimum building separations in the R-3 District shall be as detailed in Table 10-3-9(B) below.

| Table 10-3-9(B) Building Separation Requirements in R-3 | |
|---|---|
| **Separation Type** | *Requirement* |
| Side to side | 20 feet |
| Side to rear | 40 feet |
| Rear to rear | 60 feet |
| Front to side | 50 feet |
| Front to front | 50 feet |
| Rear to front | 100 feet |

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

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

***Figure 3.1. Lot Width***

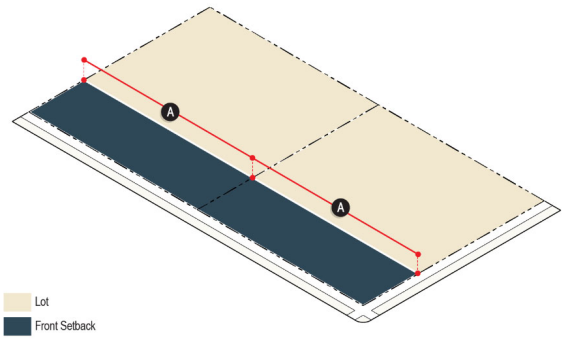
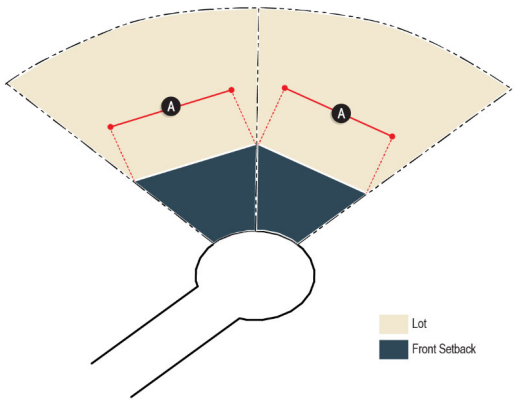
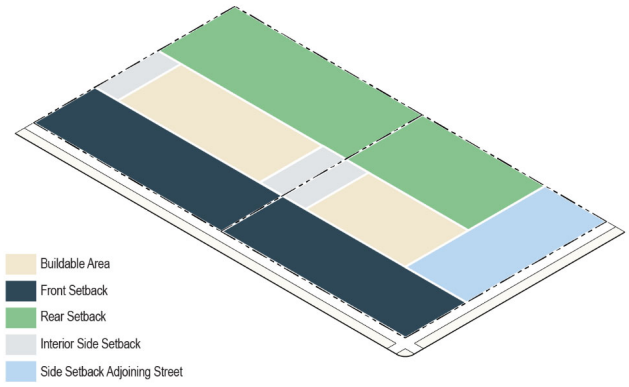



***Figure 3.2. Lot Width For Lots Abutting a Cul-De-Sac***



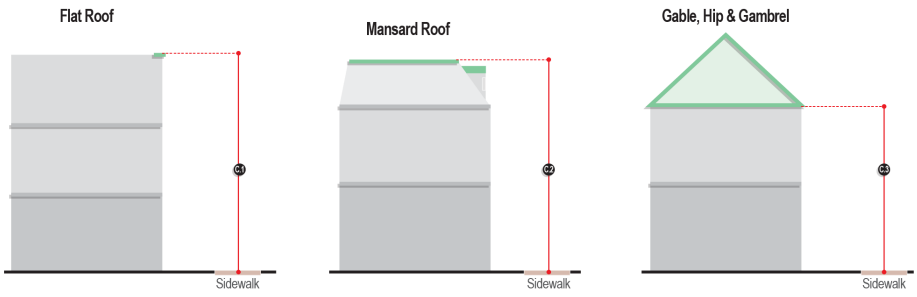
B. **Setbacks**. A required setback shall be measured by the shortest distance between the applicable lot line and nearest point of the principal use or building or any required yards or fences, except any building features specified in section 10-3-11, which shall not be subject to required setbacks.

***Figure 3.3. Setbacks***



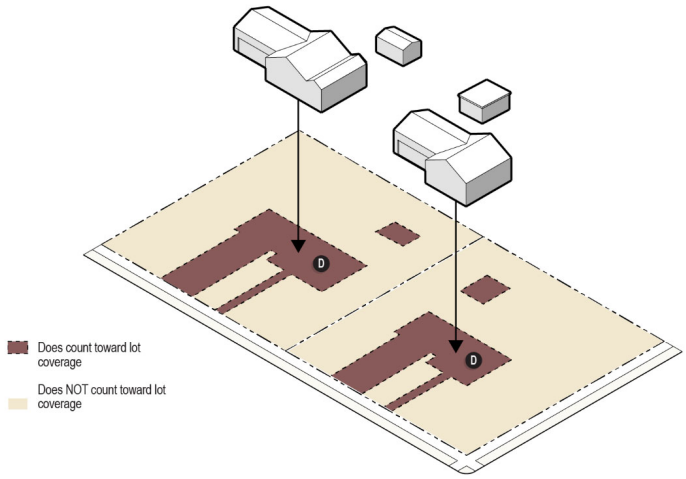

C. **Height**. Building and dwelling unit height shall be the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the:
1. *Flat Roof*: highest point of the roof,
2. *Mansard Roof*: deck line of roof, or
3. *Gable, Hip, or Gambrel Roof*: lowest point at which the rafters meet the top of the exterior wall.

***Figure 3.4. Height***



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

***Figure 3.5. Lot Coverage***



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

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

| Table 10-3-11 Permitted Yard Setback Obstructions | | | | | |
|---|---|---|---|---|---|
| **Permitted Obstruction** | **Required Yards** | | | | |
| | *All* | *Front* | *Side* | *Rear* | *Regulation* |
| *Permanent Structures* | | | | | |
| Accessory Structures | P | P | P | P | *Shall maintain a minimum distance of 5 feet from* |
| Arbors and trellises | P | P | P | P | - |
| Awnings and canopies | P | P | P | P | *Must adjoin a principal structure and may project 3 feet into required yard.* |
| Balconies and breezeways | - | - | - | P | *May proejct 3 feet into the required yard.* |
| Chimneys | P | P | P | P | *May project 18 inches into the required yard.* |
| Enclosed, attached or detached off-street parking | - | - | - | P | - |
| Flagpoles | P | P | P | P | - |
| Landscaping | P | P | P | P | Landscaping obstructions within dedicated stormwater overflow routes may be limited or restricted, per the approval of the City Engineer. |
| One-story bay windows | P | P | P | P | *May project 3 feet or less into the required yard.* |
| Open porches | P | - | - | - | *May project 5 feet into the yard.* |
| Open terraces and decks | P | P | P | P | *Shall not project over 4 feet above the average level of the adjoining ground but not including a permanently roofed over terrace or porch.* |
| Ornamental light standards | - | P | P | - | - |
| Overhanging eaves and gutters | - | P | P | P | *May project 3 feet or less into the yard. May project into a required side yard for a distance not exceeding 40 percent of the required yard width.* |
| Steps | P | P | P | P | *Steps 4 feet or less above grade which are necessary for access to zoning lot from a street or alley.* |
| *Temporary Structures* | | | | | |
| Air conditioning units | - | - | P | P | *May project for a distance not exceeding 10 percent of the required yard width, but in no case exceeding 12 inches.* |
| Recreational equipment | - | - | - | P | - |
| Temporary accessory structures | P | P | P | P | - |
| | | | | | |

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

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

1. **Permitted Uses**. Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this title.
2. **Special Uses**. Uses which are marked as "S" in the tables shall be allowed upon the approval of a special use permit, as detailed in Section 10-8-5 of this title.
3. **Temporary Uses**. Uses which are marked as "T" in the tables shall be allowed upon the approval of a temporary use permit, as detailed in Section 10-8-3(F) of this title.
4. **Prohibited Uses**. Uses which are marked as "-" shall be prohibited in the respective district unless it is otherwise expressly allowed by other regulations of this title.
5. **Uses Not Listed**. If a proposed use is not listed in the tables, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the tables. If it is, the use shall be treated in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
6. **Additional Regulation**. If a use has use specific standards, they are referenced in this column. Use specific standards shall apply to permitted and special uses.

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

**Table 10-3-12(B) Permitted and Special Uses**

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

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Dwelling, townhouse | 10-4-2(C) | - | - | - | - | - | P | P | - | - | - | - | - | - |
| Mobile home park | 10-4-2(D) | - | - | - | - | - | S | S | - | - | - | - | - | - |
| Senior housing, dependent | | S | - | S | S | S | S | S | P | P | - | - | - | P |
| Senior housing, independent | | S | - | P | P | P | P | P | P | P | - | - | - | P |
| *Lodging Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Bed and breakfast inn | | S | - | S | - | - | - | - | S | P | P | - | - | - |
| Hotel/Motel | | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Short-term rental | 10-4-3(A) | - | - | P | P | P | P | P | - | - | - | - | - | - |
| *Commercial Retail Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Adult uses | 10-4-4(A) | - | - | - | - | - | - | - | - | - | - | S | S | S |
| Building material sales | | - | - | - | - | - | - | - | - | P | P | P | P | - |
| Liquor store | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Pawnbrokers/pawnshops | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Retail store, general - less than one (1) acre | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Retail store, general greater than one (1) acre | | - | - | - | - | - | - | - | - | - | P | - | - | - |
| *Commercial Service Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Adult daycare facility | | - | - | S | S | S | S | - | P | P | P | S | S | S |
| Animal hospital | | S | - | - | - | - | - | - | - | - | P | S | - | - |
| Art galleries/art studio | | - | - | - | - | - | - | - | - | P | P | P | - | P |
| Auction house | | P | - | - | - | - | - | - | - | - | - | - | - | - |
| Bank | | - | - | - | - | - | - | - | P | P | P | - | - | S |
| Campground | | S | S | - | - | - | - | - | - | S | S | - | - | - |
| Commercial laboratory | | - | - | - | - | - | - | - | P | P | P | P | - | - |
| Commercial/trade school | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Daycare facility | | - | - | S | S | S | S | - | P | P | P | S | S | S |
| Dry Cleaning Establishment | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Entertainment production studios | | - | - | - | - | - | - | - | P | P | P | P | - | - |
| Financial institutions and services | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Funeral home/mortuary/crematorium | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Health and fitness club/center | | - | - | - | - | - | - | - | - | P | P | P | - | - |
| Indoor shooting gallery/range | 10-4-5(A) | - | - | - | - | - | - | - | S | S | S | S | S | - |
| Kennel, commercial or private dog kennels | | S | - | - | - | - | - | - | - | - | P | S | - | - |
| Massage establishment | 3-9 | - | - | - | - | - | - | - | S | S | S | - | - | - |
| Casino and Off track betting (OTB) | | - | - | - | - | - | - | - | - | S | S | - | - | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| establishments | | | | | | | | | | | | | | |
| Professional care services | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Professional services/offices | | - | - | - | - | - | - | - | P | P | P | - | - | P |
| Storage, single-building climate controlled | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Storage, outdoor self-storage | 10-4-5(B) | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Tattoo and body piercing establishment | 3-10 | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Veterinary clinic | | - | - | - | - | - | - | - | - | P | P | S | S | - |
| *Commercial Entertainment Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Amusement park | | S | S | - | - | - | - | - | - | - | S | S | S | S |
| Commercial entertainment, indoor | | - | - | - | - | - | - | - | T | P | P | S | S | P |
| Commercial entertainment, outdoor | 10-4-6(A) | - | - | - | - | - | - | - | S | S | S | S | S | P |
| Community / Recreation center | | - | - | - | S | S | S | S | P | P | P | S | S | P |
| Golf course, miniature | | S | - | - | - | - | - | - | - | - | P | - | - | - |
| Golf course | 10-4-6(B) | S | - | P | P | P | P | P | - | - | - | - | - | - |
| Golf driving range | | S | - | - | - | - | - | - | - | P | P | S | - | - |
| Indoor Event/Recreation Conversion | | - | - | - | - | - | - | - | - | - | P | P | P | P |
| Outdoor music venues | | - | - | - | - | - | - | - | S | S | S | S | - | - |
| Skating rink | | - | - | - | - | - | - | - | - | P | P | S | S | - |
| Stadium | | - | - | - | - | - | - | - | - | - | S | S | - | P |
| Swimming pool - indoor | | - | P | - | - | - | - | - | P | P | P | S | - | P |
| Theater, live performance | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Theater, motion picture | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Eating and Drinking Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Brewery/Winery/Distillery tasting room | | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Brewpub | 10-4-7(A) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Microbrewery | 10-4-7(B)(1) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Microdistillery/Microwinery | 10-4-7(B)(2) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Prepared Food Service Establishment | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Restaurant | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Tavern - nightclub or lounge | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Medical Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Hospital | | S | - | S | S | S | S | S | P | P | P | - | - | P |
| Medical clinic / office | | - | - | - | - | - | - | - | P | P | P | - | - | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Treatment center | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Vehicle Related Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Automobile parts/accessories sales | | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Automobile rental | 10-4-9(A) | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Automobile repair | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Automobile sales and service, enclosed | 10-4-9(A) | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Automobile sales and service, open sales lot | 10-4-9(A) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Boat sales and rental | 10-4-9(A) | - | S | - | - | - | - | - | P | P | P | P | - | P |
| Boat storage | 10-4-9(B) | - | S | - | - | - | - | - | S | S | S | P | P | P |
| Car wash | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Gasoline service station | | - | - | - | - | - | - | - | - | S | S | S | S | - |
| Heavy machinery and equipment rental | | - | - | - | - | - | - | - | - | S | P | P | P | - |
| Recreational vehicle sales and service | 10-4-9(A) | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Semi-truck repair | | - | - | - | - | - | - | - | - | - | S | P | P | - |
| Truck and trailer sales/rental | 10-4-9(A) | - | - | - | - | - | - | - | - | - | S | P | P | - |
| Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal | | - | - | - | - | - | - | - | - | - | S | P | P | - |
| *Energy Industrial Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Battery Uses | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Data Center | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Refrigerated Warehouse (Cold Storage) | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| *Industrial Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Aggregate materials extraction, processing and site reclamation (stone and gravel quarries) | | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Artisan manufacturing | 10-4-11(A) | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Assembly, production, manufacturing, testing, repairing, or processing, light | 10-4-11(B) | - | - | - | - | - | - | - | - | - | S | P | - | - |
| Assembly, production, manufacturing, testing, repairing, or processing, heavy | 10-4-11(B) | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Bakery (wholesale) | | - | - | - | - | - | - | - | S | S | S | P | P | - |
| Blacksmith or welding shop | | S | - | - | - | - | - | - | - | - | P | P | P | - |
| Brewery/winery/distillery | | - | - | - | - | - | - | - | S | S | P | P | P | - |
| Contractor facilities with outdoor storage | | - | - | - | - | - | - | - | - | - | S | P | P | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Dry cleaning plant | | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Manufacturer / sales of firearms and ammunition | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Newspaper publishing | | - | - | - | - | - | - | - | - | P | P | P | P | P |
| Research laboratories | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Salvage Yards | | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Wholesaling and warehousing - local cartage express facilities - including motor freight terminal | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| *Transportation Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Airport | | S | - | - | - | - | - | - | - | - | - | S | S | S |
| Bus or truck garage | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Bus or truck storage yard | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Motor freight terminals | | - | - | - | - | - | - | - | - | - | - | S | S | S |
| Railroad passenger station | | S | - | S | S | S | S | S | S | S | S | S | S | S |
| Railroad repair shops, maintenance buildings and switching yards | | S | - | S | S | S | S | S | S | S | S | S | S | S |
| *Alternative Energy Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Solar farm | 10-4-13(B) | S | S | - | - | - | - | - | - | - | - | S | S | S |
| Building mounted solar energy systems | 10-4-13(C) | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding solar energy systems - accessory use | 10-4-13(D) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding solar energy systems - principal use | 10-4-13(E) | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Wind farm | 10-4-13(F) | S | - | - | - | - | - | - | - | - | - | S | S | S |
| Building mounted wind energy system | 10-4-13(G) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding wind energy system - accessory use | 10-4-13(H) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding wind energy system - principal use | 10-4-13(I) | S | S | S | S | - | - | - | - | - | - | S | S | S |
| *Medical and Adult Use Cannabis Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Cannabis Craft Grower | 10-4-14(B) | S | - | - | - | - | - | - | - | - | - | S | S | - |
| Cannabis Cultivation Center | 10-4-14(C) | S | - | - | - | - | - | - | - | - | - | S | S | - |
| Cannabis Dispensing Organization | 10-4-14(D) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Cannabis Infuser Organization | 10-4-14(E) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Cannabis Processing Organization | 10-4-14(F) | - | - | - | - | - | - | - | - | - | - | S | S | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Cannabis Transporting Organization | 10-4-14(G) | - | - | - | - | - | - | - | - | - | - | S | S | - |
| *Institutional, Public, and Utility Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Antennae and Antennae Structures (other) | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Antennae and Antennae Structures (For Radio or Television Transmission) | | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Cemetery | | S | S | S | S | S | S | S | - | - | - | - | - | P |
| College, university or junior college | | S | - | S | S | S | S | S | P | P | P | - | - | P |
| Communications use | | S | - | - | - | - | - | - | - | - | - | - | - | P |
| Electric substation | | S | S | S | S | S | S | S | P | P | P | P | P | P |
| Filtration plant | | S | - | S | S | S | S | S | - | - | - | P | P | P |
| Fire station | | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Library | | - | - | P | P | P | P | P | P | P | P | - | - | P |
| Parks | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Place of worship/assembly | | S | - | S | S | S | S | S | P | P | P | S | S | P |
| Playground | | - | P | P | P | P | P | P | P | P | P | - | - | P |
| Police station | | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Post office | | - | - | - | - | - | - | - | P | P | P | - | - | P |
| Preschool | | - | - | P | P | P | P | P | - | - | - | - | - | P |
| Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations | | S | S | - | - | - | - | - | - | - | - | P | P | P |
| Public utility facilities (other) | | S | - | P | P | P | P | P | - | - | - | P | P | P |
| Radio and television towers - commercial | 10-4-15(A) | P | - | - | - | - | - | - | P | P | P | P | P | S |
| Sanitary landfill | | S | - | - | - | - | - | - | - | - | - | S | S | S |
| School, public or private | | - | - | P | P | P | P | P | - | - | - | S | S | P |
| Sewage treatment plant | | - | - | S | S | S | S | S | - | - | - | P | P | P |
| Solid waste disposal site | | - | - | - | - | - | - | - | S | S | S | P | P | P |
| Towers | | P | - | - | - | - | - | - | P | P | P | P | P | - |
| Utility company maintenance yard | | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Utility service yard or garage | | - | - | - | - | - | - | - | - | - | - | P | P | P |
| *Accessory Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Accessory Building | 10-4-16(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Accessory Commercial Unit | 10-4-16(B) | S | - | S | S | S | S | - | - | - | - | - | - | - |
| Accessory Structures, Permanent | 10-4-16(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |

| Table 10-3-12(B) Permitted and Special Uses | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Antennae and Antennae Structures (other) | 10-4-15(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Antennae and Antennae Structures (For Radio or Television Transmission) | 10-4-15(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Community Garden | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Daycare Facility, Part-Day | | - | - | P | P | P | P | - | P | P | P | P | P | P |
| Domesticated Hens | 8-19 | - | - | P | P | - | - | - | - | - | - | - | - | - |
| Drive Throughs | 10-4-16(D) | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Dwelling, Accessory, Attached/Internal | 10-4-16(E) | P | - | P | P | P | P | - | - | - | - | - | - | - |
| Dwelling, Accessory, Detached | 10-4-16(E) | S | - | S | S | S | S | - | - | - | - | - | - | - |
| Recreational vehicle, trailer, and boat parking | 10-4-16(F) | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Home occupations | 10-4-16(G) | P | - | P | P | P | P | P | - | P | - | - | - | - |
| Outdoor displays | 10-4-16(H) | P | P | - | - | - | - | - | P | P | P | P | P | - |
| Towers | 10-4-15(A) | P | - | P | P | - | - | - | P | P | P | P | P | - |
| Vehicle Charging Stations | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| *Temporary Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Accessory Structures, Temporary | 10-4-17(A) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Mobile food vendor vehicles and retail vendor vehicles | 10-4-17(B) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Storage of roadway construction materials and equipment | 10-4-17(C) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Portable Outdoor Storage Device | 10-4-17(D) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Temporary and seasonal uses | 10-4-17(E) | - | - | - | - | - | - | - | T | T | T | - | - | - |
| Tents | | T | T | T | T | T | T | T | T | T | T | T | T | T |

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## 10-3-13. Downtown Overlay District

A. **Introduction.**

1. **Title.** This Section shall be known, cited, and referred to as the United City of Yorkville Downtown Overlay District Code. Any reference to this chapter following its effective date shall mean this entire chapter as it may hereafter be amended.

2. **Intent.** It is the intent of this chapter to provide development standards to the United City of Yorkville for downtown and adjacent redevelopment areas that promote public health, safety, and general welfare of the community, including, but not limited to the specific purposes set forth below.

a. To guide the development of a mix of uses and a pedestrian-oriented environment as established in the United City of Yorkville 2016 Comprehensive Plan, adopted September 2016, and the 2019 Yorkville Downtown Overlay District Streetscape Master Plan.

b. To provide for a mix of housing types within the downtown overlay district and adjacent areas for people of all ages and lifestyles.

c. To achieve development that is appropriate in scale and intensity for the downtown overlay district and adjacent neighborhoods.

3. **Overview of the code.**

a. **Districts.** These regulations are organized within street types for adoption into the City's existing code. These zoning districts shall be mapped on the City's zoning map; however, the primary streets designation shall be referenced from Figure 10-21-2G (4). The following districts are established for mixed use, commercial, and residential development within downtown and adjacent redevelopment areas. Figure 10-21-1B (1) illustrates the locations for the districts.

(1) Bridge Street District

(2) S2: Hydraulic Street District

(3) S3: Van Emmon Street District

(4) S4: "B" Street District

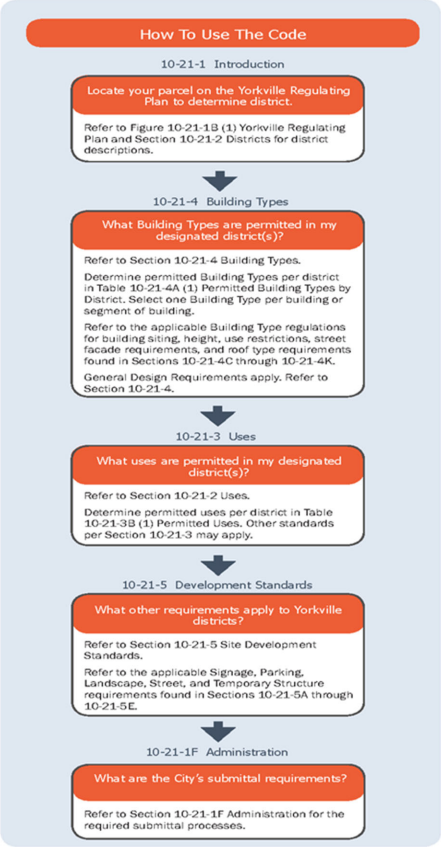
(5) S5: "B" Street-Residential District

b. **Building Types.** Six (6) building types are defined for use in the street districts. A mix of building types are typically permitted per district. These building types outline the desired building forms for the new construction and renovation of structures and contain regulations that determine physical building elements such as build-to-zones, transparency levels, entrance location, and parking location. Refer to Figure 10-21-4A (1) for a typical building type page layout.

c. **Site Development Standards**. The site development standards provide references to other City ordinances or parts of the zoning ordinance and may include additional information or revision to those ordinances applicable only to the street districts. These include signage, parking, and landscape.

4. **Applicability.** These regulations apply to the downtown and adjacent redevelopment areas within the City as mapped on the City's zoning map. Refer to Figure 10-21-1B (1) for affected parcels.

5. **Conflicting Provisions.** In any instance in which the provisions of this section overlap or conflict with other areas of the UDO, the requirements of this section shall govern.




6. **How to use the code**. Refer to Figure 10-21-1D (1) for a step by step illustration about applying the code to a parcel. Throughout this section, call out boxes titled "How to Use the Code" appear with code application instructions.

7. **Development approval process.**

   a. **Site plan review.** An approved site plan is required for the development or redevelopment of all parcels in any district (refer to 10-4 of the zoning ordinance) with the following revisions:

      (1) The Zoning Administrator may approve a major site plan if the site plan complies with all requirements of the City's zoning ordinance. If the Zoning Administrator denies approval of a major site plan, including the provision of written comments as to the reason for such denial, the denial may be appealed by the applicant to the Planning and Zoning Commission for review. The Planning and Zoning Commission shall then recommend approval to City Council the major site plan, recommend approval to City Council of the major site plan with conditions, or recommend denial of the site plan to City Council.

b. **Deviations.** The applicant shall submit requested deviations to the Zoning Administrator with the site plan application. The Zoning Administrator may approve deviations to a site plan for the following:

(1) **Minor deviations.** The Zoning Administrator may approve minor deviations to any dimension or percentage as follows:

(a) The location of the building within up to one (1) foot from any minimum yard requirement or build-to zone width/location.

(b) Up to five percent (5%) increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage.

(c) Up to five percent (5%) decrease in front property line coverage.

(d) Additional height of any story up to two (2) feet, as long as the overall building height does not exceed the allowable height of all floors at their maximum permitted height.

(2) **Design deviations.** The Zoning Administrator shall review and make a recommendation for the following deviations:

(a) **Alternative building materials.** The Zoning Administrator may approve alternative building materials from the requirements of section 10-21-5, with the exception of the prohibited materials. For approval, the applicant shall submit samples and local examples of the material a minimum of four (4) weeks prior to the review, to allow site visits to the location.

(b) **Facade variety alternative.** The Zoning Administrator may approve a reprieve from the facade variety requirements in section 10-21-4. The applicant shall submit fully rendered elevations and three (3) dimensional drawings of all street facades with materials samples for all surfaces to prove a higher quality building design with variation and relief from monotony.

(3) **Existing building deviations.** The Planning and Zoning Commission shall review and make a recommendation to City Council for the following deviations, when applied to the renovation of an existing building(s):

(a) For renovation of existing buildings, the maximum front property line coverage may be waived with an existing coverage of sixty percent (60%); however, any expansion on the ground story shall contribute to the extension of the front property line coverage.

(b) For renovation of existing buildings, the location of the building within up to five (5) feet from any minimum yard requirement or build-to zone width/location.

(c) For renovation of existing buildings, the minimum height of the ground story and upper story may be increased or decreased by up to two (2) feet for existing stories.

(d) For renovation of existing buildings, other required dimensions may be modified up to five (5) feet or ten percent (10%), whichever is less, unless otherwise modified by this section.

(4) **Nonconforming structures.**

(a) Nonconforming uses. Refer to chapter 10-15 of this title for nonconforming uses requirements with the following exception and addition.

(b) Nonconforming structures. The following regulations allow for the continuation of occupation of a structure that was legally constructed prior to the adoption or amendment to this chapter, but that could not occur under the provisions of this chapter.

(i) All building type standards apply to all new construction and renovation of existing structures, where the renovation includes an addition of more than sixty percent (60%) in gross building square footage.

(ii) When the existing front or corner facade is located within the build-to zone and a renovation of the front facade occurs with or without any added building square footage, the street facade requirements and entrance type requirements of any permitted building type shall be met when the renovation includes any of the following:

1. Installation of additional doors or a change in location of a door;
2. Expansion or change in location of thirty percent (30%) of windows on any street façade; or
3. Replacement of thirty percent (30%) or more of facade materials on any street facade with a different facade material.

(iii) When the existing building front or corner facade is located within the build-to zone and a renovation of the shape or style of the roof occurs with or without added building square footage, the roof type requirements of any permitted building type shall be met.

(iv) Under all circumstances, no portion of the building type standards must be met in the case of normal repairs required for safety and continued use of the structure, such as replacement of window or door glass.

(5) **Definitions.** For the purposes of this chapter, the following terms shall have the following meanings:

(a) **Applicant.** The owner of a subject property or the authorized representative of the owner on which a land development application is being made.

(b) **Block.** Refer to section 10-2-3 for definition.

(c) **Block depth**. A block measurement that is the horizontal distance between the front lot line on a block face and the front lot line of the parallel or approximately parallel block face.

(d) **Block ends.** The lots located on the end of a block; these Lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.

(e) **Block face.** The aggregate of all the building facades on one (1) side of a block.

(f) **Block length.** A block measurement that is the horizontal distance along the front lot lines of the lots comprising the block.

(g) **Building type.** The facade of a structure defined by the combination of configuration, form, and function as it relates to the adjacent street. Refer to 10-21-4.B building type standards for more information and the list of permitted building types.

(h) **Build-to zone**. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 10-21-1H (3).

(i) **Courtyard.** An outdoor area enclosed by a building on at least three (3) sides and is open to the sky.

(j) **Coverage, building.** The percentage of a lot developed with a principal or accessory structure.

(k) **Coverage, impervious site**. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios. Refer to "lot coverage" in section 10-2.

(l) **Eave.** The edge of a pitched roof, typically overhangs beyond the side of a building.

(m) **Entrance type.** The permitted treatment types of the ground floor facade of a building type. Refer to section 10-21-41 for more information and a list of permitted entrance types.

(n) **Expression line.** An architectural feature consisting of a decorative, three (3) dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

(o) **Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front lot line.

(p) **Frontage district.** A type of zoning district specific to this article, where the location, height and bulk of structures is defined by building types. Refer to section 10-21-4.

(q) **Landscape area**. Area on a Lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping. Landscape areas may include landscape, sidewalks, patios, or other pedestrian amenities.

(r) **Lot, flag.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(s) **Lot, interior.** For the purposes of this chapter, a parcel of land abutting a vehicular right-of-way, excluding an alley, along one (1) lot line; surrounded by lots along the remaining lot lines.

(t) **Lot, through.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(u) **Lot area.** Refer to section 10-2-3 for definition; it is typically denoted in square feet or acres.

(v) **Lot depth.** For the purposes of this chapter, the smallest horizontal distance between the front and rear lot lines measured approximately parallel to the corner and/or side lot line. Refer to Figure 10-21-1H (2).

(w) **Lot frontage.** Refer to section 10-2-3 for definition.

(x) **Lot line, corner.** for the purposes of this chapter, a boundary of a lot that is approximately perpendicular to the front lot line and is directly adjacent to a public right-of-way, other than an alley or railroad. Refer to Figure 10-21-1H (2).

(y) **Lot line, front.** For the purposes of this chapter, the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions:

  (i) Corner and through lots that abut a primary street (refer to Figure 10-21-2G (4)) shall have the front lot line on that primary street.

  (ii) Corner and through lots that abut two (2) primary streets or do not abut a primary street shall utilize the orientation of the two (2) directly adjacent lots, or shall have the front lot line determined by the Zoning Administrator.

(z) **Lot line, rear.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(aa) **Occupied space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

(bb) **Open space**. Refer to section 10-2-3 (Public open space and usable open space) for definitions. Open space may also be utilized to host temporary private or community events, such as a farmer's market or art fair.

(cc) **Pedestrianway.** A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

(dd) **Pervious surface.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

(ee) **Primary street.** A street that receives priority over other streets in terms of setting front lot lines and locating building entrances. Refer to Figure 10-21-2G (4) for mapped primary streets.

(ff) **Roof type.** The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to 10-21-41 for more information and a list of the permitted roof types.

(gg) **Scale.** The relative size of a building, street, sign, or other element of the built environment.

(hh) **Semi-pervious surface.** Also referred to as semi-pervious material. A material that allows for at least forty percent (40%) absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

(ii) **Setback.** For the purposes of this chapter, the horizontal distance from a lot line inward, beyond which a structure may be placed. For the purposes of this chapter, structures and parking lots are not permitted within a setback, unless specifically stated otherwise in this chapter. Refer to Figure 10.21.1H (1).

(jj) **Solar reflectance index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100) and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

(kk) **Story.** For the purposes of this chapter, a habitable level within a building measured from finished floor to finished floor. Refer to section 10-21-4 for dimensions.

(ll) **Story, ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

(mm) **Story, half.** For the purposes of this chapter, a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

(nn) **Story, upper.** Also referred to as upper floor. The floors located above the ground story of a building.

(oo) **Street face.** The facade of a building that faces a public right-of-way.

(pp) **Street frontage.** Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.

(qq) **Street termini.** At a three-way or "T" intersection, it is the location where one (1) street terminates at the other street.

(rr) **Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

(ss) **Transparency.** The measurement of the percentage of a facade that has highly transparent, low reflectance windows. Mirrored glass is not permitted.

(tt) **Visible basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.

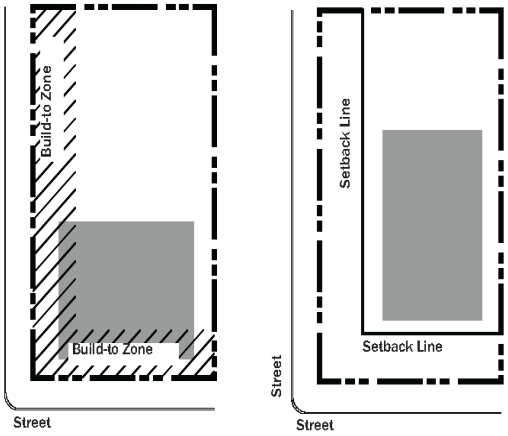
(uu) **Yard.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (3) Illustration of Yards. Note that the rear yard is fully screened from the street by the structure.

(i) **Yard, corner side.** A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.

(ii) **Yard, front.** Refer to section 10-2-3 for definition.

(iii) **Yard, rear.** Refer to section 10-2-3 for definition.

(iv) **Yard, side.** Refer to section 10-2-3 for definition.



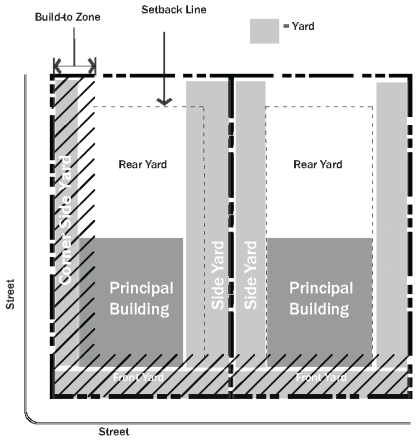



Figure 10-21-1H (3). Illustration of Yards.

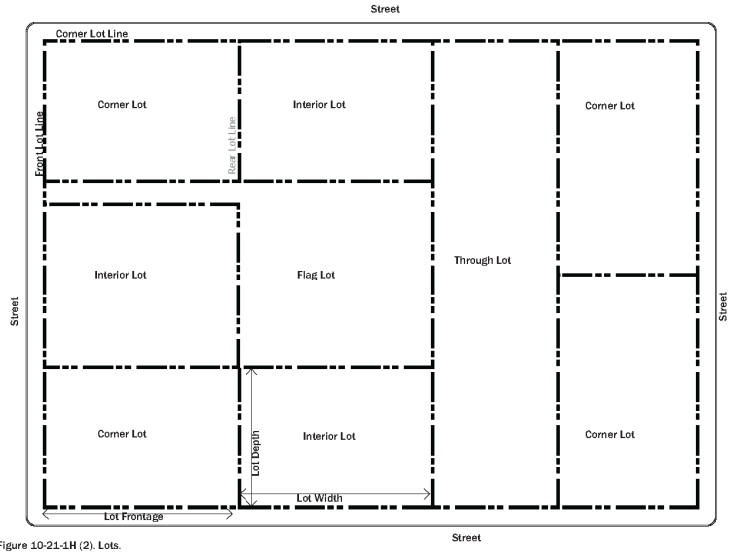



Figure 10-21-1H (2). Lots.




Figure 10-21-1B (1). Yorkville Form-Based Districts Regulating Plan.

8. **Districts**

a. The following districts are established for mixed use, commercial, and residential development within downtown and adjacent redevelopment areas. Figure 10-21-1B (1) illustrates the locations for the districts.

(1) S1: Bridge Street District

(2) S2: Hydraulic Street District

(3) S3: Van Emmon Street District

(4) S4: "B" Street District

(5) S5: "B" Street - Residential District

| Bridge Street | |
|---|---|
| **Building Placement** | |
| Build-to Zone | 0' to 10' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 5' to 10' |
| **Building Volume** | |
| Maximum Building Height | 80' |
| Maximum Stories | 6 |
| Minimum Ground Floor Height | 14' |
| **Typical Street Attributes** | |
| Typical ROW Width | 72' |
| Number of Travel Lanes | 4 |
| Lane Width | 10' to 13' |
| Dedicated Turn Lanes | 1 |
| Parking Lanes | none |
| Pavement Width | 60' |
| Dedicated Bicycle Facilities | none |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 6' wide sidewalk |
| Street Buffer | concrete barrier |

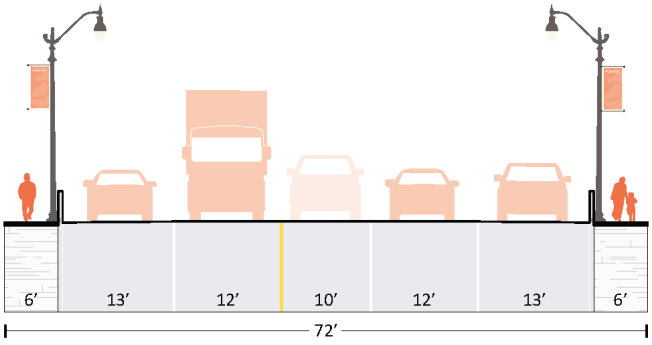



Figure 10-21-2A (1). Bridge Street (Long-term).

b. **S1: Bridge Street District.** The Bridge Street District may be considered the gateway into downtown Yorkville and retains potential to become the iconic stretch that helps draw people into local businesses and displays an attractive image that represents the people of Yorkville. The form of this retail and service-centered area establishes a street wall of storefront style-building facades with shallow build-to-zones along the sidewalk and parking in the rear or off-site. It focuses pedestrian-friendly retail and service uses on the ground story with office uses in upper stories.

| Hydraulic Street | |
|---|---|
| **Building Placement** | |
| Build-to Zone | 0' to 15' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| **Building Volume** | |
| Maximum Building Height | 60' |
| Maximum Stories | 5 |
| Minimum Ground Floor Height | 14' |
| **Typical Street Attributes**[1] | |
| Typical ROW Width | 48' to 66' |
| Number of Travel Lanes | 2 |
| Lane Width | 10' to 12' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking on south side of street |
| Pavement Width | 22' |
| Dedicated Bicycle Facilities | Multi-purpose lane on north side of street |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 6' to 8' wide sidewalk |
| Street Buffer | 1 lane of parallel parking on south side of street; 4' planter on north side of multi-purpose street |

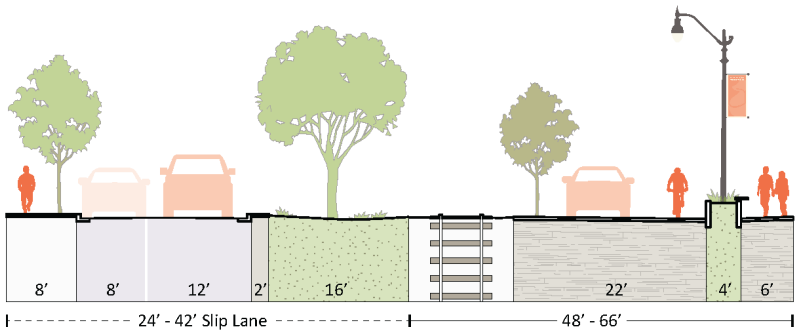



Figure 10-21-2B (1). Hydraulic Street (Long-term).

c. **S2: Hydraulic Street District:** The Hydraulic Street District includes complex conditions, including a tapering right-of-way that narrows from west to east and an active freight rail line that runs parallel to the street surface within the right-of-way. Hydraulic Street features short, utilitarian buildings, as well as an inoperable grain elevator, that create an eclectic mix of land uses and character. The form of this area remains pedestrian-centered but storefront-style buildings focus a broader spectrum of retail and service uses on the ground story with residential and/or office uses in upper stories.

(1) Notes: The streetscape master plan includes a proposed slip lane on the south side of Hydraulic Street between Bridge Street and Heustis Street. This table includes dimensions for the public right-of-way section of the street.

| Van Emmon Street | |
|---|---|
| **Building Placement** | |
| Build-to Zone | 0' to 20' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| **Building Volume** | |
| Maximum Building Height | 60' |
| Maximum Stories | 5 |
| Minimum Ground Floor Height | 12' |
| **Typical Street Attributes** | |
| Typical ROW Width | 60' |
| Number of Travel Lanes | 2 |
| Lane Width | 12' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking on each side of street; permeable paving 1 lane of parallel parking each side of street (intermittent planting on south side to accommodate parking) |
| Pavement Width | 24' to 40' |
| Dedicated Bicycle Facilities | none |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 8' to 12' wide sidewalk |
| Street Buffer | 1 lane of parallel parking on north side of street; street trees or 1 lane of parallel parking on south side of street |

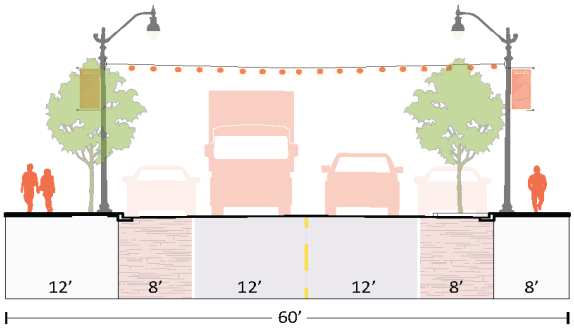



Figure 10-21-2C (1). Van Emmon Street (Long-term).

d. **S3: Van Emmon Street District.** The Van Emmon Street District is a lower scale district. Commercial, residential, and mixed use buildings make up this district in variety of building types. A broader spectrum of retail, service, and office uses support the Bridge Street and Hydraulic Street Districts and ground floor residential is permitted. The form of this area is pedestrian-centered, but allows for more vehicular access and off-street parking options.

| 'B' Street | |
|---|---|
| Building Placement | |
| Build-to-line Location | 0' to 20' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| Building Volume | |
| Maximum Building Height | 60' |
| Maximum Stories | 5 |
| Minimum Ground Floor Height | 9' |
| Typical Street Attributes | |
| Typical ROW Width | 50'-60' |
| Number of Travel Lanes | 2 |
| Lane Width | 11' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking each side of street (reduce planting where appropriate to accommodate parking) |
| Pavement Width | 26' |
| Dedicated Bicycle Facilities | none |
| Pedestrian Realm | |
| Pedestrian Facilities | 5' wide sidewalk |
| Street Buffer | 13' swale and/or stormwater buffer; optional parking |

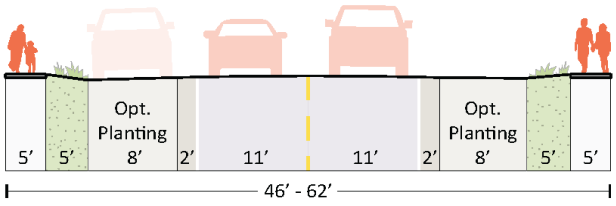



Figure 10-21-2D (1). 'B' Street (Long-term).

e. **S4: "B" Street District.** The "B" Street District is a lower scale commercial district designed to serve adjacent neighborhoods and the greater community. Flanked by the Hydraulic and Van Emmon Districts, a wider range of residential uses is permitted. As one of the main street types between primary thoroughfares, pedestrian access and safety remains a priority.

| 'B' Street - Residential | |
|---|---|
| Building Placement | |
| Build-to-line Location | 0' to 15' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| Building Volume | |
| Maximum Building Height | 40' |
| Maximum Stories | 3.0 |
| Minimum Ground Floor Height | 9' |
| Typical Street Attributes | |
| Typical ROW Width | 50' to 60' |
| Number of Travel Lanes | 2 |
| Lane Width | 11' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking each side of street (reduce planting where appropriate to accommodate parking) |
| Pavement Width | 26' |
| Dedicated Bicycle Facilities | none |
| Pedestrian Realm | |
| Pedestrian Facilities | 4' wide sidewalk |
| Street Buffer | 13' swale and/or stormwater buffer; optional parking |

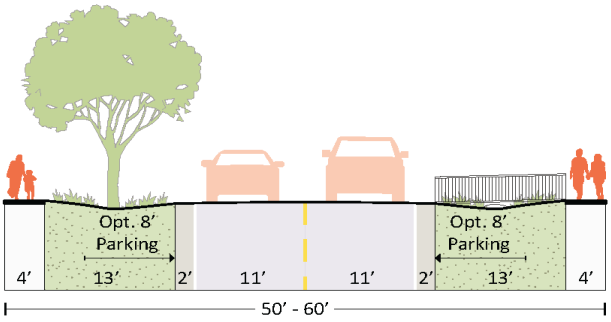



Figure 10-21-2E (1). 'B' Street - Residential (Long-term).

f. **S5: "B" Street - Residential District.** The "B" Street Residential District is a lower-scale residential district with a mix of townhouses and yard buildings. With a maximum height of six (6) stories under the general provision of the zoning code, this area provides for a mix of housing types adjacent to downtown for people of all ages and lifestyles.

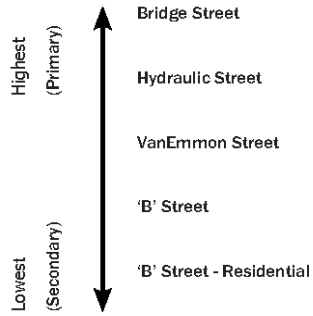



Figure 10-21-2G (1). Hierarchy of Street Types.

g. **Hierarchy of districts.** Development under this code is regulated by street type. The various street types are related to each other in a hierarchical manner. When these streets intersect, the primary street frontage is determined by its higher order in the hierarchy. The front of a building and its main entrance must face the primary street. Figure 10.21.2G (1) illustrates the hierarchy of street types.

h. **Primary streets.** The primary streets map designates primary, secondary, and tertiary streets within the downtown overlay district. These designations prioritize the street frontages for locating the front lot line for required amounts building frontage and allowable amounts of parking frontage. Refer to Figure 10.21.2G (4).

(1) **Vehicular access.** Vehicular access is also managed through this street prioritization within the building type requirements (refer to section 10-21-4). See Figure 10.21.2G (2) and Figure 10.21.2G (3) for illustration of permitted vehicular access locations.

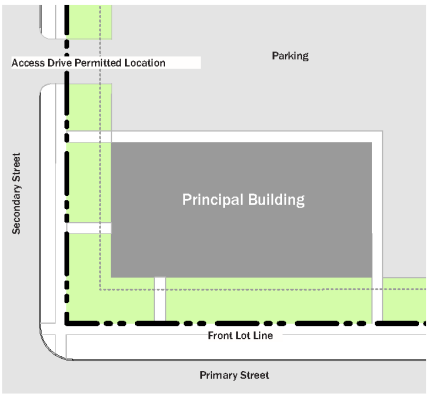



Figure 10-21-2G (2). Secondary Street Frontage: Access Drive Permitted Location

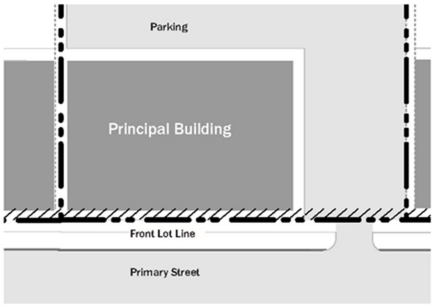



Figure 10-21-2G (3). Primary Street Frontage Only: Access Drive Permitted Location

(a) The order of access is typically as follows, unless otherwise permitted by building type:

(i) Lane (Tertiary Street) or alley (un-mapped) permits unlimited access.

(ii) If no lane or alley exists, one (1) driveway per secondary street frontage is permitted.

(iii) If no tertiary or secondary street abuts the parcel, one (1) driveway is permitted off the primary street and shared access with adjacent properties is encouraged.

(b) Refer to the subdivision control ordinance for additional requirements of vehicular access off adjacent streets. Interparcel access requirements shall be met.

(2) **Primary, secondary, and tertiary street designations.**

(a) **Primary streets.** Primary streets require the most intact and continuous streetwall with few, if any, driveway access. The front lot line shall always be located on the primary street. When a parcel is fronted by more than two (2) primary streets, the Zoning Administrator shall determine which is the appropriate street for the front lot line. The determination should be based on locations of existing and other proposed development front lot lines.

(i) Vehicular access should not be located off a primary street, unless no other options exists. Refer to section 10-21-4 Building type requirements for allowances of vehicular access, if applicable.

(b) **Secondary streets.** Secondary streets are intended to have a fairly continuous streetwall, but will likely have a driveway for each parcel. If no tertiary street exists, access will likely be off the secondary street.

(c) **Tertiary streets.** Tertiary streets typically have no streetwall requirements and could be fronted by parking structures and parking lots with multiple drives and/or vehicular access points.

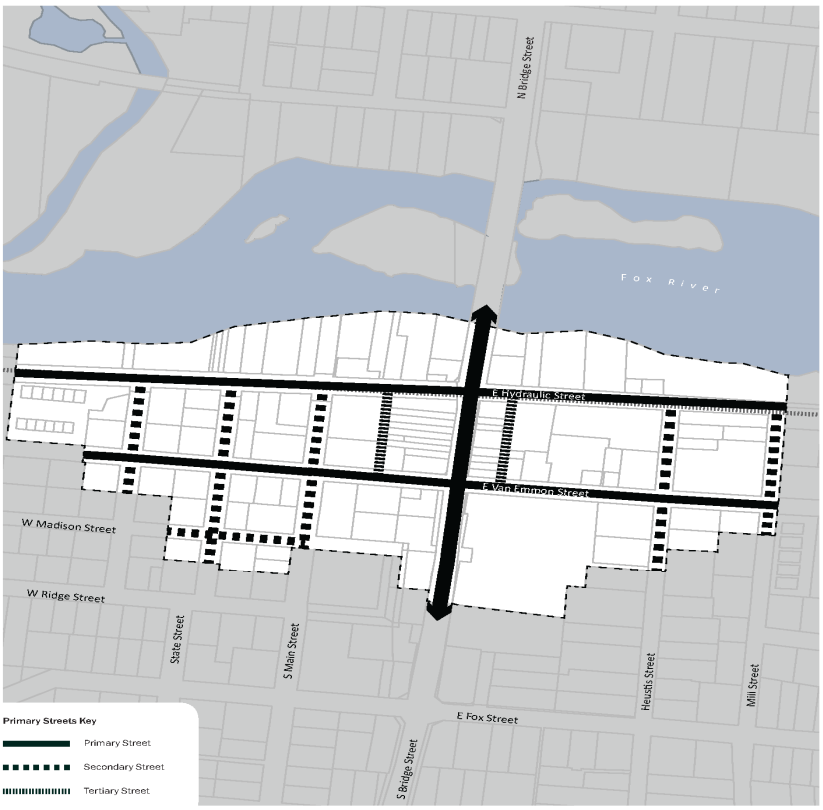



Figure 10-21-2G (4). Primary Streets Map.

9. **Building Types**

a. **Introduction to building type standards.** The buildings detailed in this section outline the building types permitted for new construction and renovated structures within the districts defined in section 10-21-2.

(1) **General.** All building types shall meet the following requirements to achieve the intents defined for the districts.

(a) **Zoning districts.** Each building type shall be constructed only within its designated districts. Refer to Table 10-21-4A (1) Permitted Building Types by Districts.

(i) **Uses.** Each building type can house a variety of uses depending on the district in which it is located. Refer to 15.3 for uses permitted per district. Some building types have additional limitations on permitted uses.

(ii) **No other building types.** All buildings constructed shall meet the standards of one (1) of the building types within the zoning district of the lot.

(iii) **Permanent structures.** All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

1. **Accessory structures.**

a. Attached accessory structures are considered part of the principal structure.

b. Detached accessory structures are allowed per each building type and shall comply with all setbacks except the following:

i. Detached accessory structures are not permitted in the front yard.

ii. Detached accessory structures shall be located behind the principal structure in the rear yard.

iii. Detached accessory structures shall not exceed the height or size (area) of the principal structure.

(b) **Page layout.** Document pages are laid out to provide the maximum amount of information for each building type on one (1) spread of two (2) pages. Refer to Figure 10-21-4A (1) for a typical building type layout page.

(i) Tables. Refer to section 10-21-4.B for further information on each table.

(ii) Graphics typically represent one (1) example of a building that could be developed utilizing the standards for that building type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

10. **Explanation of building type table standards.** The following explains and further defines the standards outlined on the tables for each building type, refer to sections 10-21-4.C through 10-21-4.H.

a. **Building siting.** The following explains the line item requirements for each building type table within the first section entitled "building siting". Table 10-21-4B (1) illustrates an example of a building siting table from a typical building type.

(1) **Multiple principal structures.** The allowance of more than one (1) principal structure on a lot.

(2) **Minimum front lot line coverage.** Refer to Figure 10-21-4B (1). Measurement defining the minimum percentage of street wall or building facade along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

(a) Certain buildings have this number set to also allow the development of a courtyard along the front lot line.

(b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one (1) double-loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a set maximum in feet.

(c) When driveway is located at the front lot line (Figure 10-21-4B (1)) and a side yard parking is not utilized, a driveway width of twenty (20) feet may be deducted from the width of the BTZ and is not included in the calculation of the minimum front lot line.

(3) **Occupation of corner**. Occupying the intersection of the front and corner build-to zones with a principal structure.

(4) **Front build-to zone.** The build-to zone or setback parallel to the front lot line. Building components, such as awnings or signage, are permitted to encroach beyond the build-to zone.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(5) **Corner build-to zone.** The build-to zone or setback parallel to the corner side property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(6) **Minimum side yard setback.** The minimum required setback along a side property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(7) **Minimum rear yard setback.** The minimum required setback along a rear property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(8) **Minimum lot width.** The minimum width of a lot, measured at the build-to zone.

(9) **Maximum building width.** The maximum width of a building, measured across the front facade.

(10) **Maximum impervious coverage.** (Refer to Figure 10-21-4B (2).) The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces.

(11) **Additional semi-pervious coverage.** The additional percentage of a lot beyond the maximum impervious coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.

(12) **Parking and loading location.** The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.

(13) **Entry for parking within building.** Permitted garage door location for parking entrance when parking is located within building.

(14) **Vehicular access.** The permitted means of vehicular ingress and egress to the lot.

(a) Alleys, when present, shall always be the primary means of access.

(b) When alleys are not present, a driveway may be permitted per building type and, if an alternative is available, shall not be located off a primary street.

b. **Height.** The following explains the line item requirements for each building type table within the second section entitled "height". Table 10-21-4B (2), illustrates an example of a height requirements table from a typical building type.

B. **Uses**

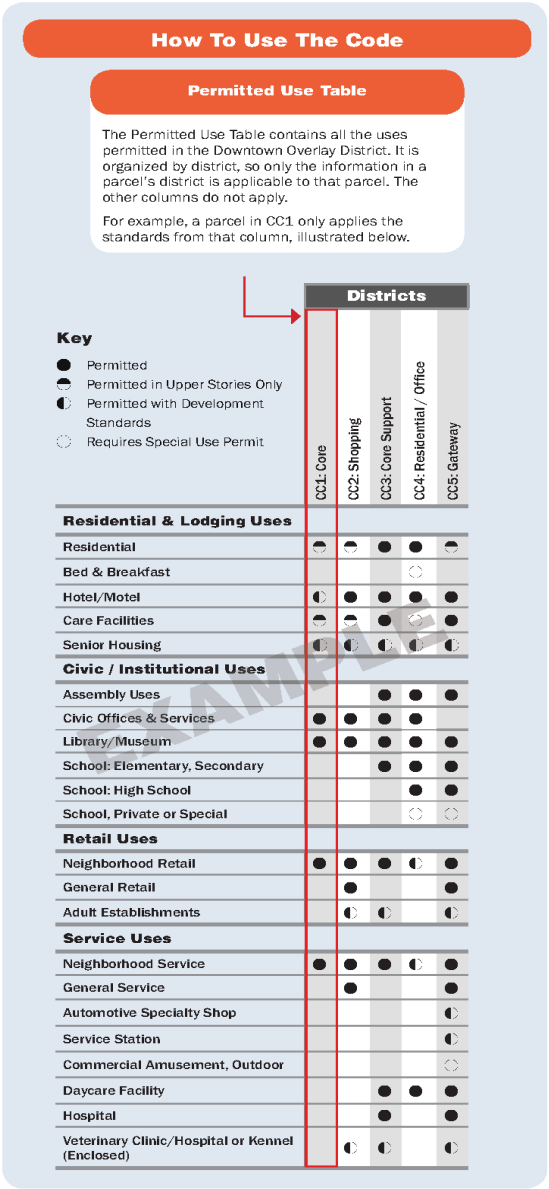



Figure 10-21-3A (1). Yorkville Code Permitted Uses How-To.

1. ***General provisions.*** The following establishes a simplified set of uses permitted within the building forms of each downtown form-based zoning district.

   a. ***Uses by district***. Permitted and special uses available in each form-based district are shown in Table 10-21-3B (1).

   b. ***Use definitions***. Uses listed in Tables 10-21-3C (1)—10-21-3C (4) are defined in section 10-2-3 of the zoning ordinance. Further definitions applicable only to the Yorkville Form-Based Districts are located in subsection 10-21-3.C.

   c. ***Permitted use*** *("●")*. These uses are permitted by-right in the form districts in which they are listed.

   d. ***Permitted in upper stories only*** *("◓")*. These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least twenty feet (20') from the front primary facade.

   e. ***Requires a special use permit*** *("○")*. These uses require a special use permit (refer to chapter 10-6 Special Use Regulations) in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the special use.

   f. ***Permitted with development standards*** *("◐")*. These uses are permitted in the districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards, combined with the building type requirements, are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.

   g. ***Prohibited use.*** A blank cell or an unlisted use in the use table indicates that the land use is prohibited in that district.

   h. ***City determination.*** When a proposed land use is not explicitly listed in Table 10-21-3B (1), the Zoning Administrator shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such determination may be appealed to the Planning and Zoning Commission.

   i. ***Temporary accessory uses.*** Temporary accessory uses are permitted in all downtown overlay districts, including outdoor displays, seasonal displays and sales, festivals, and vendors. The following requirements apply:

   j. Outdoor displays are permitted up to eight (8) hours per day, no more than three (3) consecutive days in any one (1) month.

   k. **Build-to zone.** Temporary outdoor displays of merchandise are permitted in the build-to zone without a permit, subject to all other requirements of section 10-21-3.

   l. **Right-of-way.** Any temporary outdoor display or occupation in the right-of-way requires a review approval by the Zoning Administrator.

| | Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street - Residential |
| **Residential & Lodging Uses Category** | | | | | |
| Residential Dwelling | ◓ | ● | ● | ● | ● |
| Hotel/Motel | ◐ | ◐ | ◐ | ● | |
| Bed & Breakfast Inn | ◓ | ◓ | ○ | ○ | ○ |
| Residential Care Facility | | | | ○ | ○ |
| Senior Housing | | ◐ | ◐ | ◐ | ○ |
| **Civic & Institutional Uses Category** | | | | | |
| Civic Offices & Services | ● | ● | ● | ● | ● |
| Library/Museum | ● | ● | ● | ○ | ○ |
| Police & Fire | ◐ | ◐ | ◐ | | |
| Post Office (no distribution) | ● | ● | ● | | |
| Religious & Organization Assembly | ● | ● | ● | ● | ● |
| School: Public or Private | ○ | ○ | ○ | ○ | ○ |
| School: College | ○ | ○ | ○ | ○ | ○ |
| **Retail & Service Uses Category** | | | | | |
| Neighborhood Retail (<8,000 sf) | ● | ● | ● | ● | ○ |
| General Retail | ◐ | ◐ | ◐ | | |
| Neighborhood Service | ● | ● | ● | ○ | ○ |
| General Service | ◐ | ◐ | ◐ | | |
| Recreation/Entertainment | ● | ● | ◐ | ○ | |
| Automotive Services | | ○ | ○ | ○ | |
| Food Services & Drinking Places | ● | ● | ● | ● | ○ |
| **Office & Industrial Uses Category** | | | | | |
| Office | ◓ | ● | ● | ● | |
| Small-Scale Industry | ◐ | ◐ | ◐ | ● | |
| **Infrastructure Uses Category** | | | | | |
| Communication Antennae & Towers | ○ | ○ | ○ | ○ | ○ |
| Parking Lot | ◐ | ◐ | ◐ | ◐ | ◐ |
| Parking Structure | ◐ | ◐ | ◐ | ◐ | ◐ |
| Public Utility & Infrastructure | ● | ● | ● | ● | ● |
| **Open Space Uses Category** | | | | | |
| Open Space | ◐ | ◐ | ◐ | ◐ | ◐ |

| | Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street - Residential |
| **Accessory Uses** | | | | | |
| Alternative Energy Generation | ◐ | ◐ | ◐ | ◐ | ◐ |
| Amphitheater | | ○ | | ○ | |
| Car Washes, Detail Shops, and/or Service Stations | | ○ | ○ | ○ | |
| Drive Through Facility | | ○ | ○ | ○ | |
| Home Occupation | ● | ● | ● | ● | ● |
| Outdoor Storage of Goods | | ◐ | ◐ | ◐ | |
| Outdoor Restaurant Dining | ● | ● | ● | ● | |
| Parking Lot (Accessory) | ◐ | ◐ | ◐ | ○ | |
| Parking Structure (Accessory) | ◐ | ◐ | ◐ | | |
| Roadside Produce Stand/Vending | | ◐ | | ◐ | |
| Sidewalk Sales | ◐ | ◐ | ◐ | ○ | ○ |
| Temporary Storage Containers | | ◐ | ◐ | ◐ | ◐ |
| Mobile Food Vendors | ◐ | ◐ | ◐ | ◐ | ◐ |
| Temporary Structures | ◐ | ◐ | ◐ | ◐ | ◐ |

**Key**

● Permitted
◓ Permitted in Upper Stories Only
◐ Permitted with Development Standards
○ Requires Special Use Permit

C. **Permitted use table.** See Table 10-21-3B (1) for a list of permitted and special uses.

D. **Use requirements.**

1. **Residential and lodging uses.** A category of uses that include several residence types.

   a. Refer to 10-2-3 for the following definitions.

      (1) Residential.

      (2) Bed and breakfast inn.

   b. **Hotel/motel.** Refer to 10-2-3 for definition. In the districts where a hotel/motel requires development standards ("◐"), rooms shall be located in the upper stories. Lobbies and eating facilities shall be located on the ground floor.

   c. **Residential care facility.** A facility offering temporary or permanent lodging to the public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Includes such uses as independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities.

Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as dining and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where this use requires a special use permit "○", refer to section 10-21-1.F for procedure and development standards.

d. **Senior housing.** In the districts where senior housing requires development standards ("◐"), the following shall apply:

(1) Housing shall be designed, constructed and operated in accordance with the Fair Housing Amendments Act.

(2) The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the department prior to the issuance of a certificate of occupancy.

e. **Use permits**. When a use is listed as permitted with a use permit "○," refer to section 10-21-1.F for procedure and development standards.

2. **Civic and institutional uses**. A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

a. **Civic offices and services.** Any use that involves transactions between the City government and residents, property owners, or others doing business with the City or other activities related to the function of the municipality.

b. **Library/museum.** A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.

c. **Police and fire**. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. The facilities shall be housed in a permitted building, but shall have the following additional allowances:

(1) Garage doors are permitted on the front facade.

(2) Exempt from maximum driveway widths.

d. **Post office.** A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.

e. **Religious and organization assembly.** Assembly uses include assembly hall; church, temple, or other place of worship; and clubs.

f. **Use permits.** When a use is listed as permitted with a special use permit "○," refer to section 10-21-1.F for procedure and development standards.

3. **Retail and service uses.** A category of uses that include several retail and service types. Refer to section 10-2-3 for definitions.

a. **Neighborhood retail. A** use in this category occupies a space of less than eight thousand (8,000) square feet. Neighborhood retail includes such uses as those listed in Table 10-21-3C (1).

(1) When neighborhood retail is permitted with development standards "◐", it is limited to eight thousand (8,000) square feet.

b. **General retail.** A use in this category includes all neighborhood retail uses occupying a space of greater than eight thousand (8,000) square feet and such uses as those listed in Table 10-21-3C (1).

c. **Service uses.** A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

d. **Neighborhood service.** A use in this category occupies a space of less than eight thousand (8,000) square feet. Neighborhood service includes such uses as those listed in Table 10-21-3C (2).

(1) When neighborhood service is permitted with development standards "◐", it is limited to six thousand (6,000) square feet.

e. **General service.** A use in this category includes all neighborhood service uses occupying a space of greater than eight thousand (8,000) square feet and such uses as those listed in Table 10-21-3C (2).

f. **Recreation/entertainment.** Refer to Table 10-21-3C (3).

g. **Automotive services.** Refer to section 10-2-3 for definition. In the districts where this use requires a special use permit ("○"), the following applies:

(1) The use shall meet all of the requirements of the building type, refer to section 10-21-4.

(2) Service doors shall all be located on the rear or interior side facade of the building.

(3) The showroom or retail space shall be located in the front storefront of the building and shall occupy a minimum of twenty percent (20%) of the gross floor area.

h. **Food services and drinking places.** Food services and drinking places include only the following:

(1) Full-service restaurants.

(2) Carry-out food service stores.

(3) Quick service restaurants.

(4) Banquet centers and caterers.

(5) Drinking places (alcoholic beverages).

(6) Brewpubs. A microbrewery that brews beer for both on- and off-premises consumption, and may include a bar and/or restaurant.

(7) Wine establishments. A properly licensed business which sells wine only (not liquor or beer) for both on- and off-premises consumption, as well as wine accessories and/or merchandise.

4. **Office and industrial uses.** A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 10-21-3C (4), List of Typical Uses in Office Category.

5. Office uses include those listed in Table 10-21-3C (4), List of Typical Uses in Office Category.

6. **Small-scale industry.** A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Small-scale industry includes such uses as those found in Table 10-21-3C (5), List of Typical Uses in Cottage Industry Category. The following development standards apply:

a. This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.

b. The maximum overall gross floor area is limited to ten thousand (10,000) square feet, unless otherwise noted.

c. The showroom or retail outlet shall be located in the front storefront of the building and shall occupy a minimum of twenty-five percent (25%) of the gross floor area.

7. **Infrastructure and open space uses.**

a. **Communication antennae and towers.** Refer to chapter 10-18. Communication antennae and towers located within the right-of-way or on utility poles are premitted.

b. **Parking lot.** A lot that does not contain a permitted building and is solely used for the parking of vehicles. In the districts where a parking lot requires a special use permit ("○"), the following applies:

(1) **Corner lots**. A corner lot shall not be used as a parking lot.

(2) **Adjacent parking lots.** Two (2) parking lots cannot be located directly adjacent to one another.

(3) **Single-family.** Parking lot cannot be associated with a single-family use.

(4) **Distance.** Parking lot must be within one thousand three hundred feet (1,300') of the principal entrance to the associated use unless:

(a) At least seventy-five percent (75%) of the spaces are dedicated for public use.

(b) An approved joint parking agreement is in place.

(5) **Pedestrian access**. Must be connected to associated use by a dedicated, public pedestrian pathway.

(6) **Commercial vehicles.** Parking lots for commercial vehicles are not permitted in downtown overlay districts.

c. **Parking structure**. A parking structure on a lot that does not contain a permitted building type and is solely used for the parking of vehicles. In the districts where a parking lot requires a special use permit ("○"), the following applies:

(1) **Corner lots**. A corner lot shall not be used for a parking structure.

(2) **Adjacent parking lots.** Two (2) parking facilities (lots or structures) cannot be located directly adjacent to one another.

(3) **Primary street.** No facade of the parking structure shall be located on a primary street. Refer to Figure 10-21-2G (4). For parking structures located on a primary street, the main street building type shall be utilized, requiring occupation of the building in the front thirty (30) feet of the facade on any primary street.

(4) **Distance.** Parking lot must be within one thousand three hundred feet (1,300') feet of the principal entrance to the associated use unless:

(a) At least seventy-five percent (75%) of the spaces are dedicated for public use.

(b) An approved parking agreement is in place (refer to chapter 10-16).

(5) **Pedestrian access.** Must be connected to associated use by a dedicated, public pedestrian way.

(6) **Commercial vehicles.** Parking structures for commercial vehicles are not permitted in these districts.

d. **Utility and infrastructure.** A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems.

e. **Open space uses.**

(1) A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. In the districts where open space is permitted with development standards ("◐"), the following apply:

(a) Stormwater accommodations. Open space that incorporates stormwater management on a site or district scale is encouraged.

(i) Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.

(ii) Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.

(b) This use may involve small scale food and beverage service, no more than two hundred (200) square feet in space, located in a kiosk, with no service access.

(c) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

f. **Accessory uses.** A category of uses that are not permitted to serve as the principal use on a zoning lot. These uses are incidental to and customary in connection with the principal building or use and located on the same lot with such principal building or use.

(1) **Alternative energy generation**. Refer to chapter 10-19. Alternative energy generation includes structures for solar, wind, and geothermal. The following development standards apply:

(a) Roof or building-mounted solar panels are permitted with the following requirements:

(i) Panels mounted at the same angle of the roof or flush on the building facade are permitted on any roof or building face.

(ii) Panels projecting off the roof or building at a different angle are limited to the rear and side facing roofs, unless solar access is limited in these locations.

(iii) Panels shall not extend more than ten (10) feet at maximum pitch/tilt above the surface of the roof to which they are attached. On pitched roofs, panels shall not extend more than three (3) feet.

(b) Roof-mounted small wind energy systems are permitted with the following requirements:

(i) Maximum rated capacity of five (5) kW is permitted per turbine.

(ii) One (1) turbine is permitted for each seven hundred and fifty (750) square feet of roof area.

(iii) Maximum height is fifteen (15) feet above the surface of the roof.

(c) Geothermal energy is permitted in any yard with the following requirements:

(i) Any related above ground structure shall be located in a side or rear yard with a maximum height of ten (10) feet, subject to all requirements of the building type.

(d) **Amphitheater.** Refer to section 10-2-3 for definition. In the districts where an amphitheater is permitted with a special use permit "○," the following apply:

(i) Location. The amphitheater shall be located within an open space district (refer to chapter 10-10).

(ii) The hours of operation shall be posted and limited to the hours of 8:00 a.m. to 11:00 p.m.

(e) **Car washes, detail shops and/or service stations.** Refer to section 10-2-3 for definitions. In the districts where car washes, detail shops and/or service stations are permitted with a special use permit ("○"), the following apply:

(i) **Location.** Use must be located inside a parking garage and not visible from the exterior of the parking garage.

(f) **Drive-through facility.** In the districts where drive-through structures are permitted with development standards ("◐"), the following applies. Refer to Figure 10-21-3C (1) for one (1) illustration of the following requirements:

(i) **Structure/canopy.** Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any primary street.

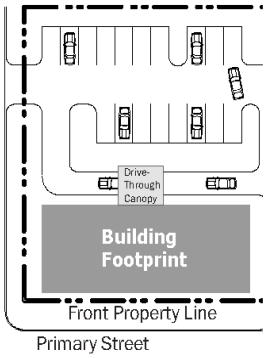



Figure 10-21-3C (1). Recommended drive-through Facility layout.

(ii) **Stacking lanes.** Stacking lanes shall be located perpendicular to the primary street or behind the building.

(iii) The canopy and structure shall be constructed of the same materials utilized on the building.

(g) **Home occupation.** An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.

(h) **Outdoor storage of goods.**

1. **Commercial uses.** This use includes outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development standards ("◐"), the following apply:

   a. Loose materials shall not be stacked higher than six (6) feet.

   b. Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.

   c. Materials shall be set back a minimum of ten (10) feet from any property line.

   d. Materials shall not be located on required parking spaces or associated drive aisles.

   e. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the side or rear buffer.

2. **Residential uses.** This use includes temporary storage of personal or household goods in personal on demand storage (PODS) containers. In the districts where outdoor storage of goods is permitted with development standards ("◐"), the following development standards apply:

   a. One (1) storage container can be located on a lot at a time.

   b. On-site storage of a container is permitted for up to two (2) months per year.

c. Containers shall not be located in the front yard, but permitted on a driveway.

(i) **Outdoor restaurant dining.** Commercial outdoor dining, serviced by an adjacent service use, and permitted in any yard. When in a side yard along the front lot line, the patio frontage buffer is required.

(j) **Parking lot.** An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by building type. Refer to section 10-21-4.

(k) **Parking structure.** A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking structures within the buildings are regulated per building type. Refer to section 10-21-4.

(l) Roadside produce stand or vending. Refer to section 10-21-1 for definition.

(m) **Sidewalk sales.** A temporary outdoor sale of merchandise by retail businesses, typically occurring on the sidewalk within the public right-of-way for a limited period of time. In the districts where a sidewalk sale is permitted with development standards "◐," the following apply:

(i) A minimum of four (4) feet of the sidewalk must remain available for passing pedestrians.

(ii) Sidewalk sales are permitted for up to three (3) days no more than six (6) times per calendar year.

(iii) Merchandise must be stored inside the building during non-business hours.

(iv) Merchandise sold shall either be regularly carried within the store, or have been regularly carried within the store in the past year.

(n) **Temporary storage containers.** Outdoor storage of personal or retail stock materials on a temporary basis within a portable storage container. When a temporary outdoor storage use is permitted with development standards "◐," the following apply.

(i) One (1) storage container may be located on a lot at a time.

(ii) On-site storage of a container is permitted for up to two (2) weeks; up to four (4) weeks is permitted with approval of the Zoning Administrator.

(iii) The container shall be located in the rear yard, screened by the building from any primary or secondary street.

(o) **Mobile food vendors**. A motorized or towed wheeled vehicle that is designed and equipped to sell food. Shall include both "hot trucks" upon which food is cooked and prepared for vending, and "cold trucks" from which only ready to eat or packaged foods are handled. Refer to section 10-3-14.

**Table 10-21-3C (1). List of Typical Uses in Retail Category**

| Neighborhood Retail (less than 8,000 square feet) | General Retail |
|---|---|
| Antique Shop | All Neighborhood Retail (over 8,000 square feet) |
| Art & Education Supplies | Appliance Sales & Service |
| Art Gallery | Department Store |
| Bakery, Retail | Drug Store/Pharmacy |
| Bicycle Sales & Repair | Furniture & Home Furnishings |
| Book, Magazine, & Newspaper Store | General Merchandise Stores |
| Camera & Photo Supply Store | Grocery Store |
| Candy Store | Medical Supply Store |
| China & Glassware Shop | Used Merchandise Stores (not including books, clothing & antiques) |
| Clothing & Clothing Accessories | |

| | |
|---|---|
| Coffee Shop<br>Computer Software Sales<br>Delicatessen<br>Electronic Sales & Service<br>Fabric & Craft Store<br>Florist<br>Garden Center/Plant Nursery<br>Gift, Novelty, & Souvenir Shop<br>Hardware Store<br>Hobby Shop<br>Jewelry Sales & Repair<br>Luggage & Leather Goods<br>Microbreweries, Microwineries<br>Music Store & Instruction<br>Musical Instrument Repair & Sales<br>Office Supply<br>Optical Goods<br>Paint & Wallpaper<br>Party Supply Shop<br>Pet & Pet Supply<br>Specialty Food Market (Butcher, Fish Market, Produce, etc.), with no alcohol sales<br>Sporting Goods Sales & Rental<br>Stationary & Paper Store<br>Toy Shop<br>Video/Game Sales<br>Wine Establishment (no liquor/beer) | |

| Table 10-21-3C (2). List of Typical Uses in Service Category | |
|---|---|
| **Neighborhood Service (less than 8,000 square feet)** | **General Service** |
| Amusement Arcade<br>Barber Shop & Beauty Salon<br>Catering/Carry-Out & Delivery<br>Communication Service<br>Childcare Centers<br>Dance/Fitness Studio<br>Dry Cleaning & Laundry<br>Emergency Care Clinic<br>Framing<br>Health & Fitness Center<br>Home Furniture & Equipment Repair<br>Locksmith<br>Mailing Services<br>Massage Establishments<br>Nail Salon & Specialty Body<br>Pet Grooming<br>Photocopying & Printing<br>Photography Studio & Supplies<br>Physical Therapy/Physical Rehabilitation<br>Repair of Small Goods & Electronics<br>Restaurant/Bar<br>Services (Spa)<br>Shoe Repair<br>Tailor & Seamstress<br>Theater<br>Travel Agency, Ticketing & Tour Operator<br>Veterinarian (no outdoor training, boarding or kennels) | All Neighborhood Services (over 8,000 square feet)<br>Bowling Alley |

| Table 10-21-3C (3). List of Typical Uses in Recreation/Entertainment Category |
|---|
| **Recreation/Entertainment** |
| Billiard Parlor<br>Boat Sales & Rental<br>Boat Storage<br>Indoor Playground<br>Indoor Shooting Gallery/Gun Range<br>Marina<br>Outdoor Music Venue<br>Railroad Passenger Station<br>Skating Rink<br>Stadium<br>Swimming Pool |

| Table 10-21-3C (4). List of Typical Uses in Office Category | |
|---|---|
| **Office** | |
| Architecture/Engineering/Design | PR & Advertising |
| Broadcasting & Telecommunications Studio | Professional Services |
| Building Contractor (office only) | Property Development |
| Business Consulting | Real Estate |
| Charitable Institutions | Research & Development |
| Clinic | Research Agency |
| Computer Programming & Support | Surveying |
| Detective Services | Tax Services |
| Educational Services (tutor & testing) | |
| Employment Agency | |
| Financial & Insurance | |
| Government Offices | |
| Legal Services | |
| Management Services | |
| Medical & Dental with Laboratory | |
| Motion Picture & Sound Recording Studio | |

| Table 10-21-3C (5). List of Typical Uses in Small-Scale Industry Category | |
|---|---|
| **Small-Scale Industry** | |
| Apparel & Finished Fabric Products | Products |
| Bakery & Confections | Research Laboratory |
| Beverages, including Beer, Wine, Coffee | Shoes & Boots |
| Botanical Products | Signs & Advertising |
| Brooms & Brushes | Smithing |
| Canning & Preserving Food | Taxidermy |
| Dairy Products | Toys & Athletic Goods |
| Electrical Fixtures | Upholstery |
| Engraving | Woodworking |
| Fabricated Metal Products | |
| Film Making | |
| Furniture & Fixtures | |
| Glass | |
| Jewelry, Watches, Clocks, & Silverware | |
| Leather Products | |
| Microbreweries, Microwineries | |
| Musical Instruments & Parts | |
| Pottery, Ceramics, & Related | |

C. **Building types:**

3. **Introduction to building type standards.** The buildings detailed in this section outline the building types permitted for new construction and renovated structures within the districts defined in section 10-21-2.

   a. **General.** All building types shall meet the following requirements to achieve the intents defined for the districts.

   b. **Zoning districts.** Each building type shall be constructed only within its designated districts. Refer to Table 10-21-4A (1) Permitted Building Types by Districts.

   c. **Uses**. Each building type can house a variety of uses depending on the district in which it is located. Refer to 15.3 for uses permitted per district. Some building types have additional limitations on permitted uses.

   d. **No other building types.** All buildings constructed shall meet the standards of one (1) of the building types within the zoning district of the lot.

   e. **Permanent structures.** All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

   f. **Accessory structures.**

      (1) Attached accessory structures are considered part of the principal structure.

      (2) Detached accessory structures are allowed per each building type and shall comply with all setbacks except the following:

         (g) Detached accessory structures are not permitted in the front yard.

         (h) Detached accessory structures shall be located behind the principal structure in the rear yard.

         (i) Detached accessory structures shall not exceed the height or size (area) of the principal structure.

4. **Page layout.** Document pages are laid out to provide the maximum amount of information for each building type on one (1) spread of two (2) pages. Refer to Figure 10-21-4A (1) for a typical building type layout page.

**Building Types by Districts**

| Building Types | Districts | | | | |
|---|---|---|---|---|---|
| | S1: Bridge Street | S2: Hydraulic Street | S3: Van Emmon Street | S4: 'B' Street | S5: 'B' Street - Residential |
| Downtown Commercial | ● | ● | ● | ● | |
| Downtown Living | | ● | ● | ● | |
| Cottage Commercial | ● | ● | ● | ● | |
| Civic Building | ● | ● | ● | ● | ● |
| Attached Building | | | ● | ● | ○ |
| Yard Building | | | | ○ | ● |

● Permitted ○ Requires Permit / Review

Table 10-21-4A (1). Permitted Building Types by District

3. **Tables**. Refer to section 10-21-4.B for further information on each table.

4. Graphics typically represent one (1) example of a building that could be developed utilizing the standards for that building type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

## How To Use The Code

### Page Layout

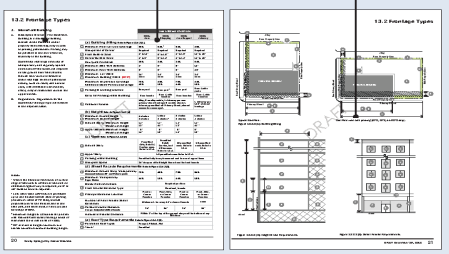
Building Type pages are laid out to provide the maximum amount of information for each Building Type on one spread of two pages.

Graphics typically represent one example of a building that could be developed utilizing the standards for that Building Type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

Intent of the Building Type.

Tables define the regulations for each Building Type. Refer to 10-21-4B Explanation of Building Type Table Standards for narrative explanation of each line item.

Graphics related to the tables on the left. Graphics typically represent one example of Building Type standards



One Building Type per Spread of Two Pages

Figure 10-21-4A (1). Representative Building Types Spread.

### Building Type Tables

Refer to 10-21-4B for an explanation of each line item on the tables. Building Type tables contain all the standards for that Building Type. They are organized by district, so only the information in a parcel's district is applicable to that parcel. The other columns do not apply.

For example, a parcel in CC1 only applies the standards from that column, illustrated below.

| | Permitted Districts | | |
|---|---|---|---|
| | CC1: Core | CC2: Shopping | CC3: Core Support |
| **(a) Building Siting** Refer to Figure 13.2.2 (1). | | | |
| Minimum Front Lot Line Coverage | 95% | 90% [2] | 90% |
| Occupation of Corner | Required | Required | Required |
| Front Build-to Zone | 0' to 10' | 5' to 15' [1] | 0' to 15' |
| Corner Build-to Zone | 0' to 5' | 5' to 10' | 0' to 10' |
| Courtyard Permitted | 25% | 30% | 30% |
| Minimum Side Yard Setback | 0' | 5' | 5' |
| Minimum Rear Yard Setback | 5' | 5' | 5' |
| Minimum Lot Width | 30' | 30' | 30' |
| Maximum Building Width | none | none | none |
| Maximum Impervious Coverage | 75% | 85% | 75% |
| Additional Semi-Pervious Coverage | 25% | 15% | 20% |
| Parking & Loading Location | Rear yard | Rear yard [2] | Rear yard |
| Entry for Parking within Building | Rear facade | Rear & side facades | Rear facades |
| Vehicular Access | Alley; if no alley exists, 1 driveway per non-primary street frontage; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| **(b) Height** Refer to Figure 13.2.2 (2) | | | |
| Minimum Overall Height | 2 stories | 1 story | 2 stories |
| Maximum Overall Height | 8 stories | 8 stories [3] | 8 stories |
| Ground Story: Minimum Height | 14' | 14' | 14' |
| Maximum Height | 18' | 24' [4] | 18' |
| Upper Stories: Minimum Height | 9' | 9' | 9' |
| Maximum Height | 12' | 15' | 12' |
| **(c) Uses** Refer to Figure 13.2.2 (2) | | | |
| Ground Story | Permitted Civic, Retail & Service uses. Refer to 13.6. | Permitted Retail, Service, and Office uses. Refer to 13.6. | All permitted uses. Refer to 13.6. |
| Upper Story | All permitted uses. Refer to 13.6. | | |
| Parking within Building | Permitted fully in any basement and in rear of upper floors | | |
| Occupied Space | 30' deep on all full height floors from the front facade | | |
| **(d) Street Facade Requirements** Refer to Figure 13.2.2 (3). | | | |
| Minimum Ground Story Transparency Measured between 18" and 8' above grade | 75% | 65% | 75% |
| Minimum Transparency Upper Stories | 20% | 15% | 20% |
| Blank Wall Limitations | Required per floor | | |
| Front Facade Entrance Type | Storefront, Arcade | | |
| Principal Entrance Location | Front or Corner Facades | Front, Side, or Corner Facades | Front or Corner Facades |
| Number of Front Facade Entrances | Minimum 1 for every 60' or less of facade | | |
| Vertical Facade Divisions One per designated width of facade | 30' | 50' | 30' |
| Horizontal Facade Divisions | Within 3' of the top of the ground story and the bottom of any fifth floor | | |
| **(e) Roof Type Requirements** Refer to Figure 13.2.2 (3). | | | |
| Permitted Roof Types | Parapet, Pitched, Flat | | |
| Tower | Permitted | | |

Figure 10-21-4A (2). Building Type Table Example.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(a) Building Siting** | | |
| Multiple Principal Buildings | Not permitted | Not permitted |
| Minimum Front Lot Line Coverage | 95% | 65% |
| Occupation of Corner | Required | Required |
| Front Build-to Zone | 0' to 20' [1] | 5' to 20' [1] |
| Corner Build-to Zone | 0' to 5' | 0' to 10' |
| Minimum Side Yard Setback | 0' | 5' |
| Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential | |
| Minimum Lot Width<br>Maximum Building Width | 30'<br>none | 30'<br>none |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 75% [3]<br>25% | 65% [3]<br>15% |
| Parking & Loading Location | Rear yard | Rear yard |
| Entry for Parking within Building | Rear & Side Facades | |
| Vehicular Access | Alley; if no alley exists, 1 driveway per street frontage | |

EXAMPLE

**Table 10-21-4B (1). Example Building Siting Requirements Table from a Typical Building Type.**

5. **Explanation of building type table standards**. The following explains and further defines the standards outlined on the tables for each building type, refer to sections 10-21-4.C through 10-21-4.H.

   a. **Building siting.** The following explains the line item requirements for each building type table within the first section entitled "building siting". Table 10-21-4B (1) illustrates an example of a building siting table from a typical building type.

      (1) **Multiple principal structures.** The allowance of more than one (1) principal structure on a lot.

      (2) **Minimum front lot line coverage.** Refer to Figure 10-21-4B (1). Measurement defining the minimum percentage of street wall or building facade along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

         (a) Certain buildings have this number set to also allow the development of a courtyard along the front lot line.

         (b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one (1) double-loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a set maximum in feet.

         (c) When driveway is located at the front lot line (Figure 10-21-4B (1)) and a side yard parking is not utilized, a driveway width of twenty (20) feet may be deducted from the width of the BTZ and is not included in the calculation of the minimum front lot line.

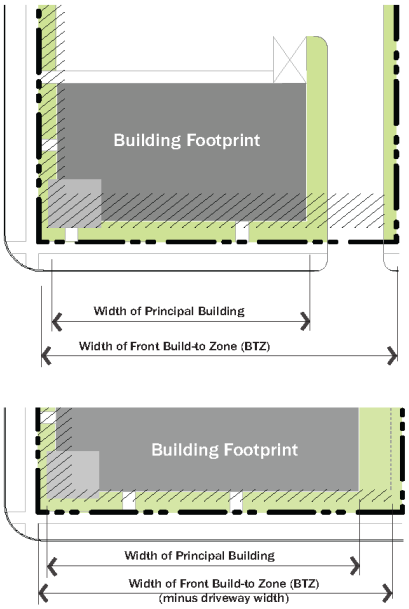



Figure 10-21-4B (1). Measuring Front Lot Line Coverage

c. **Occupation of corner.** Occupying the intersection of the front and corner build-to zones with a principal structure.

d. **Front build-to zone.** The build-to zone or setback parallel to the front lot line. Building components, such as awnings or signage, are permitted to encroach beyond the build-to zone.

   (1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

e. **Corner build-to zone.** The build-to zone or setback parallel to the corner side property line.

   (1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

f. **Minimum side yard setback.** The minimum required setback along a side property line.

   (1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

g. **Minimum rear yard setback.** The minimum required setback along a rear property line.

   (1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

h. **Minimum lot width.** The minimum width of a lot, measured at the build-to zone.

i. **Maximum building width.** The maximum width of a building, measured across the front facade.

j. **Maximum impervious coverage.** (Refer to Figure 10-21-4B (2).) The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces.

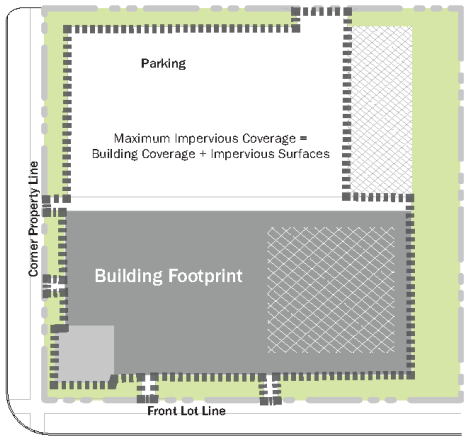



Figure 10-21-4B (2). Maximum Impervious & Additional Semi-Pervious Coverage.

k. **Additional semi-pervious coverage.** The additional percentage of a lot beyond the maximum impervious coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.

l. **Parking and loading location.** The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.

m. **Entry for parking within building.** Permitted garage door location for parking entrance when parking is located within building.

n. **Vehicular access.** The permitted means of vehicular ingress and egress to the lot.

(1) Alleys, when present, shall always be the primary means of access.

(2) When alleys are not present, a driveway may be permitted per building type and, if an alternative is available, shall not be located off a primary street.

2. **Height.** The following explains the line item requirements for each building type table within the second section entitled "height". Table 10-21-4B (2), illustrates an example of a height requirements table from a typical building type.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(b) Height** | | |
| Minimum Overall Height | 2 stories | 2 story |
| Maximum Overall Height | 5 stories | 5 stories |
| Ground Story: Minimum Height | 14' | 14' |
| Maximum Height | 18' | 18' |
| Upper Stories: Minimum Height | 9' | 9' |
| Maximum Height | 12' | 12' |

EXAMPLE

Table 10-21-4B (2). Example Height Requirements Table from a Typical Building Type.

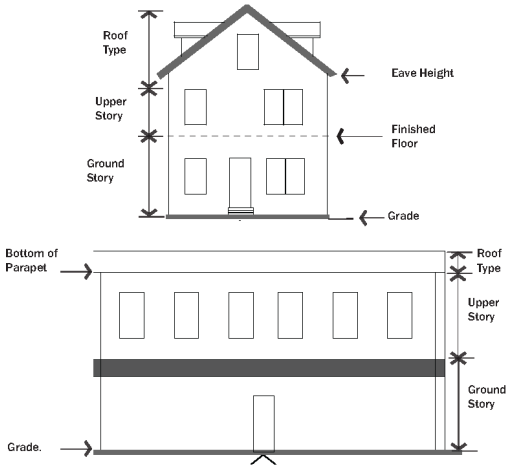



Figure 10-21-4B (3). Measuring Height

a. **Minimum height (in stories).** The minimum overall height for the building shall be located within the build-to zone; stories above the minimum height may be stepped back from the facade.

b. **Maximum height (in stories).** The sum of a building's total number of stories.

(1) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one-half story above grade.

(2) A building incorporating both a half story within the roof and a visible basement shall count the height of the two (2) half stories as one (1) full story.

(3) Some building types require a building facade to step back as its height increases. The upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.

(4) Floors within the building shall be visibly designated on the street facades by the use of expression lines or the layout of the windows.

c. **Ground story and upper story, minimum and maximum height.** (Refer to Figure 10-21-4B (3)). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:

(1) Floor height is measured in feet between the floor of a story to the floor of the story above it.

(2) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

(3) Double height spaces may be located along any non-street facade or in the entrance way to the building. The entrance way shall not exceed fifty percent (50%) of the street facade.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(c) Uses** | | |
| Ground Story | Per Section 15.3 Uses | |
| Upper Story | Per Section 15.3 Uses | |
| Parking within Building | Permitted fully in any basement and in rear of upper floors | |
| Occupied Space | 20' deep on all full height floors from the front facade | |

EXAMPLE

Table 10-21-4B (3). Example Uses Table from a Typical Building Type.

3. **Uses.** The following explains the line item requirements for each building type table within the third section entitled "uses." Refer to section 10-21-3 for uses permitted within each district. The requirements in this section of the building type tables may limit those uses within a specific building type. Table 10-21-4B (3) illustrates an example of the uses table from a typical building type.

a. **Ground and upper story.** The uses or category of uses which may occupy the ground and/or upper story of a building.

b. **Parking within building.** The area(s) of a building in which parking is permitted within the structure.

c. **Occupied space.** The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(d) Street Facade Requirements** | | |
| Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 65% | 65% |
| Minimum Transparency<br>Upper Stories | 20% | 20% |
| Blank Wall Limitations | Required per floor | |
| Front Facade Entrance Type | Storefront, Arcade | |
| Principal Entrance Location | Front or Corner Facades | |
| Number of Street Entrances | Minimum 1 for every 50' or less of facade | |
| Ground Story Vertical Divisions | One per every 30' of facade width | |
| Horizontal Facade Divisions | Within 3' of the top of the ground story and the bottom of any fifth floor | |
| Facade Variety Required<br>Refer to 15.4B.4(h) for requirements. | Every 80' of facade width | |

EXAMPLE

Table 10-21-4B (4). Example Street Facade Requirements Table from a Typical Building Type.

4. **Street facade requirements.** The following explains the line item requirements for each building type table within the fourth section entitled "street facade requirements." These requirements apply only to facades facing a public or private street right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated. Table 10-21-4B (4) illustrates an example of a street facade requirements table from a typical building type.

    a. **Minimum ground story and upper floor transparency. (Refer to Figure 10-21-4B (5)).** The minimum amount of transparency on street facades with street frontage.

        (1) Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.

            (a) Ground story transparency, when defined separately from the overall minimum transparency, shall be measured between two (2) feet and eight (8) feet from the base of the front facade.

            (b) A general minimum transparency requirement shall be measured from floor to floor of each story.

    b. **Blank wall limitations.** A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:

        (1) No rectangular area greater than thirty percent (30%) of a story's facade, as measured from floor to floor, may be windowless; and

        (2) No horizontal segment of a story's facade greater than fifteen (15) feet in width may be windowless.

5. **Entrance type.**

    a. **Front facade entrance type.** The entrance type(s) permitted for the entrance(s) of a given building type. A mix of permitted entrance types may be utilized. Refer to section 10-21-41 Entrance Types for definition of and additional requirements for each.

    b. **Principal entrance location.** The facade on which the primary building entrance is to be located.

    c. **Number of street entrances.** The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.

    d. **Ground story vertical divisions.** The use of a vertically oriented expression line or form to divide the ground floor facade into increments no greater than the dimension shown in Figure 10-21-41 (1), as measured along the base of the facade, and extending a minimum of eighty percent (80%) from the average grade of the facade elevation to the interior ceiling. Elements may include a column, pilaster, or other continuous vertical ornamentation.



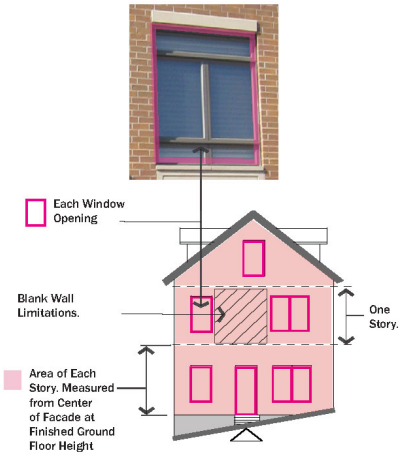

*Measuring Ground Floor Transparency on a Storefront Base.*

    e. **Horizontal facade divisions.** The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions, extending a minimum of ninety percent (90%) of the full width of the facade. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch (1½") depth.

f. **Facade variety requirements.** Building design shall vary between designated vertical facade divisions, where required per the building type, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two (2) of the following. Refer to Figure 10-21-4B (5) for one (1) illustration of this requirement.



Figure 10-21-4B (4). Building Variety.




*Measuring Transparency on Each Story with Slope.*

Z. Figure 10-21-4B (5). Measuring Transparency.

(1) The proportion of recesses and projections.

(2) The location of the entrance and window placement, unless storefronts are utilized.

(3) Roof type, plane, or material, unless otherwise stated in the building type requirements.

6. **Roof type.** The following explains the line item requirements for each building type table in sections 10-21-4.C through 10-21-4.H, within the fifth section entitled "roof types." Table 10-21-4B (5) illustrates an example of a roof type requirements table from a typical building type.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(e) Roof Type Requirements** | | |
| Permitted Roof Types | Parapet, Pitched, Flat | |
| Tower | Permitted | |

EXAMPLE

Table 10-21-4B (5). Example Roof Type Requirements Table from a Typical Building Type.

e. **Permitted roof type.** The roof type(s) permitted for a given building type. Refer to section 10-21-4.J for more specific requirements.

7. **Tower.** A vertical building extension that may be permitted in conjunction with another roof type on certain building types. Refer to section 10-21-4.J.

| | Permitted Districts | | | |
|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| **(a) Building Siting** Refer to Figures 10-21-4C (1) and 10-21-4C-(2) | | | | |
| Multiple Principal Buildings | Permitted [1] | | | |
| a Minimum Front Lot Line Coverage | 100% [2] | 75% | 90% [2] | 65% |
| Occupation of Corner | Required [7] | | | |
| b Front Build-to Zone | 0' to 5' | | | 0' to 10' |
| c Corner Build-to Zone | 0' to 5' | 0' to 10' | | |
| d Minimum Side Yard Setback | 0'; 5' if adjacent to other Building Type | | 5' | |
| e Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [3] | | | |
| f Minimum Lot Width<br>g Maximum Building Width | none<br>none | 16'<br>none | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 95% [4]<br>5% | 80% [4]<br>20% | | |
| h Parking & Loading Location | Rear yard; existing developed sites require no add'l parking and/or loading facilities | Rear Yard & Side Yard [5] | | |
| Entry for Parking within Building | Rear & Side Facades | | | All Sides |
| i Vehicular Access | none | Alley; if no alley exists, 1 driveway per every 80' of frontage is permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| **(b) Height** Refer to Figure 10-21-4C (3) | | | | |
| j Minimum Overall Height | 2 stories | 1 story | | |
| k Maximum Overall Height | 6 stories (with min. 3' setback at 3 stories) | 4 stories | | |
| l Ground Story: Minimum Height<br>Maximum Height | 14'<br>24' [6] | 12'<br>24' [6] | 14'<br>24' [6] | 12'<br>24' [6] |
| m Upper Stories: Minimum Height<br>Maximum Height | 9'<br>14' | | | |
| **(c) Uses** Refer to Figure 10-21-4C (3) | | | | |
| n Ground Story | Per Section 10-21-3 Uses; residential permitted provided that it is located at least 20' from the front primary facade | | | |
| o Upper Story | Per Section 10-21-3 Uses | | | |
| p Parking within Building | Permitted fully in any basement and in rear of all floors | | | |
| q Occupied Space | 20' deep on all full height floors from the front facade | | | |
| **(d) Street Facade Requirements** Refer to Figure 15.4C (4) | | | | |
| r Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 50% | | | 30% |
| s Minimum Upper Story Transparency<br>Street-Facing Stories | 20% | | 15% | |
| t Front Facade Entrance Type | Storefront, Elevated Storefront (permitted only on parcels in flood hazard areas per Section 18 of the City's Code of Ordinances) | | | |
| u Principal Entrance Location | Front or Corner Facades | | | |
| Number of Street Entrances | Minimum 1 for every 30' or less of facade | Minimum 1 for every 50' or less of facade | | Minimum 1 for every 80' or less of facade |
| Ground Story Vertical Divisions | One per every 20-40' of facade width | | | |
| Horizontal Facade Divisions | Within 3' of top of ground story and the bottom of any fifth floor | | Within 3' of top of ground story | |
| Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Every 40' of facade width | | Every 50' of facade width | |
| **(e) Roof Type Requirements** Refer to Figure 10-21-4C (4) | | | | |
| v Permitted Roof Types | Parapet, Pitched, Flat | | | |
| Tower | Permitted | | | |

**6. Downtown commercial building.**

a. **Description and intent.** The downtown commercial building is a building located at the front and corner property lines allowing easy access to passing pedestrians. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, no off-street parking is required.

b. Storefronts with large amounts of transparency and regularly spaced entrances off the street are utilized on the ground floor front facade. Ground floor uses are limited to those with high levels of pedestrian activity, such as retail, service, and office uses, with additional commercial, office, and/or residential uses in the upper stories.

c. **Regulations.** Regulations for the downtown commercial building type are defined in the adjacent table.

d. **Table Notes:**

(1) Each building shall meet all requirements of the Building Type.

(2) A max. six (6) foot gap is allowed if it serves as a walkable passage.

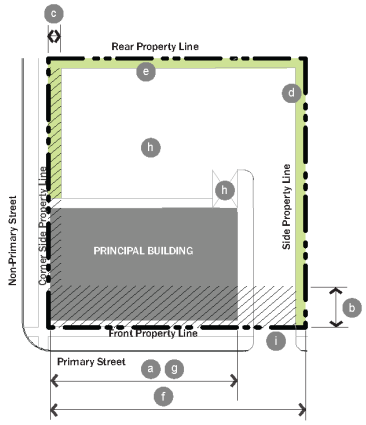
(3) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

e. Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

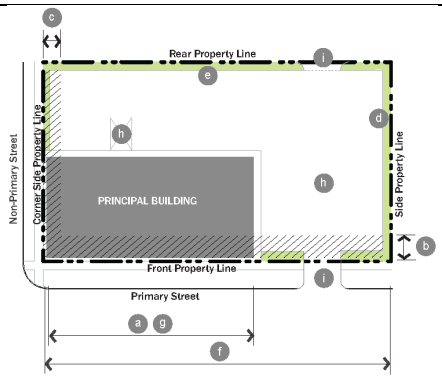
f. Lots wider than one hundred (100) feet are permitted one double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line and shall meet a Front Lot Line Coverage of sixty percent (60%).

g. Eighteen (18) feet or more in height counts as two (2) stories towards maximum building height.

h. Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Typical Site Plan.*
Figure 10-21-4C (1): Building Siting.




*Site Plan with side parking (S 2 and S4 only).*
Figure 10-21-4C (2): Building Siting.

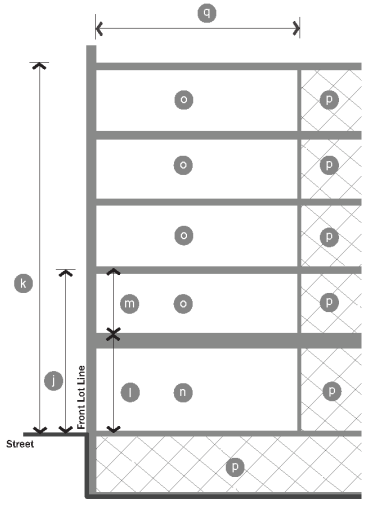



Figure 10-21-4C (3): Height & Use Requirements.

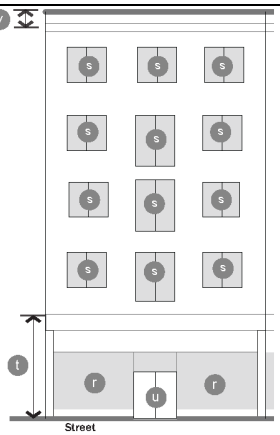



Figure 10-21-4C (4): Street Facade Requirements.

| | Permitted Districts | | |
|---|---|---|---|
| | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| **(a) Building Siting** Refer to Figures 10-21-4D (1) and 10-21-4D (2) | | | |
| Multiple Principal Buildings | Permitted [1] | | |
| (a) Minimum Front Lot Line Coverage | 75% | | 50% |
| Occupation of Corner | Required [5] | | |
| (b) Front Build-to Zone | 5' to 15' | | 5' to 20' |
| (c) Corner Build-to Zone | 0' to 10' | | 5' to 20' |
| (d) Minimum Side Yard Setback | 5' | | 10' |
| (e) Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [2] | | |
| (f) Minimum Lot Width<br>(g) Maximum Building Width | 16'<br>none | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 65% [3]<br>20% | 75% [3]<br>20% | 65% [3]<br>20% |
| (h) Parking & Loading Location | Rear yard [4], Side Yard | | |
| Entry for Parking within Building | Rear & Side Facades | | |
| (i) Vehicular Access | Alley; if no alley exists, 1 driveway per every 80' of frontage is permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| **(b) Height** Refer to Figure 10-21-4D (3) | | | |
| (j) Minimum Overall Height | 1 story | | |
| (k) Maximum Overall Height | 4 stories | | |
| (l) All Stories: Minimum Height<br>Maximum Height | 9'<br>14' | | |
| **(c) Uses** Refer to Figure 10-21-4D (3). | | | |
| (m) All Stories | Per Section 10-21-3 Uses; residential dwelling allowed provided that it is located at least 20' from the front primary facade | | |
| (n) Parking within Building | Permitted fully in any basement and in rear of all floors | | |
| (o) Occupied Space | 20' deep on all full height floors from the front facade | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21-4D (4). | | | |
| (p) Minimum Transparency<br>Per each Story | 20% | | |
| (q) Front Facade Entrance Type | Stoop, Porch | | |
| (r) Principal Entrance Location | Front facade or corner facade | | |
| Number of Street Entrances | Minimum 1 for every 100' or less of facade | | |
| Ground Story Vertical Divisions | Every 60' of facade width | | |
| Horizontal Facade Divisions | Within 3' of the top of the ground story and any visible basement | | |
| Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Every 50' of facade width | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21-4D (4) | | | |
| (s) Permitted Roof Types | Parapet, pitched, flat | | |
| (t) Tower | Permitted | | |

4. **Downtown living building.**

   a. **Description and intent.** The downtown living building type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to the downtown commercial building, the downtown living building is intended to be built close to the front and corner property lines, but generally allows for more landscape space between the building and the street. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one (1) double-loaded aisle of parking is permitted in the interior or the side yard at the front lot line.

   b. **Regulations.** Regulations for the downtown living building type are defined in the adjacent table.

   c. **Table Notes:**

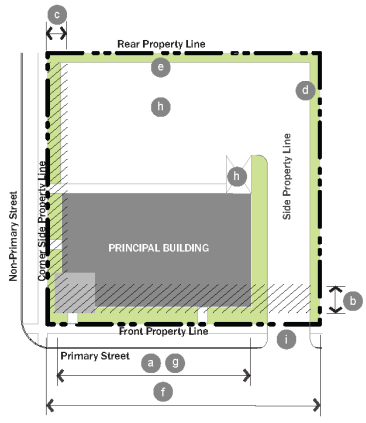
      (1) Each building shall meet all requirements of the Building Type.

      (2) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

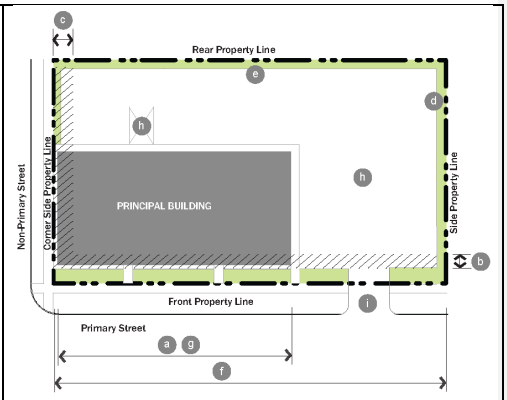
(3) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(4) Lots wider than one hundred (100) feet are permitted one (1) double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line and shall meet a Front Lot Line Coverage of sixty percent (60%).

(5) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Typical Site Plan.*
Figure 10-21-4D (1): Building Siting.




*Site Plan with side parking (S 3 and S 4 only).*
Figure 10-21-4D (2): Building Siting.

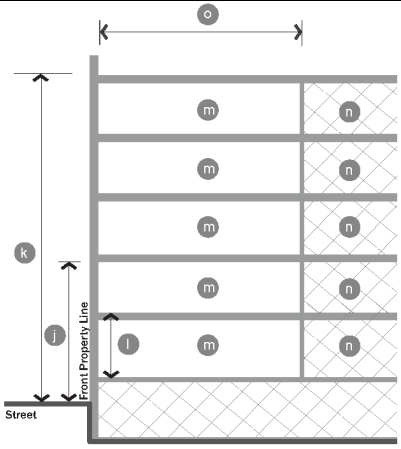



Figure 10-21-4D (3): Height & Use Requirements.

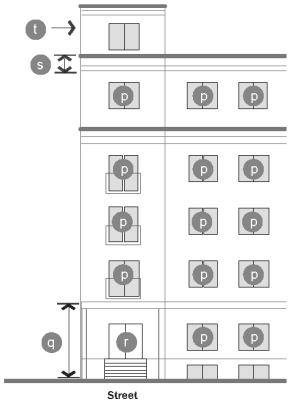



Figure 10-21-4D (4): Street Facade Requirements.

| | Permitted Districts | | | |
|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| **(a) Building Siting** Refer to Figure 10-21-4E (1) | | | | |
| Multiple Principal Buildings | Refer to District Street Details | | | |
| (a) Minimum Front Lot Line Coverage | 60% | 50% | | 40% |
| Occupation of Corner | Required [6] | | | |
| (b) Front Build-to Zone | 5' to 10' | 5' to 20' | | |
| (c) Corner Build-to Zone | 5' to 10' | 5' to 25' | | 5' to 15' |
| (d) Minimum Side Yard Setback | 10' | 15' | | |
| (e) Minimum Rear Yard Setback | 25' [2] | | | |
| (f) Minimum Lot Width<br>(g) Maximum Building Width | 25'<br>50' | | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 70% [3]<br>15% | | 60% [3]<br>15% | |
| (h) Parking & Loading Location | Rear yard; attached garages access off rear facade only. [4,5] | | | |
| Entry for Parking within Building | Not Permitted on Primary Street | | | |
| (i) Vehicular Access | Alley; if no alley exists, 1 driveway permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | | |
| **(b) Height** Refer to Figure 10-21-4E (2) | | | | |
| (j) Minimum Overall Height | none | | | |
| (k) Maximum Overall Height | 3.5 stories | | | |
| (l) Minimum Ground Story Height | 10' | | | |
| **(c) Uses** Refer to Figure 10-21-4E (2) | | | | |
| (m) Ground Story | Per Section 10-21-3 Uses | | | |
| (n) Upper Stories | Per Section 10-21-3 Uses | | | |
| (o) Parking within Building | Not Permitted on Primary Street | | | |
| (p) Occupied Space | 20' deep on all full height floors from the front facade | | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21-4E (3) | | | | |
| (q) Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 40% | 30% | | |
| (r) Minimum Transparency<br>Upper Stories | 15% | | | |
| Blank Wall Limitations | Required per floor | | | |
| (s) Front Facade Entrance Type | Porch (Storefront, Elevated Storefront permitted only on parcels in flood hazard areas per Section 18 of the City's Code of Ordinances; Stoop permitted with design review | | | |
| (t) Principal Entrance Location | Front or corner side facade | | | |
| Number of Street Entrances | Minimum 1 per Building | | | |
| Ground Story Vertical Divisions | Not required | | | |
| Horizontal Facade Divisions | Within 3' of the top of any visible basement | | | |
| Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Between adjacent buildings | | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21-4E (3) | | | | |
| (u) Permitted Roof Types | Pitched | | | |
| Tower | Permitted | | | |

5. **Cottage commercial building.**

   a. **Description and intent.** The cottage commercial building combines characteristics of the downtown commercial building type with physical characteristics of a residential cottage, such as a pitched roof and a front stoop or porch.

   b. This lower-scale building has a pedestrian-friendly storefront, stoop, or porch entrance type with moderate transparency and a primary entrance that faces the street. Constructed with setbacks similar to a residential cottage, this building typically has more landscape area than the downtown commercial building types. Parking is permitted in the rear of the lot or a side aisle (with conditions).

   c. The cottage commercial building may contain a mix of uses, including retail, service, and office uses on the ground floor, with residential uses on upper floors.

   d. **Regulations.** Regulations for the cottage commercial building type are defined in the adjacent table.

      (1) **Table Notes:**

         (a) Each building shall meet all requirements of the Building Type.

(b) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(d) Lots wider than eighty (80) feet are permitted one (1) single-loaded aisle of parking (maximum width of forty (40) feet), located perpendicular to the front lot line, and shall meet a Front Lot Line Coverage of fifty percent (50%).

(e) Attached garages are considered part of the principal building and shall meet all setbacks Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

(f) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.

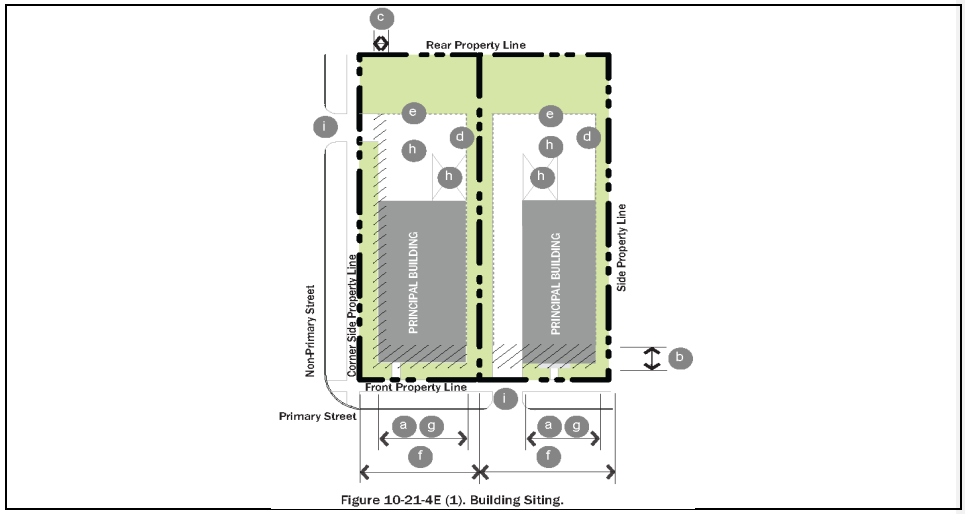



Figure 10-21-4E (1). Building Siting.

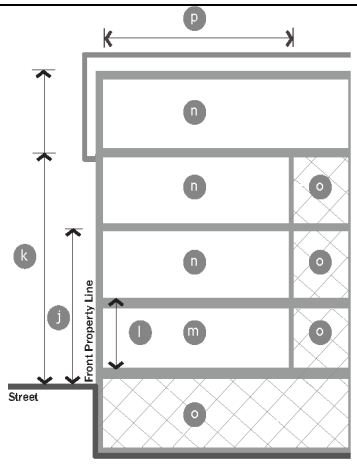



Figure 10-21-4E (2) Height & Use Requirements.

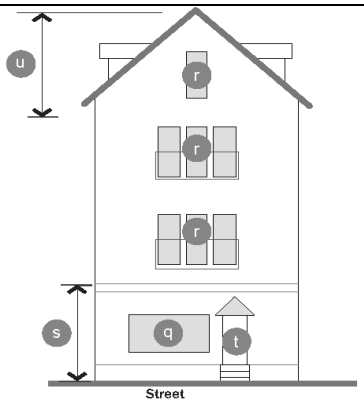



Figure 10-21-4E (3). Street Facade Requirements.

| | Permitted Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street Residential |
| **(a) Building Siting** Refer to Figure 10-21.4F (1) | | | | | |
| Multiple Principal Buildings | Refer to District Street Details | | | | |
| Minimum Front Lot Line Coverage | Refer to District Street Details | | | | |
| Occupation of Corner | Required [5] | | | | |
| a Front Build-to Zone | 0' to 10' | 0' to 15' | | | |
| b Corner Build-to Zone | | | | | |
| c Minimum Side Yard Setback | 5' | | 10' | | |
| d Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [1] | | | | |
| e Minimum Lot Width<br>Maximum Building Width | 16'<br>none | 30'<br>none | | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 70% [2]<br>20% | | 70% [2]<br>10% | | 50% [2]<br>20% |
| f Parking & Loading Location | Rear yard [3] | | | | |
| Entry for Parking within Building | Rear & Side Facades | | | | |
| g Vehicular Access | Alley | Alley; if no alley exists, 1 driveway is permitted per street frontage | | | |
| **(b) Height** Refer to Figure 10-21.4F (2) | | | | | |
| h Minimum Overall Height | 1 story | | | | |
| i Maximum Overall Height | 6 stories (with min. 3' setback at 3 stories) | 4 stories | | | 3 stories |
| j Ground Story: Minimum Height<br>Maximum Height | 14'<br>24' [4] | 12'<br>24' [4] | 14'<br>24' [4] | 12'<br>24' [4] | 12'<br>18' [4] |
| k Upper Stories: Minimum Height<br>Maximum Height | 9'<br>14' | | | | 9'<br>12' |
| **(c) Uses** Refer to Figure 10-21.4F(2) | | | | | |
| l All Stories | Limited to uses in the Civic category and Entertainment Uses by Special Use. Refer to 15.3 Uses. | | | | |
| m Parking within Building | Permitted fully in any basement and in rear of all floors | | | | |
| n Occupied Space | 30' deep on all full height floors from the front facade | | | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21.4F (3) | | | | | |
| o Minimum Transparency<br>Per each Story | 12% | | | | |
| Blank Wall Limitations | None | | | | |
| p Front Facade Entrance Type | None required | | | | |
| q Principal Entrance Location | Front or corner Facade | | | | |
| Number of Street Entrances | 1 per each 150' of front facade | | | | |
| Ground Story Vertical Divisions | none required | | | | |
| Horizontal Facade Divisions | none required | | | | |
| Facade Variety Required<br>Refer to 10-21.4B(4)(h) for requirements. | none required | | | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21.4F (3) | | | | | |
| r Permitted Roof Types | Parapet, Pitched, Flat, Other Roofs with approval per 10-21.4 J | | | | Pitched |
| s Tower | Permitted | | | | |

6. **Civic building.**

   a. **Description and intent**. The civic building type is a more flexible building type intended only for civic and institutional types of uses. These buildings are distinctive within the community fabric created by the other building types. Parking is limited to the rear in most cases. The maximum heights of this building type depend on the district within which it is located.

   b. **Regulations.** Regulations for the civic building type are defined in the adjacent table.

      (1) **Table Notes:**

         (a) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

         (b) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

         (c) Lots wider than one hundred (100) feet are permitted one (1) double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line.

         (d) Eighteen (18) feet or more in height counts as two (2) stories towards maximum building height.

         (e) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.

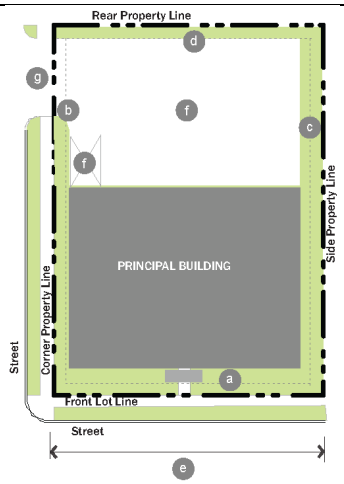



Figure 10-21-4F (1). Building Siting.

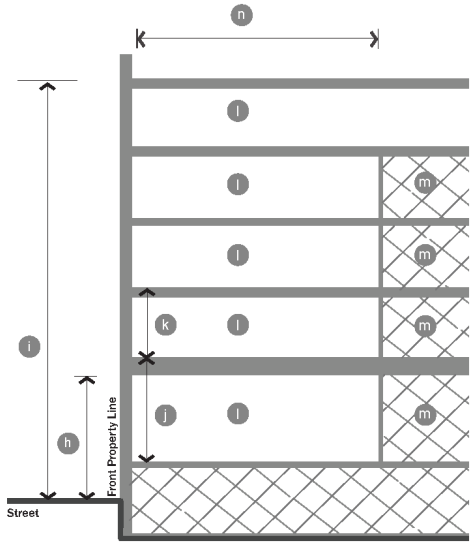



Figure 10-21-4F (2). Height & Use Requirements.

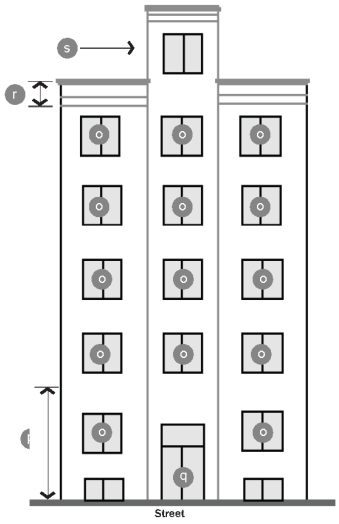



Figure 10-21-4F (3). Street Facade Requirements.

| | Permitted Districts | | |
|---|---|---|---|
| | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street Residential |
| **(a) Building Siting** Refer to Figures 10-21.4G (1) and 10-21.4G (2) | | | |
| Multiple Principal Buildings | Permitted [1] | | |
| (a) Minimum Front Lot Line Coverage | 75% [2] | 70% [2] | 65% [2] |
| Occupation of Corner | Required [5] | | |
| (b) Front Build-to Zone | 5' to 20' | 10' to 20' | 10' to 25' |
| (c) Corner Build-to Zone | 5' to 10' | 10' to 15' | |
| (d) Minimum Side Yard Setback | 0' per unit; 10' between buildings' | | 0' per unit; 15' between buildings' |
| (e) Minimum Rear Yard Setback | 15', if alley present 5' | | 20', if alley present 5' |
| (f) Minimum Unit Width | 16' per unit | 16' per unit | 18' per unit |
| (g) Maximum Building Width | Maximum 8 units per building | Maximum 6 units per building; maximum 120' width | Maximum 6 units per building; maximum 120' width |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 65% [3]<br>20% | 60% [3]<br>20% | 50% [3]<br>20% |
| (h) Parking & Garage Location | Rear yard; attached garages access off rear facade only. [4] | | |
| (i) Vehicular Access | Alley; if no alley exists, one driveway is permitted per building | | |
| **(b) Height** Refer to Figure 10-21.4G (3) | | | |
| (j) Minimum Overall Height | 1 story | | |
| (k) Maximum Overall Height | 4 stories | 3.5 stories | 3 stories |
| (l) Minimum Ground Floor Height: | 12' | | |
| **(c) Uses** Refer to Figure 10-21.4G (3) | | | |
| (m) All Stories | Residential only | | |
| (n) Parking within Building | Permitted fully in any basement and in rear of all floors | | |
| (o) Occupied Space | 30' deep on all full height floors from the front facade | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21.4G (4) | | | |
| (p) Minimum Transparency per each Story | 15% | 12% | |
| (q) Front Facade Entrance Type | Stoop, Porch | | |
| Principal Entrance Location | Front or Corner Side Facade | | |
| (r) Number of Street Entrances | 1 per unit | | |
| Ground Story Vertical Divisions | none required | | |
| Horizontal Facade Divisions | none required | | |
| Facade Variety Required<br>Refer to 10-21.4B(4)(h) for requirements. | Between adjacent buildings | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21.4G (4) | | | |
| (s) Permitted Roof Types | Parapet, Pitched, Flat | | |
| Tower | Permitted | | |

**7. Attached building.**

a. **Description and intent.** The attached building is a building comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or rowhouses.

b. Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

c. **Regulations.** Regulations for the attached building type are defined in the adjacent table.

**(1) Table Notes:**

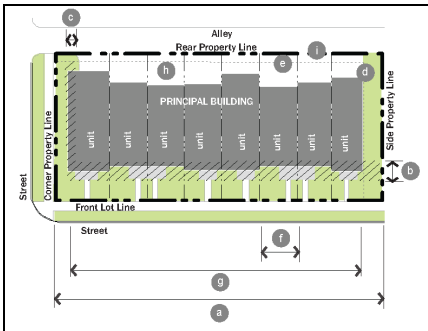
(a) For the purposes of the Attached Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot within the minimum space between them. However, each building shall meet all requirements of the Building Type.

(b) Each building shall meet the front lot line coverage requirement, except one (1) of every five (5) units may front a courtyard with a minimum width of thirty (30) feet. The courtyard shall be defined on three (3) sides by units.

(c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

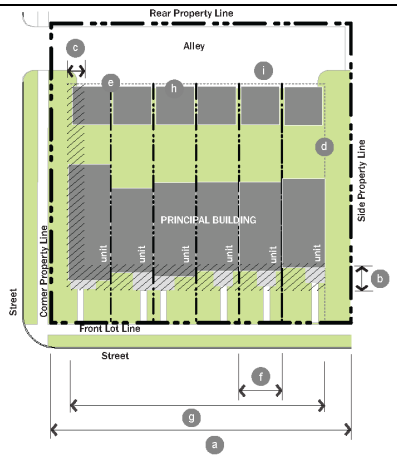
(d) Attached garages are considered part of the principal building and shall meet all setbacks. Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

(e) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Site Plan without Rear Yard*

Figure 10-21-4G (1): Building Siting.




*Site Plan with Rear Yard*

Figure 10-21-4G (2): Building Siting.

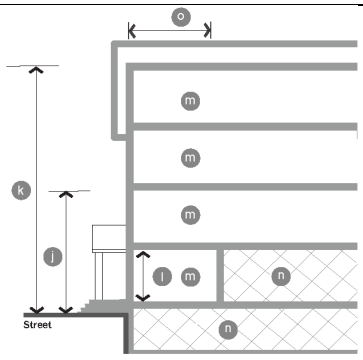



Figure 10-21-4G (3): Height & Use Requirements.

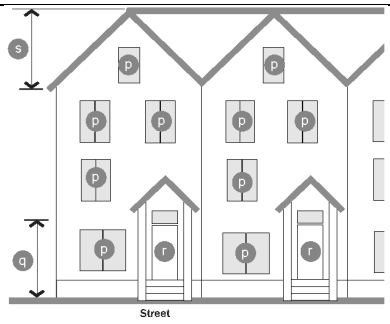



Figure 10-21-4G (4): Street Facade Requirements.

| | | Permitted Districts | |
|---|---|---|---|
| | | S 4: 'B' Street | S 5: 'B' Street Residential |
| | **(a) Building Siting** Refer to Figure 10-21-4H (1) | | |
| | Multiple Principal Buildings | Permitted [1] | |
| a | Minimum Front Lot Line Coverage | 50% [2] | 40% |
| b | Occupation of Corner | Required | |
| c | Front Build-to Zone | 10' to 20' | 10' to 25' |
| | Corner Build-to Zone | 10' to 20' | 10' to 25' |
| d | Minimum Side Yard Setback | 5' | 7.5' |
| e | Minimum Rear Yard Setback | 35', if alley present 5' | |
| f | Minimum Lot Width<br>Maximum Lot Width | 30'<br>50' | 30'<br>70' |
| g | Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 60% [3]<br>20% | 50% [3]<br>20% |
| h | Parking & Garage Location | Rear yard; attached garages access off rear or side facade only. [4] | |
| | Vehicular Access | Alley; if no alley exists, one driveway is permitted per building | |
| | **(b) Height** Refer to Figure 10-21-4H (2) | | |
| i | Minimum Overall Height | 1 story | |
| j | Maximum Overall Height | 3.0 stories | |
| k | All Stories: Minimum Height<br>Maximum Height | 9'<br>14' | |
| | **(c) Uses** Refer to Figure 10-21-4H (2) | | |
| l | All Stories | Residential only | |
| m | Parking within Building | Permitted | |
| n | Occupied Space | 30' | |
| | **(d) Street Facade Requirements** Refer to Figure 10-21-4H (3) | | |
| o | Minimum Transparency per each Story | 12% | |
| p | Front Facade Entrance Type | Stoop, porch | |
| q | Principal Entrance Location | Front or side facade | |
| | Number of Street Entrances | Any | |
| | Ground Story Vertical Divisions | None required | |
| | Horizontal Facade Divisions | None required | |
| | Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Between adjacent buildings | |
| | **(e) Roof Type Requirements** Refer to Figure 10-21-4H (3) | | |
| r | Permitted Roof Types | Parapet, Pitched, Flat | Pitched |
| | Tower | Not permitted | |

8. **Yard building.**

   a. **Description and intent.** The yard building is a residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley.

   b. **Regulations**. Regulations for the yard building type are defined in the adjacent table.

      (1) **Table Notes:**

         (a) Each building shall meet all requirements of the Building Type.

         (b) When multiple buildings are located on a single lot, the buildings shall collectively meet the front lot line coverage requirement. Buildings located internal to the lot may be arranged with a courtyard or bungalow court that is a minimum of twenty (20) feet in width. The width of the courtyard shall be exempt from minimum front lot line coverage requirements. The courtyard or bungalow court shall be defined on three (3) sides by units. This layout shall not be allowed on corner lots, only lots internal to a block segment.

         (c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

         (d) Attached garages are considered part of the principal building and shall meet all setbacks. Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

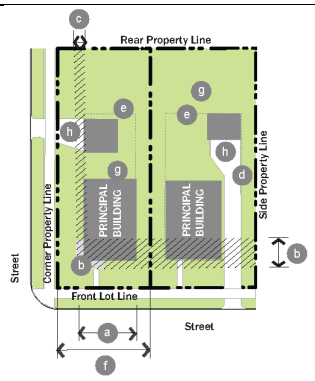



Figure 10-21-4H (1). Building Siting.

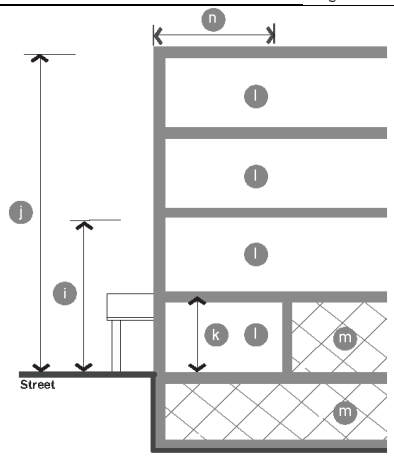



Figure 10-21-4H (2). Height and Use Requirements.

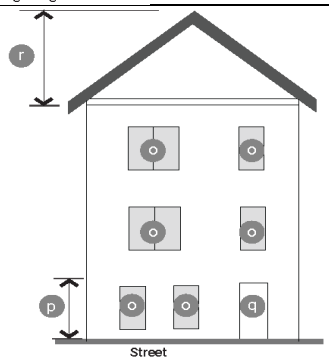



Figure 10-21-4H (3). Street Facade Requirements.

9. **Entrance types.** Entrance type standards apply to the ground story and visible basement of front facades of all building types as defined in this section. Refer to the building type table requirements, sections 10-21-4.C through 10-21-4.H.

   a. **General.** The following provisions apply to all entrance types:

      (1) **Intent.** To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each building type standard (refer to building types 10-21-4.C through 10-21-4.H).

      (2) **Applicability.** The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one (1) of the permitted entrance types, unless otherwise stated.

      (3) **Measuring transparency.** Refer to section 10-21-4.B Explanation of building type table standards, for information on measuring building transparency.

      (4) **Visible basements.** Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half (½) the height of the tallest story.

   b. **Storefront entrance type.** Refer to Figure 10-21-41 (1). The Storefront entrance type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

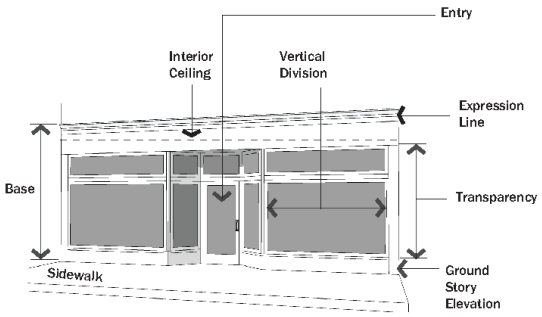



Figure 10-21-41 (1). Storefront Entrance Type.

      (1) **Transparency**. Minimum transparency is required per building type.

      (2) **Elevation.** Storefront elevation shall be between zero (0) and one (1) foot above street sidewalk.

      (3) **Visible basement.** A visible basement is not permitted.

      (4) **Horizontal facade division.** Horizontally define the ground story facade from the upper stories.

      (5) **Entrance.** All entries shall be recessed from the front facade closest to the street.

         (a) Recess shall be a minimum of three (3) feet and a maximum of eight (8) feet deep, measured from the portion of the front facade closest to the street.

         (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight (8) feet.

c. **Elevated storefront entrance type.** Refer to Figure 10-21-41 (2). The elevated storefront entrance type is a highly transparent ground story treatment similar to the storefront, but permitted to be elevated above the sidewalk for buildings located on parcels with flood hazard areas.

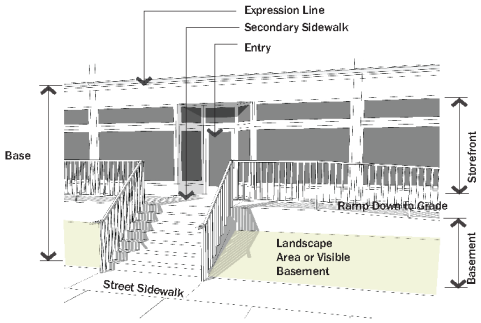



Figure 10-21-4I (2). Elevated Storefront Entrance Type.

(1) **Transparency.** Minimum transparency is required per building type.

(2) **Elevation.** Storefront elevation may be a half story above the street sidewalk elevation.

(3) **Visible basement**. A visible basement is permitted and does not require occupied space.

(4) **Horizontal facade division**. Horizontally define the ground story facade from the upper stories and any visible basement from the ground story.

(5) **Entrance.** All entries shall be located off a secondary walk along the building face within the build-to zone.

(a) The secondary sidewalk shall be elevated above and essentially parallel to the street sidewalk to provide continuous walking along the facade of the building.

(b) The secondary sidewalk shall be continuous along the facade of the building and shall connect to the street sidewalk by steps and ramps every fifty (50) feet.

(c) The secondary sidewalk shall connect to any other adjacent developments secondary sidewalks, when feasible. Drive crossings shall be of the same material as the secondary walk.

(d) The transition between the secondary sidewalk and street sidewalk shall include landscape, patios, and connecting walks.

(e) The visible basement shall be located a minimum of five (5) feet from the street sidewalk to allow softening of the transition.

(f) The street and the secondary sidewalks shall be a minimum of eight (8) feet in width.

d. **Stoop entrance type**. Refer to Figure 10-21-4I (3). A stoop is an unroofed, open platform.

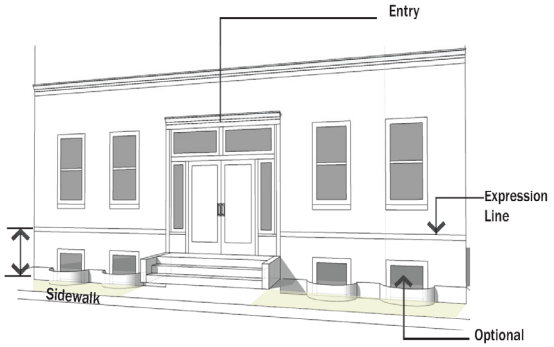



Figure 10-21-4I (3). Stoop Entrance Type.

(1) **Transparency.** Minimum transparency is required per building type.

(2) **Stoop size.** Stoops shall be a minimum of five (5) feet deep by six (6) feet wide.

(3) **Elevation.** Stoop elevation shall be located a maximum of two (2) feet six (6) inches (2' 6") above the sidewalk without visible basement and a maximum of four (4) feet six (6) inches (4' 6") above the sidewalk with a visible basement.

(4) **Visible basement**. A visible basement is permitted and shall be separated from the ground story by an expression line.

(5) **Entrance.** All entries shall be located off a stoop. The stoop may be continuous along the facade of the building.

(6) **Landscape area.** A minimum five (5) foot wide landscape area is required within the build-to zone along the length of this entrance type with the exception of walks accessing the building.

e. **Porch entrance type**. Refer to Figure 10-21-41 (4). A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled.

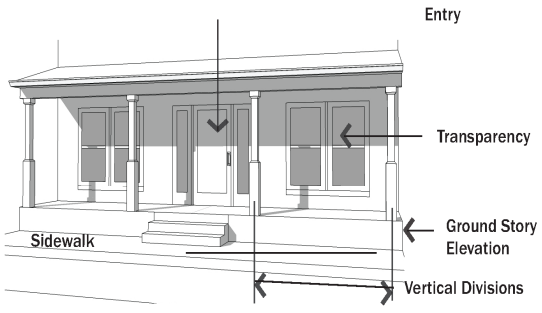



Figure 10-21-4I (4). Porch Entrance Type.

(1) **Transparency.**

(a) Minimum transparency per building type is required.

(b) If enclosed, a minimum of forty percent (40%) of the enclosed porch shall be comprised of highly transparent, low reflectance windows.

(2) **Porch size.** The porch shall be a minimum of five (5) feet deep and eight (8) feet wide.

(3) **Elevation**. Porch elevation shall be located a maximum of two (2) feet six (6) inches (2' 6") above the sidewalk without a visible basement and a maximum of four (4) feet six (6) inches (4' 6") above the sidewalk with a visible basement.

(4) **Visible basement.** A visible basement is permitted.

(5) **Height.** Porch may be two (2) stories to provide a balcony on the second floor.

(6) **Entrance.** All entries shall be located off a porch.

4. **Roof types**. Roof type standards apply to the roof and cap of all building types as defined in this section. Refer to the building type table requirements, sections 10-21-4.C through 10-21-4.H.

a. **General provisions**. The following provisions apply to all roof types:

(1) **Intent.** To guide the design of the cap of all buildings.

(2) **Applicability.** All buildings shall meet the requirements of one (1) of the roof types permitted for the building type.

(3) **Measuring height**. Refer to section 10-21-4.B for information on measuring building height.

(4) **Other roof types.** Other building caps not listed as a specific type may be requested with the following requirements:

(a) The roof type shall not create additional occupiable space beyond that permitted by the building type.

(b) The shape of the roof type shall be significantly different from those defined in this section 10-21-4.J, i.e., a dome, spire, vault.

(c) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

b. **Parapet roof type**. Refer to Figure 10-21-4J (1). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.




Figure 10-21-4J (1). Parapet Roof Type

Cap Type & Roof Height

(1) **Parapet height**. Height is measured from the top of the upper story to the top of the parapet.

(a) Minimum height is two (2) feet with a maximum height of six (6) feet.

(b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).

(2) **Horizontal expression lines**. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.

(3) **Occupied space**. Occupied space shall not be incorporated behind this roof type.

c. **Pitched roof type.** Refer to Figure 10-21-4J (2). This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

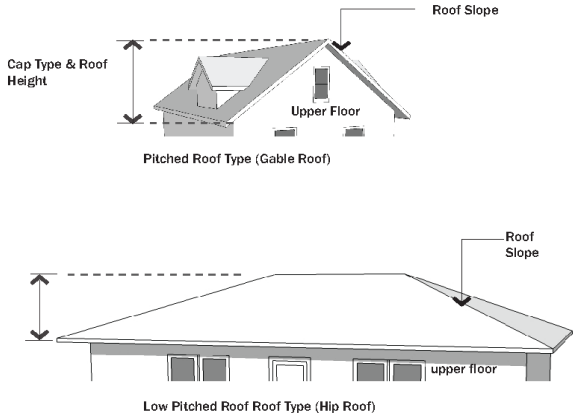



Figure 10-21-4J (2). Pitched Roof Type

(1) **Pitch measure**. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.

(a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. Refer to Figure 10-21-4J (2).

(2) **Configurations.**

(a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.

(b) Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight (8) feet, inclusive of overhang.

(c) Gambrel and mansard roofs are not permitted.

(3) **Parallel ridge line.** A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. Refer to Figure 10-21-4J (3).

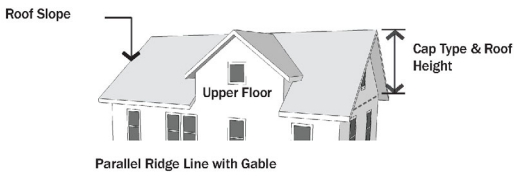



Figure 10-21-4J (3). Parallel Ridge Line

(4) **Roof height**. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the building type.

(5) **Occupied space.** Occupied space may be incorporated behind this roof type.

d. **Flat roof type.** Refer to Figure 10-21-4J (5), Flat Roof Type. This roof type has a flat roof with overhanging eaves.

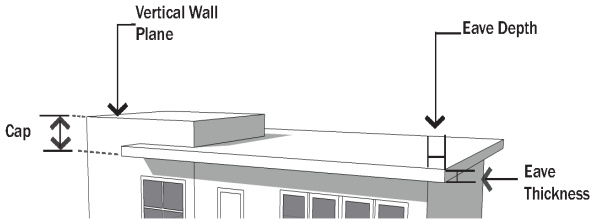



Figure 10-21-4J (5). Flat Roof Type

(1) **Configuration.** Roofs with no visible slope are acceptable. Eaves are recommended on all street facing facades.

(2) **Eave depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.

(3) **Eave thickness**. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.

(4) **Interrupting vertical walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.

(a) No more than one-half (½) of the front facade can consist of an interrupting vertical wall.

(b) Vertical walls shall extend no more than four (4) feet above the top of the eave.

(5) **Occupied space.** Occupied space shall not be incorporated behind this roof type.

(6) No mechanical equipment on roof shall be visible from the adjacent sidewalk.

e. **Towers.** Refer to Figure 10-21-4J (4). A tower is a rectilinear or cylindrical, vertical element, that shall be used with other roof types.

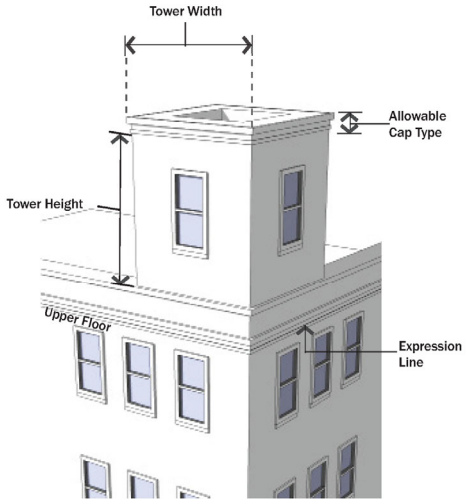



Figure 10-21-4J (4). Tower

(1) **Quantity**. All building types, with the exception of the civic building, are limited to one (1) tower per building.

(2) **Tower height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one (1) upper floor of the building to which the tower is applied.

(3) **Tower width**. Maximum width along all facades is one-third (⅓) the width of the front facade or thirty (30) feet, whichever is less.

(4) **Occupied space.** Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied.

(5) **Application.** May be combined with all other roof types.

(6) **Tower cap.** The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.

5. **Additional design requirements.** The following outlines the district design requirements that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

a. **Materials and color.**

(1) **Primary facade materials.** Eighty percent (80%) of each street facade shall be constructed of primary materials. Street facade materials shall continue around the corner a minimum depth of twenty (20) feet onto the side facade.

(a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 10-21-4K (1).



*Primary Materials: Brick*



Primary Materials: Stone



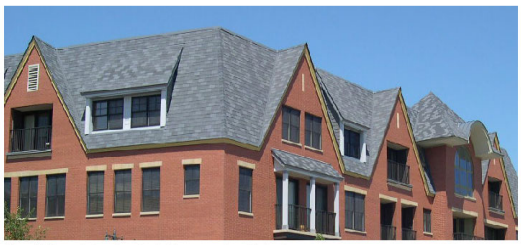
*Primary Materials: Painted Wood*

Figure 10-21-4K (1). Primary Materials.

b. **Secondary facade materials.** Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.

   (1) Exterior insulation and finishing systems (EIFS) is permitted on upper floor facades only.

c. **Roof materials.** Acceptable roof materials include three hundred (300) pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 10-21-4K (2).



*Roof Materials: Asphalt Composite Shingles*



*Roof Materials: Metal*



*Roof Materials: Ceramic Tile*

Figure 10-21-4K (2). Roof Materials.

d. **Color.** Main building colors shall utilize any historic palettes from any major paint manufacturer. Other colors may be utilized or details and accents, not to exceed a total area larger than ten percent (10%) of the facade surface area.

e. **Appropriate grade of materials.** Commercial quality doors, windows, and hardware shall be used on all ground floor building types with the exception of the attached building and the yard building. Refer to Figure 10-21-4K (3).




*Prohibited: Residential Grade Doors on Commercial Buildings.*




*Permitted: Commercial Grade Doors & Windows on Commercial Buildings.*

**Figure 10-21-4K (3).Commercial Grade Doors & Windows.**

2. **Windows, awnings, and shutters.**

   a. **Windows.** All upper story windows on all historic, residential, and mixed use buildings shall be recessed, and either casement or double hung. Percent of transparency is required per building type. Horizontal or vertical strip windows, tinted or reflective glass, and glass block (Figure 10-21-4K (4)) are prohibited on street facades.



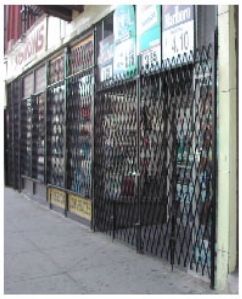

*Prohibited: Glass block windows on front facade.*

**Figure 10-21-4K (4).Windows.**

b. **Security grills.** Grills shall be fully retractable and completely within the interior of the building and inconspicuous to the extent possible. Exterior bars are prohibited on any window. Refer to Figure 10-21-4K (5).



*Permitted: Fully retractable, interior security grills.*



*Prohibited: Exterior grills and bars.*

**Figure 10-21-4K (5).Security Grills.**

c. **Awnings**. All awnings shall be canvas or metal. Plastic awnings and canopy awnings that extend from the front facade into the right-of-way are prohibited. Awning types and colors for each building face shall be coordinated. Refer to Figure 10-21-4K (6).





*Permitted Awnings: Metal (left) and Canvas (right)*




*Prohibited Awnings: Canopy awnings that extend from the front facade into the right-of-way*

**Figure 10-21-4K (6). Awnings.**

d. **Shutters**. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.

3. **Rear parking facade design.** The following applies in all locations where a public building entrance occurs on the rear facade adjacent to a parking lot. Refer to Figure 15.4K (7).




*Front Facade Example.*



*Rear Facade Example.*

Figure 10-21-4K (7).Rear Parking Facade Design.

a. **Entrance type.** An entrance type shall be utilized for a minimum of twenty (20) feet of rear facade. Refer to 10-21-4I(2) -(5).

b. **Transparency requirement.** Public building entrance facade area, minimum twenty (20) feet wide, shall utilize one (1) of the following:

c. When the storefront entrance type is utilized, a minimum forty-five percent (45%) transparency is required for the ground floor facade entrance, and the door shall be a minimum of forty-five percent (45%) transparent.

d. When any other entrance type is utilized, the minimum transparency required for upper floors of the street facade shall apply to the rear ground floor entrance area, and the door shall be a minimum of forty-five percent (45%) transparent.

3. **Awnings and signage are encouraged.**

4. **Balconies**. The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 10-21-4K (8).



Figure 10-21-4K (8). Balconies Integral to Facade.

a. **Size.** Balconies shall be a minimum of six (6) feet deep and five (5) feet wide.

b. **Connection to building.** Balconies shall be integral to the facade at the street line. Balconies on stepbacked stories shall be independently secured and unconnected to other balconies.

c. **Facade coverage.** A maximum of forty percent (40%) of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

Z. **Site development standards:**

1. **Signage.**

a. **General requirements.** Refer to chapter 10-20 of the Yorkville City Code for all signage regulations applicable to the downtown overlay districts.

b. **Revisions to the signage regulations.** The following revises chapter 10-20 of the Yorkville City Code specific to the S districts.

c. **Freestanding low monument signs**. (Refer to section 10-20-4) Low monument signs are permitted only in the S4 district.

2. **Parking requirements.**

a. **Applicability.** This section shall apply to all new development and changes in use or intensity of use for existing development in any S districts.

b. **General requirements.** Off-street parking spaces shall be provided in conformance with chapter 10-16 Off-Street Parking and Loading Regulations, unless revised in this section 10-21-5.B.

c. **Required vehicle parking.** The required vehicle parking Table 10-21-5B (1) indicates the maximum vehicle parking ratio for a given use.

d. **Parking credits.** Vehicular parking standards within chapter 10-16 may be reduced by achieving one (1) or all of the following credits:

(1) **On-street parking credit.** For all non-residential uses, on-street parking spaces that meet the following shall be credited against the parking requirement.

(a) Spaces shall be designated on-street parking available twenty-four (24) hours of every day.

(b) On-street space located a minimum of fifty percent (50%) adjacent to the property line of the lot.

(2) **Public parking credit.** For all non-residential uses, public parking spaces located within six hundred and sixty (660) feet of any property line may be credited against the parking requirement at a rate of one (1) credit for every three (3) public parking spaces.

(3) **Car-share parking credit.** The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows:

(a) Per each car-share parking space provided, required parking spaces shall be reduced by four (4) spaces.

(b) Required parking spaces may be reduced up to forty percent (40%).

(c) Approval. Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.

(4) **Shared parking.** Required parking may be reduced to the lower amount if at least eighty percent (80%) of non-residential parking is available as publicly shared parking. Otherwise, the higher standard parking requirement shall apply.

(a) Other parking reductions. Additional reductions may be approved by the Planning and Zoning Commission with the submittal of a parking study illustrating the reduction.

(5) **Bicycle parking.**

(a) **Required bicycle parking.** The required bicycle parking Table 10-21-5B (2) indicates the minimum bicycle parking ratio for a given use.

(i) Bicycle parking is not required for uses not listed.

(ii) Bicycle parking is not required for uses less than two thousand five hundred (2,500) square feet in size.

(iii) No use, other than civic is required to accommodate more than twenty (20) bicycles.

(b) **Bicycle parking dimensions.**

(i) Required bicycle parking spaces shall have minimum dimensions of two (2) feet in width and six (6) feet in length.

(ii) An aisle a minimum of five (5) feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.

(iii) A minimum of two (2) feet shall be provided beside each parked bicycle to allows access. This access may be shared by adjacent bicycles.

(iv) Racks shall be installed a minimum of two (2) feet from any wall or other obstruction.

(i) **Location.** Bicycle parking should be located within fifty (50) feet of the entrance of the use.

1. Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.

2. Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.

3. Racks and structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two (2) points.

3. **Landscape.**

a. **General requirements.** Refer to chapter 10-17 Fencing and Screening, for all landscaping and screening requirements.

b. **Build-to zones and setbacks.** All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(1) Driveways are permitted to cross the front and corner build-to zone and rear setbacks perpendicularly at a maximum of twenty-five (25) feet in width.

(2) Driveways may encroach upon the side setbacks longitudinally on parcels fifty (50) feet or less in width.

(3) Parking lots shall not encroach upon any setbacks. Side and rear yard parking lots shall not be located closer to the front or corner lot line than the building.

c. **Frontage buffer requirements.** Refer to Figure 10-21-5C (1). The following additional requirements are specific to the S districts and is in addition to information within chapter 10-17 Fencing and Screening guidelines.

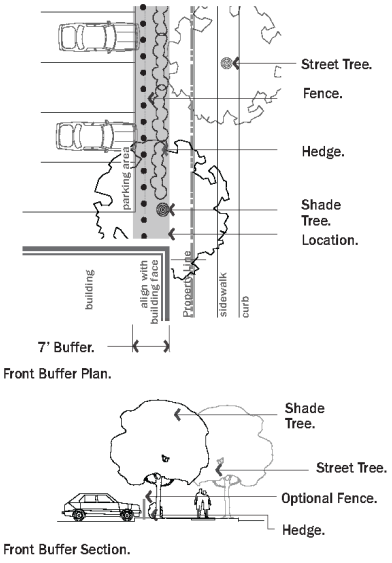



Figure 10-21-5C (1). Frontage Buffer Plan and Section.

| Frontage Buffer Requirements | |
|---|---|
| **Buffer Depth & Location** [1] | |
| Depth | 7' |
| Location on Site | Between street facing property line and vehicular areas [2] |
| **Buffer Landscape Requirements** | |
| Uses & Materials | Uses and materials other than those indicated are prohibited in the buffer |
| Shade Trees | Medium or large shade tree with full, spreading canopies required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees |
| Hedge | Required continuous hedge on street side of fence, between shade trees & in front of parking areas |
| Hedge Composition | Individual shrubs with a minimum width of 24", spaced no more than 36" on center |
| Existing Vegetation | May be credited toward buffer area |
| **Fence** | |
| Location | 2' from back of curb of vehicular area |
| Materials | Non-galvanized steel or painted PVC; Masonry Columns (maximum width 2'6") and Low Wall (maximum 18" height) permitted |
| Minimum Height | 3' for Steel or Painted PVC |
| Maximum Height | 4' for Steel or Painted PVC, 18" for Low Wall |
| Colors | Black, gray, or dark green for Steel or Painted PVC |
| Opacity | Minimum 30%; Maximum 60% for Steel or Painted PVC |
| Gate/Opening | One gate permitted per street frontage; Opening width maximum 6' |

Notes:

[1] This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

[2] In Front and Corner Yards, when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

Table 10-21-5C (1). Frontage Buffer Requirements.

(1) **Intent.** To lessen the visual impact of parking areas visible from the street.

(2) **General applicability.** Applies to properties in all S districts where a parking area is located adjacent to a right-of-way.

(3) **Exceptions.** Parking areas along alleys, except when a residential district is located across the alley. Single- and two-family residences are also excepted.

4. **Street guidelines.**

a. **General street guidelines.** The following guidelines should apply to all new streets within S districts with the intent of creating pedestrian oriented, multimodal streets.

(1) **Typical street elements.** All street rights-of-way should include the following vehicular and pedestrian realm considerations. Refer to Figure 10-21-5D (1).

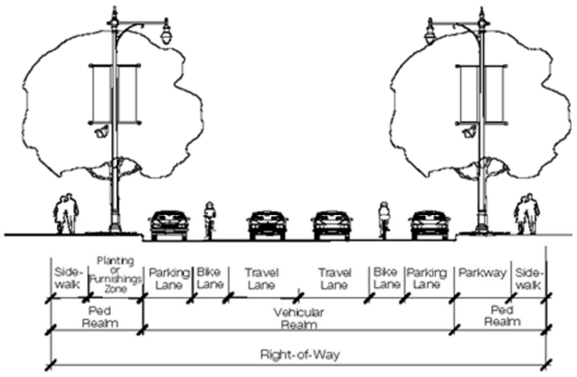



**Figure 10-21-5D (1). Typical Right-of-Way Elements.**

(3) **Vehicular realm.** The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.

(4) **Pedestrian realm.** The pedestrian realm is comprised of pedestrian facilities, such as sidewalk. A buffer area that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm shall consist of one (1) of the following:

(a) **Landscape zone.** A landscape area between the back of curb to the sidewalk in which street trees, stormwater swales, lighting, and signage may be located. Typically used adjacent to residential ground floor uses.

(b) **Furnishings zone.** A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office ground floor uses.

(2) **Bicycle facilities.** Bicycle facilities, such as dedicated lanes and dedicated shared lanes should be included on any streets based on the City's bicycle plan. New streets within S districts shall utilize shared lanes. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

(3) **Vehicular on-street parking.** On-street parking, whether parallel or diagonal, shall be included according to the district street details for that street.

b. **Street trees.** Street trees are required along all existing and new street frontages.

(1) All planting material requirements within landscaping and screening guidelines shall be utilized.

(2) Street trees shall be located in either a landscape zone (within a planting bed or lawn) or a furnishings zone (in trees wells with grate as required).

(3) **Permeable surface.** For each tree preserved or planted, a minimum amount of permeable surface area is recommended.

(a) Preserved trees should have a permeable surface area equal to the critical root zone. The critical root zone is equal to half of the radius of the tree's mature canopy, measured from the trunk out to the dripline.

(b) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 10-21-5D (1) for details.

| Tree Size Type | Soil Volume (cubic ft) | Soil Surface Area (sq ft) with 2.5' Soil Depth | Permeable Surface Area Requirement (sq ft) |
|---|---|---|---|
| Medium | 2,852 | 1141 (approx. 34' x 34') | 225 (15' x 15') |
| Large | 6,532 | 2681 (approx. 50' x 50') | 400 (20' x 20') |

Table 10-21-5D (1). Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

(c) Permeable area for one (1) tree cannot count toward that of another tree.

(4) **Structural soil.** When the critical root zone of an existing tree or the suggested permeable surface area requirement of a newly planted tree extends below any pavement, structural soil is required underneath the pavement.

c. **Pedestrian lighting.** Pedestrian light fixtures shall be installed per the street requirements of the City's Department of Public Works and any streetscape master plan adopted by the City.

d. **New streets and subdivision.** For all developments with total parcel acreage larger than five (5) acres, subdivision and construction of a new street will yield the most buildings. (Building types require buildings to front streets). Refer to Figure 10-21-5D (2) for an example of a typical new block and street configuration. The following

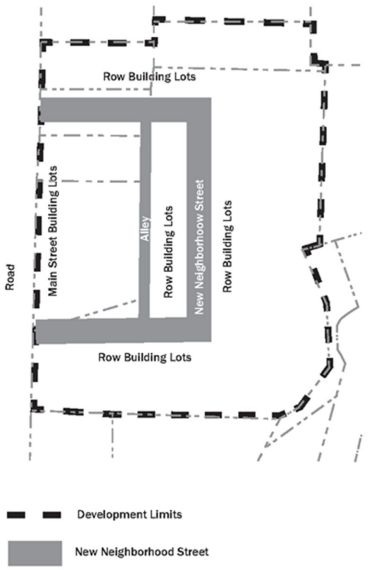



Figure 10-21-5D (2). Example of New Street and Block Configuration for Large Parcels or When Multiple Parcels are Combined.

recommendations apply:

(1) **Interconnected street pattern.** Streets shall connect and continue existing streets from adjoining areas and cul-de-sac and dead end streets should be avoided.

(2) **Blocks.**

(a) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.

(b) Blocks shall typically be two (2) lots deep with the exception of blocks containing open space. Blocks may also include an alley. Blocks may included existing lots within an existing zoning district.

(c) Blocks shall typically be fronted with lots on at least two (2) faces, preferably on the longest street faces.

(d) Consider lot and block orientation for maximum energy efficiency. For example, block orientation along an east-west longitudinal axis will encourage development of buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

(e) Block size should be less than four hundred (400) feet.

(3) **Access points.** A minimum of two (2) access points should be provided for each development, with a minimum of one (1) per every one thousand five hundred feet (1,500') of boundary recommended.

(4) **Primary streets.** Designate primary streets so that all buildings front at least one (1) primary street. Vehicular access should not be located off a primary street, unless the parcel is fronted by more than two (2) primary streets.

(5) Blocks may include interior alleys or lanes.

(6) Typical lot configuration. All lots shall have frontage along a public street unless otherwise specified in building type requirements. Flag lots are prohibited.

c. **Temporary structures.**

(1) **General requirements.** Refer to chapter 10-17 Fencing and Screening, for all landscaping and screening requirements.

(2) **Description and intent.** Temporary structures are allowed in all districts according to the following guidelines:

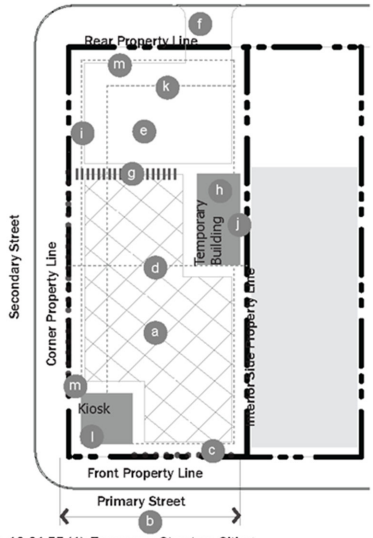



Figure 10-21-5E (1). Temporary Structure Siting

(a) The small scale activity or display area can be a patio for outdoor eating or display of goods and should constitute the majority of the site. The frontage required continues the streetwall of the adjacent buildings, allowing a continuous pedestrian experience from the street with views into the outdoor space.

(b) Two (2) accessory structures are permitted. A temporary building may be erected in the rear of the lot and allows patrons to enter the building. A permanent kiosk may be located anywhere on the lot, but allows employees only in the interior.

(3) Regulations. Regulations for temporary structures are defined in the following table:

(4) Mobile food vendors. Refer to Section 10-3-14 Mobile food vendor vehicles and retail vendor vehicles, for all mobile food vendor requirements.

# Memorandum

To: City Council
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: November 8, 2023
Subject: **Unified Development Ordinance**
Summary Recommendations for Proposed Unified Development Ordinance

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**UNIFIED DEVELOPMENT ORDINANCE (UDO) SUMMARY RECOMMENDATIONS:**

At the October 24th City Council meeting, staff was given direction regarding the following chapters which has been incorporated into the attached redlined version of the Unified Development Ordinance:

1. **Chapter 2. Definitions**
   a. Use of the term "Family Unit".

2. **Chapter 5. Development Standards (Parking)**
   a. Minimum off-street parking requirements is 2 spaces per dwelling unit and 2.5 for townhome developments.

3. **Chapter 6. Signs**
   a. Do not regulate yard signs.
   b. Do not regulate murals.

4. **Chapter 7. Subdivision Standards**
   Cluster Development
   a. Cluster Developments approved as special uses as a Planned Unit Development (PUD), requiring City Council authorization.

**ITEMS FOR CONTINUED DISCUSSION:**

The City Council recommended further discussion of the following chapter items and requested additional information:

1. **Chapter 4 – Use Standards (ADU)**
   a. All Accessory Dwelling Units (ADUs) are permitted within relevant zoning districts.
   **OR**
   b. Attached Accessory Dwelling Units (ADUs) are permitted AND detached ADUs are special uses within relevant zoning districts.

Staff has attached supplemental information from the Chicago Metropolitan Agency for Planning (CMAP), Metropolitan Mayor's Caucus (MMC) and AARP entitled "Granny Flat Academy" which provides case studies and examples of how Illinois communities have regulated ADUs, as well as a list of five (5) northeast Illinois municipalities' ADU regulations prepared by the city's planning consultant for the UDO, Houseal Lavigne.

2. **Chapter 7. Subdivision Standards**

   Connectivity Index Calculation
   a. Keep
   **OR**
   **b.** Remove

Staff has attached a short informational page from Wake Forest, North Carolina's Unified Development Ordinance which provides additional context and purpose behind the street connectivity index calculation.

## STAFF COMMENTS

Staff is seeking feedback and direction regarding the continued discussion items listed above within the proposed in the Unified Development Ordinance so that those changes can be implemented in a revised version of the document and presented at a future City Council meeting for a vote.



# Granny Flat Academy

## What is an Accessory Dwelling Unit, anyway?



An accessory unit is a second dwelling unit located within or attached to a principal single-family dwelling. These separate living spaces can be located within the primary residence, such as a basement apartment, attached to the primary residence, such as a garage apartment, or detached from the primary residence, such as a cottage. In each case, the ADU is a self-contained residential unit equipped with a kitchen, bathroom, and sleeping area. They are typically discreetly located and designed to coordinate with the principal dwelling to preserve the character of the neighborhood. Primary dwellings and ADUs usually share an owner.

CMAP Metropolitan Mayors Caucus AARP Real Possibilities

## How can ADUs benefit older adults?

Accessory dwelling units are a housing option that helps to ensure that people of all ages have a roof over their head. They are convenient and affordable to older adults, empty nesters, and young adults who may want to stay in their homes and in a familiar neighborhood, or live close to family members.

Many older adults want to stay in their homes and familiar neighborhood, but lack the ability to continue to maintain a larger property by themselves. Others would prefer the social connection of living with a child or relative to an independent unit of senior housing. Still others would benefit from the ability to house a caregiver to assist with activities of daily living. In some families, grown children or other family members remain at home well into adulthood. In past generations, it was not uncommon for grandparents or younger relatives to live in smaller units that were part of the primary residence.

As the overall population ages, it is increasingly important to expand housing choice for older adults with health and mobility issues, allowing them to age in place. Allowing ADUs facilitates efficient use of existing housing stock, helps meet the growing demand for housing, and offers an alternative to major zoning changes that can significantly alter the character of neighborhoods.



*Photo: Steve Hambuchen*

**As homeowners grow older, Accessory Dwelling Units may help them age in place.**

# Examples of ADUs in the Chicago Region

## Bull Valley

In 2010, the state of Illinois required the Village to develop an affordable housing plan, because it fell short of the state's affordable housing requirements. The Village did not want to seek a larger rental housing development, which would be out of character with the community. Instead, one aspect its plan encouraged the use of individual accessory apartments as rental units. The Village passed its ADU ordinance in 2015. After the ordinance passed, it soon became apparent that accessory units could help the Village's large percentage of older adults remain in their homes and age in place.



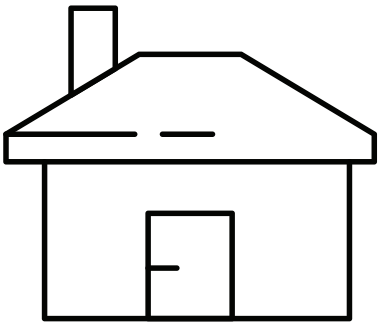




# What's in a Name

## *Names for the ADU*

ADUs have been around a long time. They take many forms and are thus known by many names:



granny flat
in-law suite
coach house
granny pod
backyard cottage
mother-in-law flat
junior unit

### *Meet Sue*

Sue is the first homeowner in Bull Valley to take advantage of the new ADU ordinance. Sue moved to Bull Valley in the 1990s to build her dream home, and now lives on a beautiful property surrounded by pasture and a pond. As Sue gets older and has slightly more house than she needs, she decided to convert her basement into an accessory unit. The ADU, supported by the AARP Livable Communities program and completed in January 2019, will allow another person to enjoy the property and provide Sue the additional income to maintain her landscaping.



## Park Forest

In the mid-2000s, the Village of Park Forest agreed to permit ADUs in the redevelopment of the long-vacant Goldblatt's department store site, located in the Village's downtown. Five new homes included ADUs, which were constructed with back entrances to ensure compatibility with the neighboring single-family residences. The accessory and main units share a two-car garage, which met the parking requirements of the Village at that time. The properties also have deed restrictions that require homeowners to live in either the primary residence or the ADU. In the Village's recent develop regulations update (competed in 2017), the Village decided to allow ADUs village-wide.

## Glenview

In 1995, the U.S. Department of Defense closed the Naval Air Station Glenview and deeded the property back to the Village. The Village acted as master developer for a large mixed-use redevelopment ("The Glen"), which includes single-family homes, apartments, senior housing, and retail within a short walk of a Metra station. One neighborhood in the Glen includes ADUs. There are no occupancy restrictions on the accessory units, so long as the homeowner continues to live in the primary residence. Several ADUs may currently function as rental units, as evidenced by periodic "For Rent" signs in the neighborhood. The Village has not experienced any negative issues related to the accessory units.





Photo: www.accessorydwellings.org

# Zoning Considerations for ADUs

It's important to understand that there is no "one-size-fits-all" approach to allowing ADUs. Communities typically customize their zoning standards to reflect community concerns related to ADUs, while still providing owners the flexibility to modify their properties over time. The zoning code may address the following ADU standards:

***Occupancy:*** Neighbors are frequently concerned that an accessory unit will not be cared for, or that an absentee landlord will rent out both units. Research in other states suggests that this is usually not the case, as around 80% of properties with an ADU are owner-occupied.[1] Nonetheless, some municipalities require that the owner reside in the primary residence or that occupancy of the accessory unit be restricted to families.

***Design:*** Communities may specify the form of accessory units, often in an effort to fit with the character of existing homes. For example, communities with large homes may allow attached units with a separate entrance, while communities with deep lots or alleys may allow homeowners to add a new freestanding unit or convert their detached garage. Still others permit both attached and detached ADUs.

***Size:*** Most ADUs are 800 square feet or less.[2] When communities allow ADUs, they can limit the total square footage of a detached unit or its coverage of lot area. For an attached unit, communities can limit the total square footage or percentage of interior space. Communities can also set the maximum number of bedrooms within the ADU. In municipalities with many housing types, these square footage and bedroom limits can vary by lot size.

***Parking:*** The potential impact on parking is a frequent question, especially in communities where parking is scarce. Research from Oregon has suggested that ADU tenants tend to own fewer cars than other households and may walk, bike, or use transit if those options exist.[3]

1 Martin Brown, "Accessory Dwelling Units in Portland, OR: Evaluation and interpretation of a survey of ADU owners" (Oregon Department of Environmental Quality, June 2014).

2 "Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods" (Oregon Departments of Transportation and Land Conservation and Development, May 2016).

3 Martin Brown, "Do ADUs cause neighborhood parking problems?", https://accessorydwellings.org/2014/07/16/do-adus-cause-neighborhood-parking-problems/.



## How can my community take the next step?

It's critical to have a community conversation to ensure that ADUs are right for your community. As noted above, there is no "one-size-fits-all" policy. Every municipality is different.

Next, the municipality can update its zoning code to allow ADUs. The Chicago Metropolitan Agency for Planning, through its Local Technical Assistance (LTA) program, has assisted municipalities in drafting zoning codes that permit ADUs, most recently for Park Forest and South Elgin, and Bensenville. The Metropolitan Mayors Caucus can provide ordinances developed in the Chicago area or and Midwest.

***For More Information:***

Kyle Smith, Director
of Housing Initiatives,
Metropolitan Mayors Caucus

ksmith@mayorscaucus.org
312.201.4507

*Granny Flat Academy was made possible for the Chicago region due to the generous support of AARP.*

*Additional thanks for Eli Spevak of Orange Splot, LLC, who provided content for this brochure.*

| Accessory Dwelling Unit Provisions in Northeast Illinois | | | | | |
|---|---|---|---|---|---|
| **Provision** | **Homewood** | **Park Forest** | **South Elgin** | **Willowbrook** | **Wilmette** |
| *Permit Procedures and Allowed Districts* | Detached ADU Special Use in all residential district; Attached/Internal ADU Permitted Use in all residential districts | Permitted use subject to site plan review by the Zoning Administrator in the R-1 (Single-family residence) and R-2 (Estate Residence) Districts | Permitted use in all residential zoning districts; requires site plan review by planning commission | Detached/Attached ADU Special Use in all residential district that allow single-family detached; Internal ADU Permitted Use in all residential districts that allow single-family detached | Special Use in the R (Single-family detached), R-1 (Single-family detached), and R-2 (Attached residence) Districts |
| *Format* | Detached allowed in same location as other accessory building/structure; Attached and Internal in the buildable area of the lot only | Accessory structure is permitted as part of the existing principal structure such as within an attic, basement, or attached garage | May be located anywhere within a principal structure; may be allowed within an accessory structure only in rear yard | Detached allowed in same location as other accessory building/structure; Attached and Internal in the buildable area of the lot only | An accessory living unit must be located wholly within the principal structure on the lot. No accessory living unit is permitted in any accessory structure. |
| *Number* | One ADU allowed per lot, regardless of format | One accessory dwelling unit is permitted per single-family dwelling unit. | The number of accessory dwelling units shall not be greater than the number of principal dwelling units | One ADU allowed per lot, regardless of format | Only one accessory living unit is permitted on any lot. |
| *Allowable size* | Minimum size: 220 sf; Internal/attached ADU max size 25% of principal building; Detached max size 936 sf | An accessory dwelling unit may not exceed 40 percent of the gross floor area of the principal structure on the lot, or 800 square feet, whichever is less. | The maximum size of an accessory dwelling unit shall be 900 square feet. | The maximum size of a detached accessory dwelling shall be seventy five percent of the gross floor area of the principal building.<br><br>The maximum size of the internal accessory dwelling shall be twenty-five (25) percent of the floor area of the principal building. | The maximum size of the accessory living unit is twenty-five percent of the total area of the principal structure. The minimum size of the accessory living unit shall not be less than six hundred square feet. |

| | | | | | |
|---|---|---|---|---|---|
| *Occupancy* | The principal dwelling or accessory dwelling shall be the primary residence of the owner of the property.<br><br>An accessory dwelling must be kept in common ownership with the principal dwelling on the property. | On lots with accessory dwelling units, the property owner must maintain his or her permanent residence in either the principal structure or the accessory dwelling unit. | -- | The principal dwelling or accessory dwelling shall be the primary residence of the owner of the property | The principal dwelling or accessory living unit must be occupied by the owner(s) of the subject property for at least six months of the year.<br><br>The resident of the principal dwelling or the accessory living unit must be fifty-five years of age or older or disabled. |
| *Design* | The principal dwelling and accessory dwelling shall be served by a common driveway.<br><br>The accessory dwelling shall have architectural features and exterior materials compatible with the principal building. Accessory dwelling units deemed incompatible by the Director of Economic and Community Development shall go before the Appearance Commission for review and final approval, approval with conditions, or denial. | An accessory dwelling unit may have an entrance from the exterior and/or interior of the principal structure. | An accessory dwelling unit shall be designed to be clearly secondary to the principal dwelling unit on the site. For accessory dwelling units located in an accessory structure, the exterior materials of the dwelling unit must be compatible with the primary dwelling unit, including siding and trim materials, window design, roof shape, roof pitch, and roof material. | The detached / attached accessory dwelling shall have similar architectural features including roof pitch; window type, size, and placement; and exterior building cladding materials as the principal dwelling. | -- |



# STREET CONNECTIVITY

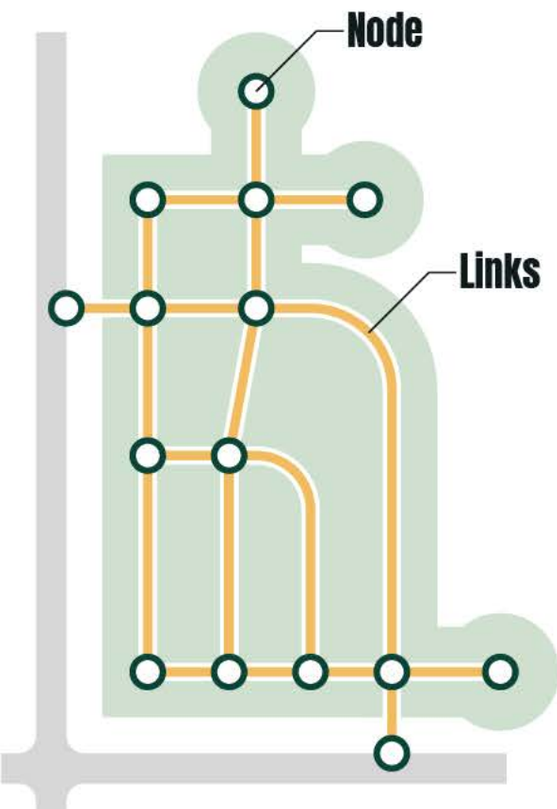
Much of Wake Forest's residential areas feature a curvilinear roadway system with cul-de-sacs common to suburban development patterns. This configuration reduces connections between neighborhoods and major roadways and increases dependency on automobiles. While this can achieve some privacy for residential properties, it contributes to congestion by increasing distances and travel times between destinations and creating bottlenecks during peak travel times. The goal of new development should be to create a road pattern that more closely resembles a grid while allowing for curvature in the road. This would, increase the number of intersections, improve ease of navigation, reduce walking distances, and decrease vehicular travel times—including the response times of emergency services.

## Connectivity Index

To improve traffic management and community connectivity, the Town should consider establishing a connectivity index minimum requirement for all new residential subdivisions. A connectivity index measures the ratio of the number of blocks (links) to the number of intersections (nodes) in the street network. A higher connectivity index reflects a greater number of blocks entering each intersection, and thus a higher level of connectivity for the neighborhood. Connectivity indexes typically fall within the range of 1.2 to 1.4.

### Key Recommendations

- Promote short blocks of less than 600 linear feet between intersections of local roads to improve walkability.
- Avoid dead-ends, cul-de-sacs, and T-intersections in places where four-way intersections can be aligned.
- Study the appropriateness of traffic circles at four-way intersections to ease congestion and improve safety.




**Connectivity Index Calculation**

Links: 19

Nodes: 15

Connectivity Index: 19 / 15 = **1.26**

# Chapter 2. Definitions

10-2-1. “A” Definitions ..... 1
10-2-2. “B” Definitions ..... 4
10-2-3. “C” Definitions ..... 5
10-2-4. “D” Definitions ..... 7
10-2-5. “E” Definitions ..... 9
10-2-6. “F” Definitions ..... 10
10-2-7. “G” Definitions ..... 12
10-2-8. “H” Definitions ..... 12
10-2-9. “I” Definitions ..... 13
10-2-10. “J” Definitions ..... 13
10-2-11. “K” Definitions ..... 13
10-2-12. “L” Definitions ..... 13
10-2-13. “M” Definitions ..... 15
10-2-14. “N” Definitions ..... 16
10-2-15. “O” Definitions ..... 16
10-2-16. “P” Definitions ..... 17
10-2-17. "Q” Definitions ..... 19
10-2-18. “R” Definitions ..... 19
10-2-19. “S” Definitions ..... 20
10-2-20. “T” Definitions ..... 24
10-2-21. “U” Definitions ..... 25
10-2-22. “V” Definitions ..... 25
10-2-23. “W” Definitions ..... 26
10-2-24. "X” Definitions ..... 26
10-2-25. “Y” Definitions ..... 26
10-2-26. “Z” Definitions ..... 26

## 10-2-1. “A” Definitions

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

B. **Accessory Commercial Unit:** Activities that are secondary to a principal use in the residential use category as established in this title. Accessory Commercial Units have use-specific standards that apply to ensure they will not deter from the

character or livability of the surrounding neighborhood, that they remain subordinate to the residential use, and that the residential viability of the dwelling is maintained.

C. **Accessory Building:** A subordinate building attached to or detached from the principal building or use, but located on the same zoning lot. Accessory buildings shall have a permanent foundation and include garages and storage sheds.

D. **Accessory Structure, Permanent:** A subordinate structure located on the same lot as a principal building or use and intended to be permanently affixed to the ground on the property. Permanent accessory structures are structures that do not have permanent foundations and include pools, gazebos, and sheds, and attached accessory structures such as a three-season room, covered porch, or roofed patio.

E. **Accessory Structure, Temporary:** A subordinate structure located on the same lot as a principal building or use and not intended to be permanently affixed to the ground on the property. Temporary accessory structures shall not have permanent foundations and shall include structures used for construction purposes, roadside stands, and other accessory structures established for a limited duration.

F. **Accessory Use:** A use on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

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

H. **Addition:** An expansion of the principal or accessory building that is indistinguishable from the original building and utilizes the heating, cooling, electrical and plumbing systems from the original construction and has been incorporated into the original building thermal envelope. Any attached permanent accessory structure such as a three-season room, covered porch or roofed patio that does not have heating, ventilation or air-conditioned systems or enclosed by glass is not considered a building addition.

I. **Adult Day Care:** A program of services provided for functionally-impaired adults who do not require 24-hour institutional care, and yet who are in need of an adult day care program directed toward maintaining physical and mental health, and should be a structured, comprehensive program providing a variety of health, social, and related support services in a protective setting for a period of time less than twenty-four (24) hours.

J. **Adult Use:** A striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store in which twenty-five (25) percent or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material.

K. **Aggregate Materials Extraction:** A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining.

L. **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.

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

N. **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.

O. **Alley:** A private right-of-way primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on another street.

P. **Alternative Tower Structure:** Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

Q. **Amusement Park:** A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, accessory food service, and similar activities.

R. **Animal Hospital:** Any building, or portion thereof, designed or used for the medical or surgical care, observation or treatment of domestic animals for an overnight duration or longer.

S. **Antenna:** Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services not including small wireless facilities.

T. **Antenna Structures:** Those structures which include the radiating and/or receiving system, its supporting structures (see definition of tower), and any appurtenance mounted thereon as defined by the Federal Communications Commission or any successor agency.

U. **Apiary:** The place where one (1) or more bee colonies are kept.

V. **Artisan Manufacturing:** The production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products, and incidental storage, on-site retail sale, and distribution of the associated goods. Artisan manufacturing may include but is not limited to food and bakery products, non-alcoholic beverages, printmaking, leather products, jewelry and clothing/apparel, metal work, woodwork, furniture and glass or ceramic production.

W. **Art Gallery/Art Studio:** An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macrame, knitted goods, stitchery, or pottery. Art studios are may also be engaged in the creations of such art works and often offer instruction in their creation.

X. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing, Light**: An industrial facility at which all operations (with the exception of loading operations): Are conducted entirely within an enclosed building; not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and do not pose a significant safety hazard (such as danger of explosion).

Y. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing, Heavy:** An industrial facility at which all operations (with the exception of loading operations): Are conducted entirely within an enclosed building and which generate odor, noise, heat, vibration, and radiation which are detectable at the property line; but do not pose a significant safety hazard (such as danger of explosion).

Z. **Attention-Getting Device:** Any flag(s), streamer, spinner, pennant, light, balloon, continuous string of pennants, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

AA. **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.

BB. **Automobile Parts/Accessories Sales:** A retail establishment dedicated to the sale of automobile components, parts, and accessories but not including on-site repair or maintenance of automobiles.

CC. **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.

DD. **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.

EE. **Automobile Sales and Service, Enclosed:** An establishment engaged in the sale of automobiles where all operations take place entirely within an enclosed showroom in a primary building.

FF. **Automobile Sales and Service, Open Sales Lot:** An establishment engaged in the sale of automobiles where some operations, including but not limited the display of vehicles for sale take place outside of an enclosed building.

## 10-2-2. "B" Definitions

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

B. **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.

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

D. **Battery Uses:** A use that enables battery manufacturing, charging, recycling, warehousing, storage, and related uses. This may also include uses that derive energy from renewable sources, such as wind and solar power, to be collected, stored, and then released for later use to an electric grid, power plant or private user.

E. **Bed and Breakfast Inn:** 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.

F. **Blacksmith or Welding Shop:** Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

G. **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.

H. **Boat Sales and Rental:** A marine retail sales and service use in which boats are rented or sold.

I. **Boat Storage:** A facility where boats are stored including indoor and outdoor.

J. **Brewery/Winery/Distillery:** An establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery) but not including on-premises consumption by patrons.

K. **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.

L. **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 and mitigate visual and other off-site impacts.

M. **Building:** Any structure with substantial walls and roof having a permanent foundation on 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.

N. **Building, Detached:** A building surrounded by open space and not sharing a common wall with another building on the same zoning lot.

O. **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.

P. **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.

Q. **Building Mounted Solar Energy System:** A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.

R. **Building Mounted Wind Energy System:** A wind turbine that is structurally mounted to the roof of a principal building, including limited accessory equipment associated with the system which may be ground mounted.

S. **Building, Nonconforming:** Any building which does not conform to the regulations of this title including but not limited to the 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.

T. **Building, Principal:** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

U. **Building Setback Line:** A parallel line across a lot or parcel of land, establishing the minimum open space to be provided between the line of a building or structure, and the lot line of the lot or parcel.

V. **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.

W. **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.

X. **Bumper Overhang:** The part of a motor vehicle which extends beyond the wheelbase in the front and rear of the vehicle.

Y. **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.

## 10-2-3. “C” Definitions

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

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

C. **Car Wash:** The primary or secondary use of a site for washing and cleaning of passenger vehicles, commercial vehicles, recreational vehicles, or other light duty equipment.

D. **Casino and Off-Track Betting Establishment:** An establishment intended to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, parimutuel, or any other form of wagering.

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

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

G. **City Council:** The City Council of the City of Yorkville.

H. **College, University, or Junior 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.

I. **Commercial Entertainment, Indoor:** Commercial indoor recreation facilities are conducted entirely indoors for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including wrestling, gymnastics, basketball, soccer, tennis, volleyball, racquetball, handball, bowling, indoor golf driving ranges, skating, and ice skating.

J. **Commercial Entertainment, Outdoor:** Commercial outdoor recreation facilities are conducted entirely outdoor for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including wrestling, basketball, soccer, tennis, volleyball, racquetball, handball, outdoor golf driving ranges, skating, and ice skating.

K. **Commercial Feeding of Fish, Poultry, Livestock:** A land use or facility used for the confined feeding operation for fish, poultry, swine, or livestock.

L. **Commercial Laboratory:** A laboratory, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department.

M. **Commercial/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.

N. **Community Garden:** A site on which residents collectively manage a garden for a shared benefit.

O. **Communications Use:** Any principal use that facilitates the origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, optical, or other excluding radio and television towers as defined in this UDO.

P. **Conforming Building or Structure:** A building or structure which:

1. Complies with all the current regulations of this title or of any amendment hereto governing bulk of the district in which the building or structure is located; and

2. Is designed or intended for a permitted or special use as allowed in the district in which it is located.

Q. **Contractor Facility With Outdoor Storage:** A general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction, which include the outdoor storage of equipment on-site.

R. **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.

S. **Crosswalk:** A strip of land ten (10) feet or more in width, dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas, and may include utilities, where necessary.

T. **Cul-De-Sac:** A street having only one (1) outlet, and an appropriate terminal for the reversal of traffic movement, without the need to back up.

U. **Cultivation of Nonfood Crops and Seeds Used of Cellulosic Biofuels Production:** The cultivation of crops and seeds not intended for the eventual consumption of food, but rather for the use of the production of biofuels.

V. **Cannabis Craft Grower:** A facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to five-thousand (5,000) square feet of canopy space on its premises for plants in the flowering state. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than fifty (50) percent of the same ownership as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

W. **Cannabis Cultivation Center:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

X. **Cannabis Dispensing Organization**: A facility operated by an organization or business that is licensed by the department of financial and professional regulation to acquire cannabis from a state-licensed cultivation center, craft grower, processing organization, or another dispensary 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 as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

Y. **Cannabis Infuser Organization:** A facility operated by an organization or business licensed by the state department of agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

Z. **Cannabis Processing Organization:** A facility operated by an organization or business that is licensed by the 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 as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

AA. **Cannabis Transporting Organization:** An organization or business that is licensed by the Department of Agriculture to transport cannabis or cannabis-infused product on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

## 10-2-4. “D” Definitions

A. **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 home, 225 ILCS 10/2.09.

B. **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 home. The term does not include facilities which receive only children from a single household, 225 ILCS 10/2.09.

C. **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.

D. **Data Center:** A facility comprised of networked computers, storage systems, and computing infrastructure which organizations use to assemble, process, store and disseminate data. Cryptocurrency centers, which use networked computers, storage systems, and computing infrastructure to manage the flow of digital or virtual currencies, shall be included in the definition.

E. **Dead End Street:** A street having only one (1) outlet.

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

G. **Development:** Any manmade change to real estate, including:

1. Preparation of a plat of subdivision;
2. Construction, reconstruction, or placement of a building or any addition to a building;
3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
4. Construction of roads, bridges, or similar projects;
5. Redevelopment of a site;
6. Filling, dredging, grading, clearing, excavating, paving, or other nonagricultural alterations of the ground surface;
7. Storage of materials, or deposit of solid or liquid waste;
8. Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

H. **District:** A delineated section or part of the unincorporated portion of the City in which bulk, density, and use specific standards established in Chapter 4 apply.

I. **Domesticated Hens:** All life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this title.

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

K. **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.

L. **Dry Cleaning Plant:** An establishment used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

M. **Dry Cleaning Establishment:** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-clean-ing equipment or machinery on the premises.

N. **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 ~~unit~~ dwellings, duplex dwellings, townhomes and multi-family ~~unit~~ dwellings, but not including hotels, motels, boarding or lodging houses.

O. **Dwelling, Accessory:** A dwelling that is an accessory use to a single-unit dwelling and that provides, independent of the principal single-unit dwelling:

1. A separate entrance that allows ingress and egress from the exterior of the property; and

2. Areas used for bathing, cooking, and sleeping.

P. **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.

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

R. **Dwelling, Multi-Family ~~-Unit~~:** A building or portion thereof, designed or altered for occupancy by two (2) or more household 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.

S. **Dwelling, Single-Family~~Unit~~:** A dwelling unit designed exclusively for use and occupancy by one (1) household which is detached from any other dwelling unit and surrounded on all sides by open space on the same lot.

T. **Dwelling, Townhouse:** A single-family ~~unit~~ 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.

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

## 10-2-5. "E" Definitions

A. **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.

B. **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.

C. **Electric Substation:** An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity in amounts of 115,000 volts or more.

D. **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.

E. **Entertainment Production Studios:** A theater, audience area for motion pictures and television studios or other similar uses.

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

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

1. 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.

2. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".

3. There is no direct public access from within such establishment to any other such establishment.

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

## 10-2-6. "F" Definitions

A. **FAA:** The Federal Aviation Administration.

B. **FCC:** The Federal Communications Commission.

C. **Farming/Cultivation:** The cultivation of berries, flowers, fruits, grains, herbs, mushrooms, nuts, ornamental plants, seedlings, or vegetables for use on-site or sale or distribution on-site or off-site.

D. **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.

E. **Fence, Open:** A fence which has over its entirety at least fifty (50) percent 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.

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

G. **Filtration Plant:** A facility that works to filter and purify water by removing chemicals, hazardous materials, and toxic matters from a water source.

H. **Financial Institutions and Services:** A financial institution, or bank, is a structure that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

I. **Fire Station:** A building used for the storage and maintenance of fire-fighting equipment.

J. **Floodplain:** See Title 8, Chapter 7 of this Code.

K. **Floor Area, Gross:** The sum of the gross horizontal areas of the all building floors, including the basement floor, 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:

1. Elevator shafts and stairwells.

2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.

3. Habitable attic space as permitted by the building code.

4. Interior balconies and mezzanines.

5. Enclosed porches.

6. Accessory uses.

7. 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 (10) feet of structure height and if such structure measures less than ten (10) feet but not less than five (5) feet 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".

8. 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.

L. **Floor Area, Net:** The sum of the gross horizontal areas of the all building floors, including the basement floor, measured from the exterior faces of the exterior walls or from the centerlines of walls separating two (2) buildings. The "floor area" shall not include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells.
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.
3. Habitable attic space as permitted by the building code.
4. Interior balconies and mezzanines.
5. Enclosed porches.
6. Accessory uses.
7. 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 (10) feet of structure height and if such structure measures less than ten (10) feet but not less than five (5) feet 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".
8. 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.

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

N. **Forestation:** The cultivation or keeping of existing mature trees as a principal use.

O. **Freestanding Solar Energy System, Accessory Use:** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems, constructed as the accessory use on a parcel, and not intended for the distribution and sale to a third party off-site.

P. **Freestanding Solar Energy System, Principal Use:** A single solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems, constructed as the principal use on an individual parcel, intended to serve consumers located off the parcel.

Q. **Freestanding Wind Energy System, Accessory Use:** A wind turbine that is that is affixed to or placed upon the ground on a parcel with an existing principal use, to which the wind energy system is accessory and provides electricity to and not intended for the sale and distribution off-site.

R. **Freestanding Wind Energy System, Principal Use:** A wind turbine that is that is affixed to or placed upon the ground on a parcel as the parcel's principal use but which does not distribute and sell energy to customers off-site.

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

T. **Frontage:** The property on one (1) side of a street, between two (2) intersecting streets (crossing or terminating), measured along the line of the street; or, with a dead end street, all property abutting one (1) side of such street, measured from the nearest intersecting street and the end of the dead end street.

U. **Frontage Street:** A public or private marginal access roadway, generally paralleling and contiguous to a street or highway, and designed to promote safety by eliminating unlimited ingress and egress to such street or highway by providing points of ingress and egress at relatively uniform spaced intervals.

V. **Funeral Home/Mortuary/Crematorium:** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

## 10-2-7. "G" Definitions

A. **Garage, Bus or Truck:** 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.

B. **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.

C. **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).

D. **Golf Course, Miniature:** 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.

E. **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.

F. **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.

G. **Grain Elevator and Storage:** A building designed to stockpile or store grain. Grain silos, which are vertical buildings, typically circular, used for the storage of grain, as well as grain elevators, which are used to convey grain to the top of a silo or storage building shall be included.

H. **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 Zoning Administrator or their designee, 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 Zoning Administrator or their designee deems necessary.

## 10-2-8. "H" Definitions

A. **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.

B. **Heavy Machinery and Equipment Sales Rental:** An establishment engaged in the sale or rental of equipment, dump trucks, tractor and trailer rigs, and similar vehicles not ordinarily used for personal transportation.

C. **Height:** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and antenna structures.

D. **Home Occupation:** An accessory use of a residential dwelling unit which complies with the requirements of Section 10-4-15(F) of this title.

E. **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.

F. **Hotel:** An establishment containing lodging accommodations designed for use by temporary guests in which access to guest rooms is through a common entryway or lobby. 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.

G. **Household:** All the people that occupy a single dwelling unit regardless of their relationship to one another.

## 10-2-9. "I" Definitions

A. **Improvements:** All facilities constructed or erected by a subdivider within a subdivision, to permit and facilitate the use of lots or blocks for a principal residential, business, or manufacturing purpose.

B. **Interlocking Standard Parking Spaces:** A configuration of off-street parking in columns in which the parking spaces in each individual column are angled to create an interlocking pattern with the angled off-street parking spaces in the adjoining column.

C. **Invasive Species:** An invasive species means any species non-native to the ecosystems of northeast Illinois whose introduction will or may cause economic or environmental harm to the function of the natural ecosystem.

## 10-2-10. "J" Definitions

RESERVE

## 10-2-11. "K" Definitions

A. **Kennel, Commercial or Private Dog Kennel:** 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.

## 10-2-12. "L" Definitions

A. **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.

B. **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.

C. **Land Improvement:** All required on-site and off-site subdivision improvements including, but not limited to, any sanitary sewage system, water distribution system, storm drainage systems, public utility systems, sidewalk systems, public or private streets, street lighting, street signs, grading and drainageway facilities, pedestrian ways, and retention and detention basins.

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

E. **Liquor Store:** A business engaged primarily in the retail sale of beer, wine, spirits or other alcoholic beverages for off-premise consumption.

F. **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 (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

G. **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 grade. A lookout basement shall not be counted as a story for the purposes of height measurement.

H. **Lot:** A portion of a subdivision or other parcel of land, intended for transfer of ownership, or for building developments.

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

J. **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 (135) degrees or less.

K. **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 or asphalt.

L. **Lot Depth:** The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

M. **Lot, Double Frontage:** A lot, two (2) opposite lot lines of which abut upon streets which are more or less parallel.

N. **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.

O. **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.

P. **Lot, Interior:** A lot other than a corner lot or reversed corner lot.

Q. **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.

R. **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.

S. **Lot Line, Interior:** A side lot line common with another lot.

T. **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.

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

V. **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.

W. **Lot, Reversed Corner:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

X. **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.

Y. **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.

Z. **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.

## 10-2-13. "M" Definitions

A. **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.

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

C. **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.

D. **Medical Clinic / Office:** An establishment where patients are admitted for study and treatment by two (2) or more licensed physicians, dentists, psychologists, or similar professional healthcare practitioners and their professional associates. The term shall include but not be limited to offices of physicians, chiropractors, dentists, and acupuncturists.

E. **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 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.

F. **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.

G. **Mobile Food Vendor Vehicles and Retail Vendor Vehicles:** A motorized vehicle used to conduct a mobile food preparer business, a mobile food dispenser, or mobile desserts vendor business.

H. **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.

I. **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 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.

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

K. **Motel:** A building or group of buildings on the same lot containing guest units consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for short-term rental, in which each guest unit is accessed through the building's exterior rather than through a common lobby.

L. **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.

M. **Motor Vehicle:** A passenger automobile/vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

## 10-2-14. "N" Definitions

A. **Native Species:** A plant or animal species that originates from the ecosystems of northeast Illinois. Non-invasive species of ornamental plants shall be included within the definition for the purposes of this UDO.

B. **Newspaper Publishing:** An establishment in which the principal business consists of duplicating and printing services of newspapers using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

C. **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.

D. **No-Impact Antenna and Towers:** A tower or antenna which is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure on which it is: 1) placed, such as a rooftop, lighting standard, or existing tower, or 2) replacing, such as a school athletic field light standard.

E. **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.

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

## 10-2-15. "O" Definitions

A. **Odorous Matter:** Any material that produces an olfactory response among human beings.

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

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

1. Is not devoted to public or private roadways or driveways and off-street parking and loading;
2. Is accessible and available only to occupants of dwelling units on the premises, except balconies;
3. Is not covered by buildings, except not more than five (5) percent 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;
4. Has not less than ten (10) feet its narrowest dimension between either a lot line and an area not qualifying as usable open space; and
5. Is developed, landscaped, and maintained suitable for pedestrian, recreational and leisure use.

D. **Outdoor Displays:** Areas where the majority of items for sale to the general public are displayed outdoors, such as garden nurseries, vehicle and equipment sales lots, mobile home sales, play equipment sales and other similar uses.

E. **Outdoor Music Venue:** A property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls or roof.

F. **Outline Lighting:** An arrangement of incandescent lamps or electric discharge tubing that outlines or calls attention to certain features of a building or sign including but not limited to its shape not to include temporary holiday decor.

## 10-2-16. "P" Definitions

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

B. **Parcel:** Shall refer broadly to a lot, tract, or any other piece of land.

C. **Park:** An area open to the general public and reserved for recreational, educational, or scenic purposes.

D. **Parking Area or Lot:** An open, hard-surfaced area, 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.

E. **Parking Space:** Space within a public or private parking area designed in conformance with Section 10-5-1(E) 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.

F. **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 multi-unit residential uses. Parking structures may either be above or below grade.

G. **Parkway:** A strip of land situated within the dedicated street right-of-way, either located between the roadway and right-of-way line, or a median located between the roadways.

H. **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.

I. **Place of Worship/Assembly:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building and accessory buildings and uses are maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

J. **Plan Council:** The Plan Council of the City of Yorkville.

K. **Planning and Zoning Commission:** The Planning and Zoning Commission of the City of Yorkville.

L. **Plan, Concept:** A tentative map or drawing which indicates the subdivider's proposed layout of a subdivision, including a site plan indicating existing off-site roadway connections.

M. **Plan, Final:** The final engineering plan, map or drawing, plus all accompanying information required by this title.

N. **Plan, Preliminary:** The preliminary engineering plan, map, or drawing, plus all accompanying information required by this title.

O. **Plat:** A subdivision as it is represented as a formal document by drawing and writing.

P. **Plat, Final:** The final map drawing or chart, on which the subdivider's layout of a subdivision is presented to the City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.

Q. **Plat, Preliminary:** A tentative map or drawing, which indicates the subdivider's proposed layout of a subdivision, including all proposed improvements.

R. **Playground**: An area open to the public for recreational use primarily for children.

S. **Police Station:** Protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles, excluding correctional institutions.

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

U. **Portable Outdoor Storage Device:** Any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other nontrash materials, and which the container and its contents are subsequently transported to another location.

V. **Post Office:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

W. **Preexisting Towers or Antennas:** Existing towers and existing antennas which predated this title, shall not be required to meet the requirements of this chapter other than the requirements of Section 10-4-14(A)(2)(f), (A)(2)(h), and (A)(2)(r) of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

X. **Prepared Food Service Establishment:** An establishment that makes prepared food available for sale to the general public for immediate consumption on or off the premises.

Y. **Preschool:** A school for children primarily between the ages of three (3) and five (5), providing preparation for elementary school.

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

AA. **Professional Care Services:** Establishments which provide individual services on a frequent or recurrent basis to the consumer at the site of the business. The term shall include, but shall not be limited to, beauty salons, hair salons, microblading, nail salons, and similar establishments.

BB. **Professional Services/Offices:** A business which is engaged in the processing, manipulation, or application of business information or professional expertise. The use shall include but not be limited to professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate services.

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

DD. **Storage, Indoor Single-Building Climate Controlled:** A facility consisting of a single building where individual self-contained units are leased or rented to the general public for dead storage and where the individual storage units are accessed from the interior of the building.

EE. **Storage, Outdoor Self-Storage:** A facility consisting of a building or group of buildings in which individual self-contained units are leased or rented to the general public for storage and where the individual storage units are accessed from the exterior of the building.

FF. **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.

GG. **Public Utility Facility (other)**: A public utility as defined in this UDO engaged activities other than electric substations or distribution centers, gas regulation centers, and underground gas holder stations.

## 10-2-17. "Q" Definitions

RESERVE

## 10-2-18. "R" Definitions

A. **Railroad Passenger Station:** A facility for the boarding of passengers and related ticketing sales and offices.

B. **Railroad Repair Shop, Maintenance Building, and Switching Yard:** The use of land, buildings and structures for equipment and supplies related to the repair of rail railroad facilities or an area used for the storing and switching of freight and passenger rolling stock.

C. **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.

D. **Radio and Television Towers, Commercial:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for commercial radio or television purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structure and any support thereto.

E. **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.

F. **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.

G. **Recreational Vehicle Sales and Service:** An establishment engaged in the sale of recreational vehicles, including motorhomes and pickup campers, travel trailers, tent trailers, and similar vehicles that are designed and constructed for permit sleeping or housekeeping in an outdoor or an showroom enclosed in a primary building.

H. **Recreational Vehicle, Trailer, and Boat Parking:** A site intended for the semi-permanent parking of recreational vehicles, trailers, or boats.

I. **Refrigerated Warehouse (Cold Storage):** A facility which is artificially or mechanically cooled in order to maintain the integrity and quality of perishable goods.

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

K. **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.

L. **Restaurant:** An establishment whose food is available to the general public typically for consumption on the premises. The term may include fast food restaurants in which food is available through drive-throughs as defined in this UDO, has a limited menu of items consisting of prepackaged or quickly prepared items; where food is ordered and picked up at a counter with no table service provided; where food is served in a limited dine-in area; or which is usually part of a chain or franchise establishment. The term may also include fast casual dining with one or more of the following characteristics; a limited menu items are made to order and are prepared only upon request; food is either ordered and picked up at a counter or served at the patron's table in a limited dine in area; and is usually part of a chain or franchise establishment.

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

N. **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.

O. **Riding Academies With Stables:** An establishment including associated stables where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

P. **Right-of-Way:** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes in the United City of Yorkville shall mean that every right-of-way hereafter established and shown on a final recorded plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Q. **Riding Academy:** An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

R. **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.

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

## 10-2-19. "S" Definitions

A. **Salvage Yard:** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including but not limited to materials such as scrap metals, paper, rags, tires, and bottles.

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

C. **School, Public or Private:** 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.

C. **Senior Housing, Dependent:** A building or collection of buildings, of any building type, containing dwelling units for senior adults or persons with disabilities. Dependent senior housing includes on-site support services and amenities assisted by staff. The daily amenities and services provided in dependent senior housing include meals, day care, personal care, medical support, nursing or therapy, and any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations. Support services may be located either in the same structure as the dwelling units or in a structure physically separated from the dependent living dwelling units.

D. **Senior Housing, Independent:** A building or collection of buildings, of any building type, containing dwelling units for senior adults or persons with disabilities. Independent senior housing may include on-site support services such as meal preparation and service, day care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations. Support services may be located either in the same structure as the dwelling units or in a structure physically separated from the independent living dwelling units.

E. **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.

F. **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.

G. **Service Drive:** A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

H. **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.

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

J. **Setback Line, Building:** See definition of building setback line.

K. **Sewage Disposal System, Central:** A system of sanitary sewers, serving ten (10) or more lots that discharge either into an interceptor sewer or an approved sewage treatment plant.

L. **Sewage Disposal System, Individual:** A sewage disposal system, or any other sewage treatment device approved by the Kendall County Department of Public Health, and servicing only one (1) lot.

M. **Sewage Treatment Plant:** A facility which operates a sewerage system and sewage treatment facilities that collect, treat, and disposal of human waste.

N. **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.

O. **Short-Term Rental:** A home occupation of a ~~single-unit~~single-family ~~-~~dwelling 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.

P. **Sidewalk:** That portion of street or crosswalk way, paved or otherwise surfaced, intended for pedestrian use only.

Q. **Sign:** Any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

R. **Sign Area**:~~-~~ Sign area shall apply to single-tenant monument signs, multi-tenant monument signs, on-site traffic directional signs, a-frame/sandwich board signs, and/or yard signs only. Sign area shall be computed by means of the smallest square, rectangle, circle, triangle or combination thereof that shall encompass the extreme limits of the sign copy area and the sign base area. Sign area shall not include any supporting framework, bracing, decorative fence, or wall when such fence or wall otherwise meets UDO regulations and is clearly incidental to the display itself. A double faced sign shall count as a single sign. Sign area for wall signs on buildings with multiple exterior walls shall be calculated as provided in Section 10-6-3(B).

S. **Sign, Awning/Canopy:** A sign wholly supported by a canopy projecting from a building or an extended roof or pitched roof and which does not extend above the mean height level of the roof of the building.

T. **Sign, A-Frame/Sandwich Board:** An advertising or business ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

U. **Sign, Cold Air Inflatable:** A sign designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable advertising device.

V. **Sign, Feather:** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

W. **Sign, Banner:** A temporary advertising sign which is not attached to a permanently mounted backing. Banner signs may be ground-mounted or wall-mounted.

X. **Sign, Billboard:** Any sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located.

Y. **Sign, Feather:** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

Z. **Sign, Monument:** A freestanding sign in which the entire bottom is in contact with or close to the ground.

AA. **Sign, On-Site Traffic Directional:** A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

BB. **Sign, Post:** A temporary sign, the face of which is affixed to a post installed on the ground.

CC. **Sign, Projecting:** A sign that projects perpendicular from a building more than twelve (12) inches from the building's supporting wall.

DD. **Sign, Roof:** A sign which is affixed to a roof, extended roof, pitched roof or canopy and which extends above the mean height of the roof.

EE. **Sign, Wall:** A sign affixed to a building wall which does not project horizontally more than twelve (12) inches from the wall nor extend above the height of the wall. ~~The term shall include painted wall signs, which are painted on the wall, as well as primary and secondary wall signs that are an component separate from but mounted on or fastened to the wall.~~

FF. **Sign, Window:** A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one (1) foot of the interior of a window, which can be seen through the window from the exterior of the structure.

~~GG. **Sign, Yard:** A temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.~~

~~HH.~~GG. **Skating Rink:** An establishment that provides facilities for participant skating.

~~II.~~HH. **Small Wireless Facility:** A wireless facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and b) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. Small wireless facilities are permitted uses if they are collocated in right-of-way in any zoning district or outside rights-of-way in property zoned exclusively for commercial or industrial use.

~~JJ.~~II. **Smoke:** Small gas borne particles other than water that form a visible plume in the air.

~~KK.~~JJ. **Solar Farm:** An installation that includes a large number of solar panels arranged contiguously on a parcel for the collection of solar energy and intended for the sale and distribution of electricity to customers located off-site.

~~LL.~~KK. **Solid Waste Disposal Site:** A facility for the purpose of treating, compacting, composting, storing, or disposing of solid waste.

~~MM.~~LL. **Stable/Paddocks:** 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.

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

~~OO.~~NN. **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.

~~PP.~~OO. **Storage of Roadway Construction Materials and Equipment:** A facility that stores any equipment which is used in connection with the construction, alteration, excavation or repair of a building or of real property, including, but not limited to front loaders, trailers, cranes, plows, bulldozers and other similar equipment.

~~QQ.~~PP. **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 (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

~~RR.~~QQ. **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 (4½) feet above the finished floor of each story. In the case of ~~single-unit~~single-family ~~-~~dwellings, duplex dwellings and multi-family ~~unit~~ 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 multi-family ~~unit~~ dwellings three (3) or more stories in height, a half story shall be counted as a story.

~~SS.~~RR. **Street:** A public or private right-of-way which affords a primary means of access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

~~TT.~~SS. **Street, Collector:** A street that collects and distributes traffic, primarily within residential areas. This street carries between two thousand five hundred (2,500) and twelve thousand (12,000) ADT.

~~UU.~~TT. **Street, Estate Residential:** A street of limited continuity, used for access to abutting rural residential properties and local needs of a neighborhood. This street carries less than one thousand (1,000) ADT.

~~VV.~~UU. **Street or Alley Line:** A line separating an abutting lot, piece or parcel from a street. The street line shall be the back of the curb where curbing exists or the edge of the street pavement if no curb is present.

~~WW.~~VV. **Street, Local Residential:** A street of limited continuity, used primarily for access to abutting rural residential properties and local needs of a neighborhood. This street carries less than one thousand (1,000) ADT.

~~XX.~~WW. **Street, Major Collector:** A street that serves as a main traffic thoroughfare, both within and outside of the City, carrying heavy volumes of traffic. This street carries more than two thousand five hundred (2,500) ADT.

~~YY.~~XX. **Street, Minor Collector:** A street that collects and distributes traffic within intensively developed areas, and is used primarily for internal trips within the planning area. This street carries between one thousand (1,000) and two thousand five hundred (2,500) ADT.

~~ZZ.~~YY. **Street Width:** The shortest distance between the backs of the curb or edge of pavement of a roadway.

~~AAA.~~ZZ. **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.

~~BBB.~~AAA. **Structure:** Anything constructed or erected which requires at least semi-permanent location on the ground or is attached to something having location on the ground.

~~CCC.~~BBB. **Subdivider:** Any person or corporation or duly authorized agent who undertakes the "subdivision" or "development" of land as defined herein. Also referred to as developer.

~~DDD.~~CCC. **Subdivision:** A described tract of land which is to be or has been divided into two (2) or more lots or parcels. The term subdivision includes resubdivision and, where it is appropriate to the context, relates to the process of subdividing or to the land subdivided.

~~EEE.~~DDD. **Swimming Pool, Indoor:** A structure, whether designed to hold water more than thirty (30) inches deep to be used for recreational purposes and entirely enclosed within a building.

## 10-2-20. "T" Definitions

A. **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.

B. **Tavern – Nightclub 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.

C. **Tent:** A structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material. The horizontal area covered by the fabric or other pliable material shall be considered building floor area. Tents shall be considered detached accessory structures.

D. **Temporary and Seasonal Uses.** A use intended for a limited duration on a site as allowed through the temporary use permit process in Section 10-8-3 (F) or a use which is associated with a holiday or special event, or which is accessory to a permitted use and transitory in nature.

E. **Temporary Use Permit.** A permit for a Temporary Use designated in this UDO which is to be established for a fixed period of time, with the intent to discontinue such use upon the expiration of that timeframe.

F. **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.

G. **Theater, Live Performance:** A building used for dramatic, operatic, music, or other live performance purposes for which attendees are charged admission an admission fee to view.

H. **Theater, Motion Picture:** A building used for the display of motion pictures for which attendees are charged an admission fee to view.

I. **Title:** Reference to "title" herein shall be construed to be the Yorkville Unified Development Ordinance.

J. **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

K. **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, camping trailer, travel trailer, horse trailer or cargo trailer.

L. **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.

M. **Tree Root Zone:** Area of the ground around the base of the tree measured from the trunk to five (5) feet beyond the outer base of the branching system.

N. **Truck and Trailer Sales/Rental:** Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

O. **Truck, Truck-Tractor, Truck Trailer, Car Trailer or Bus Storage Yard:** A site intended for the semi-permanent storage of trucks, truck-tractors, truck trailers, car trailers, buses, and other similar vehicles. motor freight terminals shall not be included.

P. **Turnaround:** An area at the closed end of a street or parking lot, within which vehicles may reverse their direction.

## 10-2-21. "U" Definitions

A. **Underground Dog Fences:** A fence constructed beneath the site's natural grade constructed solely to prevent household pets from leaving the property.

B. **Unified Development Ordinance, City of Yorkville:** The Unified Development Ordinance of the City of Yorkville as established in this title including the Zoning District Map as amended.

C. **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.

D. **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.

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

F. **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.

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

H. **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.

## 10-2-22. "V" Definitions

A. **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.

B. **Variation:** A limited relief from the requirements of this title granted to a particular property in an instance in which the strict application of the requirements would create a practical difficulty or particular hardship prohibiting the use of the property in a manner otherwise allowed under this title. Such limited relief shall not change the underlying zoning of the subject property.

C. **Vehicle Charging Station:** A permitted accessory use serving another principal use that is located in a parking structure or parking lot and used for the charging of electric motor vehicles. The vehicle charging station shall not result in the reduction of parking spaces to less than what is required to serve the principal use.

D. **Veterinary Clinic:** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded only during their convalescence.

## 10-2-23. “W” Definitions

A. **Wholesaling and Warehousing:** 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.

B. **Wetlands:** As defined by the Illinois Department of Natural Resources.

C. **Wind Farm:** An installation including a cluster of wind turbines on one parcel for the collection of wind energy and sale of electricity to customers located off-site.

## 10-2-24. "X” Definitions

RESERVE

## 10-2-25. “Y” Definitions

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

B. **Yard, Corner Side:** A yard adjoining a street line which is bounded by the front lot line and rear lot line, and is opposite the interior side yard.

C. **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.

D. **Yard, Interior Side:** A side yard which adjoins another lot or an alley separating such side yard from another lot.

E. **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 Section 10-3-11 of this chapter.

F. **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.

G. **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.

## 10-2-26. “Z” Definitions

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

B. **Zoning Administrator:** The designated City of Yorkville staff person(s) in the Community Development Department designated to undertake the administration and interpretation of this UDO, including but not limited to the Community Development Director.

C. **Zoning Officer:** The Building Code Official shall be the Zoning Officer and be responsible for enforcing this Title, including the responsibilities defined in Section 10-8-1(B).

# Chapter 5. Development Standards

10-5-1. Off-Street Parking and Loading ..... 1
10-5-2. Driveways ..... 18
10-5-3. Landscape ..... 22
10-5-4. Screening ..... 36
10-5-5. Fences ..... 39
10-5-6. Vision Clearance ..... 41
10-5-7. Outdoor Lighting ..... 42

## 10-5-1. Off-Street Parking and Loading

A. **Purpose**. The purpose of this section is to regulate off-street parking and loading areas on private property outside the public right-of-way. The regulations are intended to achieve the following:

1. Relieve traffic congestion on streets by providing adequate, but not excessive, off-street parking;
2. Encourage the use of alternate forms of transportation including bicycling, transit, walking, and ride sharing services;
3. Avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; and
4. Minimize negative impacts on adjacent properties and the environment.

B. **General Provisions**.

1. **Application**. The off-street parking and loading provisions in this section shall apply to the following:
   a. **New Development.** All new buildings, structures, and land uses established after the adoption of this title must comply with the parking and loading regulations established in this section.
   b. **Expansion**. When an existing building or structure increases in intensity or is expanded, the number of parking spaces and/or loading facilities must be modified to meet the parking and loading regulations. The number of parking spaces and/or loading facilities that must be modified will be determined by the unit of measurement specified for that land use in Table 10-5-1(H)(5). However, no building or structure lawfully erected or use lawfully established prior to the effective date shall be required to provide additional parking spaces and/or loading facilities unless the aggregate increase in units of measurements is greater than fifteen (15) percent.
   c. **New Use**. Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use, unless otherwise approved as a Variation as detailed in Section 10-8-9. However, if said building or structure was erected prior to the effective date of this title, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this title.
2. **Existing Parking and Loading Facilities**. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and were in existence on the effective date of this title shall not be required to reduce the amount of parking and loading facilities regulated in this title. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification.

3. **Control of Off-Site Parking Facilities**. Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are necessary. No such off-site parking facilities shall be authorized and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless approved as an Variation as detailed in Section 10-8-9. Prior to approval as an Administrative Exception, the owners of the multiple properties shall provide an agreement in a form approved by the City Administrator with consultation from the City Attorney attesting that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

C. **Use of Parking Areas**.

1. All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site.

2. No off-street parking area shall be used for storage of equipment or materials except where otherwise approved.

D. **Requirements For All Parking.**

1. Drive aisles shall be required in the parking areas that have five (5) or more spaces.

2. All required parking lots, by this Code, shall comply with the accessibility requirements of the State of Illinois Accessibility Code and the ADA.

E. **Parking Stall and Aisle Dimensions**.

1. **Standard Parking Stall and Aisle Dimensions**. Standard parking spaces, including interlocking standard parking spaces, shall comply with the minimum dimensional and layout requirements specified in Table 10-5-1(E)(1) and as generally illustrated in Figure 5.1.

**Table 10-5-1(E)(1) Standard Parking Stall and Aisle Dimensional Requirements**

| | *Figure Reference* | | | | | |
|---|---|---|---|---|---|---|
| | A | B | C | D | E | F |
| Parking Angle (degrees) | Space Width | Space Depth | Aisle Width (2-Way) | Aisle Width (1-Way) | Depth of Interlocking Spaces | Overhang |
| *0* | 9' | 20' | 24' | 12' | n/a | n/a |
| *45* | 9' | 18' | 24' | 12' | 28.25' | 2' |
| *60* | 9' | 18' | 24' | 18' | 32' | 2' |
| *90* | 9' | 18' | 24' | 24' | 36' | 2' |

2. **Compact Parking and Motorcycle Stall and Aisle Dimensions**.

   a. Compact parking stalls and aisles shall comply with the minimum dimensional and layout requirements specified in Table 10-5-1(E)(2).

   b. In parking areas containing more than ten (10) spaces, up to five (5) percent of the spaces exceeding the first ten (10) spaces may be designed for compact vehicles.

   c. Compact parking spaces shall be labeled for such purposes.

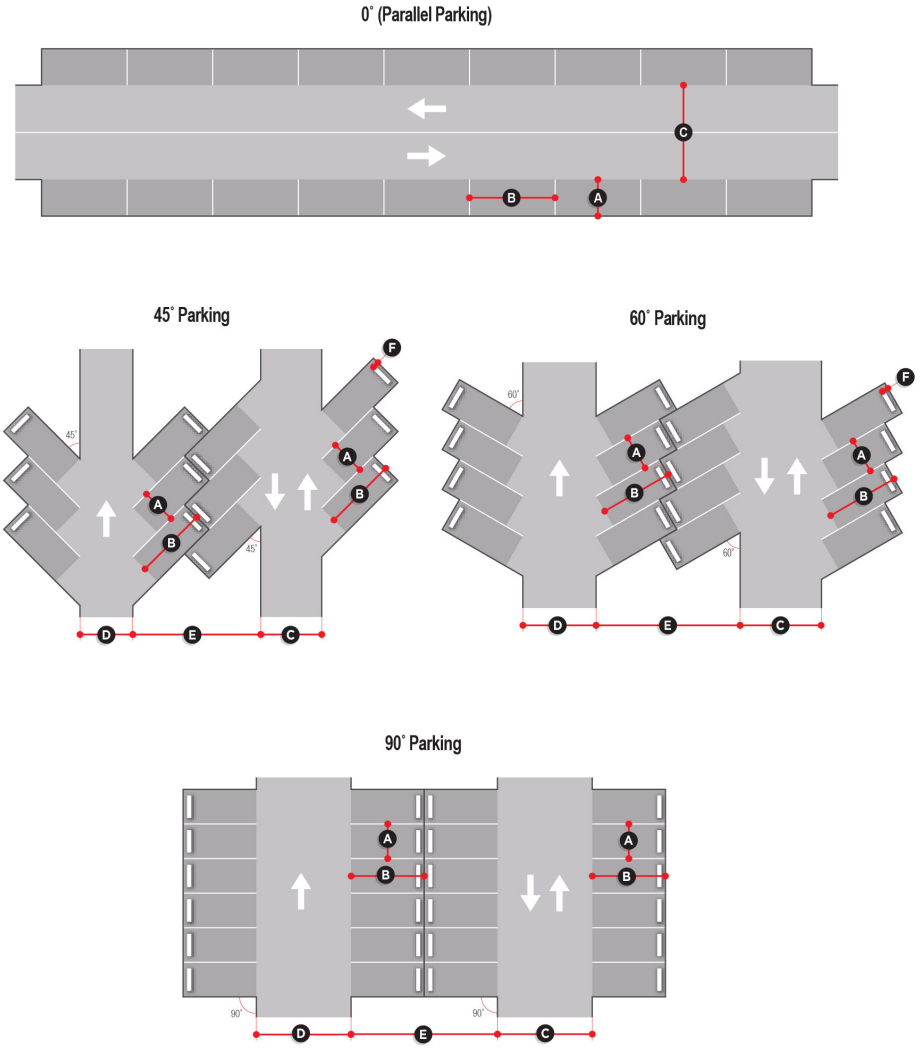
   d. Compact parking stalls shall be grouped together and separated from standard parking stalls. Striping of at least one half (1/2) foot in width shall be used to visually delineate the edge of the area used for compact vehicle parking spaces from standards parking stalls.

Commented [RS1]: Half foot striping in between for separation.

**Table 10-5-1(E)(2) Compact Parking Space Dimensional Requirements**

| Parking Angle (degrees) | *Figure Reference* A<br>Space Width | B<br>Space Depth | C<br>Aisle Width (2-Way) | D<br>Aisle Width (1-Way) | E<br>Depth of Interlocking Spaces | F<br>Overhang |
|---|---|---|---|---|---|---|
| *0* | 7.5' | 18' | 18' | 12' | n/a | n/a |
| *45* | 7.5' | 15.5' | 18' | 12' | 28.25' | 1.5' |
| *60* | 7.5' | 16.25' | 18' | 16' | 32' | 1.5' |
| *90* | 7.5' | 15.5' | 24' | 24' | 36' | n/a |

*Figure 5.1. Dimensional Requirements of Parking Spaces and Drive Aisles*



F. **Access and Cross Access.**

1. **Access**. To ensure safe and efficient means of automobile access for all parking spaces, each required off-street parking space shall open directly upon an aisle or driveway unless the facility is serviced by a parking attendant.

2. **Cross Access**. To facilitate vehicular access between adjoining developments, encourage shared vehicle parking, and minimize access points along streets, new multi-~~unit~~family, nonresidential, and mixed-use development or redevelopment shall comply with the following standards:

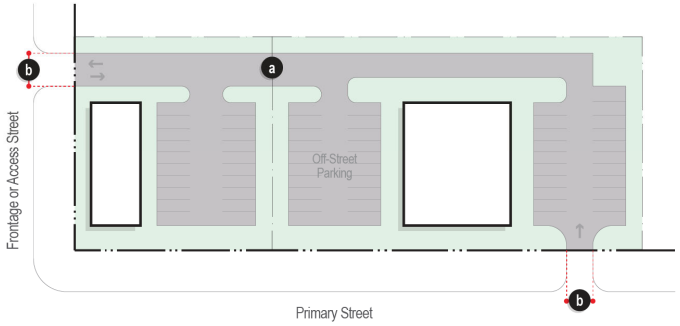
   a. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining multi-~~unit~~family, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multi-family~~unit~~, nonresidential, or mixed-use development.

   b. Required vehicular cross access between the adjoining lots shall be provided through the use of a frontage or service street (if the lots front on a major thoroughfare right-of-way), a single two-way maneuvering lane, or two one-way maneuvering lanes that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.

   c. The Zoning Administrator may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or there exists an inability to connect to adjacent property. City Council shall have the authority to waive or modify vehicular cross access requirements for all public review processes involving review by City Council.

   d. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Register of Deeds for the county in which the properties are located before issuance of a Building Permit for the development.

***Figure 5.2. Cross Access Standards***




3. **Surfacing**. All open off-street parking areas shall be surfaced with a material and at a thickness per use type as specified in the City of Yorkville Standard Specifications Driveway and Parking Lot Paving Standards.

G. **Location**. Off-street parking spaces may be located in any yard defined by this title. The location of off-street parking spaces in relation to the use served shall be as prescribed below. All distances specified shall be property line to parking space and a main entrance to the use served.

1. **Residence Districts**. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.

2. **Business and Manufacturing Districts**. All required parking spaces shall be within one thousand (1,000) feet of the use served, except for spaces accessory to dwelling units (except those located in a hotel) which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district unless authorized by the Planning and Zoning Commission in accordance with this title.

H. **Off-Street Parking Requirements**.

1. **Minimum Requirements**. Except as otherwise expressly stated, off-street parking spaces shall be provided in accordance with the parking ratio requirements established in Table 10-5-1(H)(5) Minimum Parking Requirements. Parking spaces reserved for specific user groups, other than ADA compliant spaces and spaces with electric vehicle charging stations, shall not count towards the minimum requirement.

2. **Maximum Requirements**. To minimize excessive areas of pavement, no off-street parking area for nonresidential or multi-~~unit~~ family uses shall exceed the required minimum number of parking spaces by more than twenty (20) percent, except as approved by the Zoning Administrator. In approving additional spaces, the Zoning Administrator shall determine that the parking is needed based on documented evidence of actual use and demand provided by the applicant.

3. **Parking in the B-2 District**. Nonresidential uses in the B-2 Mixed Use District shall be exempted from providing off-street parking as required in the form-based code.

4. **Calculations**. The following rules shall apply when calculating the required minimum number of parking spaces.

   a. **Fractions**. When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded up to the next highest whole number.

   b. **Area Measurements**. Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of net floor area (NFA) as defined in Section 10-2-6(L) of this ordinance.

5. **Unlisted Uses**. In the case of uses not listed in Table 10-5-1(H)(5) Minimum Parking Requirements, the number of spaces for a similar use, as determined by the Zoning Administrator, shall apply.

**Table 10-5-1(H)(5) Minimum Parking Requirements**

| Use | Minimum Parking Requirement, 8,000 sq ft or less | Minimum Parking Requirement, more than 8,000 sq ft |
|---|---|---|
| *Agricultural Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Agricultural uses | | |
| Apiaries | n/a | n/a |
| Campground | 1/campsite | 1/campsite |
| Commercial feeding of fish, poultry, livestock | | |
| Cultivation of nonfood crops and seeds used of cellulosic biofuels production | | |
| Farming/Cultivation | | |
| Forestation | | |
| Grain elevators and storage | n/a | n/a |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Nursery/greenhouses | 1/1,000 sqft | 0.5/1,000 sqft |
| Recreational camp - private | 1/campsite | 1/campsite |
| Riding academies with stables | 1/6 stalls | 1/6 stalls |
| Roadside stand | 1/200 sq ft | 1/200 sq ft |
| Stables or paddocks | n/a | n/a |
| *Residential Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Dwelling, duplex | 2/unit | 2/unit |
| Dwelling, multi-family | 1.25/unit | 1.25/unit |
| Dwelling, single-family | 2/unit | 2/unit |
| Dwelling, accessory | 1 unit | n/a |
| Dwelling, townhouse | 2.25/unit | 2.25/unit |
| Senior housing, dependent | 0.25/unit | 0.25/unit |
| Senior housing, independent | 0.5/unit | 0.5/unit |
| *Lodging Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Bed and breakfast inn | | |
| Hotel | | |
| Motel | | |
| Short-term rental | 1/lodging unit | 0.5/lodging unit |
| *Commercial Retail Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Adult uses | | |
| Building material sales | | |
| Liquor store | | |
| Pawnbrokers/pawnshops | | |
| Retail store, general - less than one (1) acre | | |
| Retail store, general greater than one (1) acre | 3/1,000 sq ft | 2/1,000 sq ft |
| *Commercial Service Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Adult daycare facility | | |
| Animal hospital | | |
| Art galleries/art studio | | |
| Auction house | | |
| Bank | | |
| Commercial laboratory | | |
| Commercial/trade school | | |
| Daycare facility | | |
| Dry cleaning establishment | | |
| Entertainment production studio | | |
| Financial institutions and services | | |
| Funeral home/mortuary/crematorium | | |
| Health and fitness club/center | 3/1,000 sq ft | 2/1,000 sq ft |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Indoor shooting gallery/range | | |
| Kennel, commercial or private dog kennels | | |
| Massage establishment | | |
| Off track betting (OTB) establishments | | |
| Professional care services | | |
| Professional services/offices | 2/1,000 sq ft | 1/1,000 sq ft |
| Radio and television studios | 3/1,000 sq ft | 2/1,000 sq ft |
| Storage, indoor single-building climate controlled | 3/10 storage units | 3/12 storage units |
| Storage, outdoor self storage | 1/45 storage units | 1/55 storage units |
| Tattoo and body piercing establishment | | |
| Veterinary clinic | 3/1,000 sq ft | 2/1,000 sq ft |
| *Commercial Entertainment Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Amusement park | | |
| Commercial entertainment, indoor | | |
| Commercial entertainment, outdoor | | |
| Community / Recreation center | | |
| Golf course, miniature | | |
| Golf course | | |
| Golf driving range | | |
| Indoor Event/Recreation Conversion | | |
| Outdoor music venues | | |
| Skating rink | | |
| Stadium | | |
| Swimming pool - indoor | | |
| Theater, live performance | As deemed appropriate by the City Engineer | As deemed appropriate by the City Engineer |
| Theater, motion picture | | |
| *Eating and Drinking Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Brewery/Winery/Distillery tasting room | | |
| Brewpub | | |
| Microbrewery, microdistillery, and microwinery | | |
| Prepared Food Service Establishment | | |
| Restaurant | | |
| Tavern - nightclub or lounge | 3/1,000 sq ft | 2/1,000 sq ft |
| *Medical Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Hospital | | |
| Medical clinic / office | | |
| Treatment center | 1/300 sq ft | 1/300 sq ft |
| *Vehicle Related Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Automobile parts/accessories sales | | |
| Automobile rental | 1/1,000 sq ft | 0.5/1,000 sq ft |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Automobile repair | 1/200 sq ft | 1/200 sq ft |
| Automobile sales enclosed and service/open sales lot | | |
| Boat sales and rental | | |
| Boat storage | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Car wash | 1/car wash bay | 1/car wash bay |
| Gasoline service station | 1/gas pump and 1/300 sq ft accessory retail space | 1/gas pump and 1/300 sq ft accessory retail space |
| Heavy machinery and equipment rental | | |
| Recreational vehicle sales and service | 1/1,000 sq ft | 1.5/1,000 sq ft |
| Semi-truck repair | 1/service bay | 1/service bay |
| Truck and trailer sales/rental | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal | n/a | n/a |
| *Energy Industrial Uses* | *As specified below* | *As specified below* |
| Battery Uses | | |
| Data Center | 70,000 sq ft or less: 20 | More than 70,000 sq ft: 0.3 / 1,000 sq ft |
| Refrigerated Warehouse (Cold Storage) | 150,000 sq ft or less: 0.5/1,000 sq ft | More than 150,000 sq ft: 0.3/1,000 sq ft |
| *Industrial Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Aggregate materials extraction, processing and site reclamation (stone and gravel quarries) | | |
| Artisan manufacturing | | |
| Assembly, production, manufacturing, testing, repairing, or processing | | |
| Bakery (wholesale - retail component special use) | | |
| Blacksmith or welding shop | | |
| Brewery/winery/distillery | | |
| Contractor facilities with outdoor storage | | |
| Dry cleaning plant | | |
| Manufacturer of firearms and ammunition | | |
| Newspaper publishing | | |
| Research laboratories | | |
| Wholesaling and warehousing - local cartage express facilities - including motor freight terminal | 0.5/1,000 sq ft | 0.3/1,000 sq ft |
| *Transportation Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Airport | | |
| Bus or truck garage or streetcar house | | |
| Bus or truck storage yard | | |
| Motor freight terminals | | |
| Railroad passenger station | As determined by parking demand study (1) | As determined by parking demand study (1) |
| Railroad repair shops, maintenance buildings and switching yards | | |
| *Alternative Energy Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Solar farm | 2 | n/a |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Building mounted solar energy systems | | |
| Freestanding solar energy systems - accessory use | n/a | n/a |
| Freestanding solar energy systems - principal use | | |
| Wind farm | max of 2 | n/a |
| Wind energy system, building-mounted | | |
| Wind energy system, freestanding - accessory use | n/a | n/a |
| Wind energy system freestanding - principal use | max of 2 | n/a |
| *Medical and Adult Cannabis Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Cannabis Craft Grower | n/a | n/a |
| Cannabis Cultivation Center | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Cannabis Dispensing Organization | 3/1,000 sq ft | 2/1,000 sq ft |
| Cannabis Infuser Organization | | |
| Cannabis Processing Organization | 0.5/1,000 sq ft | 0.3/1,000 sq ft |
| Cannabis Transporting Organization | As determined by parking demand study (1) | As determined by parking demand study (1) |
| *Institutional, Public, and Utility Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Cemetery | | |
| College, university or junior college | | |
| Communications use | | |
| Electric substation | | |
| Filtration plant | | |
| Fire station | | |
| Library | | |
| Parks | As determined by parking demand study(1) | As determined by parking demand study (1) |
| Place of worship/assembly | 1/6 seats | 0.5/6 seats |
| Playground | | |
| Police station | As determined by parking demand study (1) | As determined by parking demand study (1) |
| Post office | | |
| Preschool | 3/1,000 sq ft | 3/1,000 sq ft |
| Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations | | |
| Public utility facilities (other) | | |
| Radio and television towers - commercial | | |
| Sanitary landfill | | |
| School, public or private | | |
| Sewage treatment plant | | |
| Solid waste disposal site | | |
| Utility company maintenance yard | | |
| Utility service yard or garage | As determined by parking demand study (1) | As determined by parking demand study (1) |
| (1) The applicant shall propose an appropriate parking requirement specific to their proposal, which shall be supported by a parking study, and shall be approved by the City Engineer. | | |

I. **Fee-In-Lieu of Off-Street Parking.** An applicant may request to pay a fee-in-lieu of the off-street parking required in this Section. The City will allocate the fee to construct and maintain public parking facilities.

1. All requests for a fee-in-lieu of off-street parking shall be subject to approval by the City Council. A maximum of twenty (20) percent of the off-street parking required in this subsection may be substituted for the provision of a fee-in-lieu of parking.

2. The developer shall provide the average cost of an off-street parking space as provided per the City of Yorkville's adopted ordinances and as verified by the City Engineer.

3. An approved payment in lieu of providing parking shall be paid prior to issuance of a building permit.

J. **Reserved Parking Spaces**.

1. **Curb-Side Pickup**.

a. A maximum of five (5) percent of required parking spaces specified in Table 10-5-1(H)(5) may be reserved for curb-side pickup patrons.

b. Parking spaces reserved for curb-side pickup patrons shall be located either to the side of the principal building, in the rear of the parking lot, away from main building entrances so as not to inhibit pedestrian travel between the principal building entrance and off-street parking areas, near employee exits or in another location approved by the Zoning Administrator.

c. The Zoning Administrator may reduce the minimum number of parking spots required by one (1) space per parking spot reserved for curbside pickup patrons.

2. **Ride Share Pickup and Drop Off**.

a. A maximum of five (5) percent of required parking spaces may be reserved for ride share pick up and drop off.

b. Parking spaces reserved for ride share pick up and drop off shall be located either to the side of the principal building, in the rear of the parking lot, away from main building entrances, or in another location approved by the Zoning Administrator.

c. The Zoning Administrator may reduce the minimum number of parking spots required by one-half (0.5) space per parking spot reserved for ride share pick up and drop off.

K. **Electric Vehicle Charging Stations**.

1. **Quantity Required**. Any parking structure, parking area serving a ~~multiunit~~ multi-family use, or any parking area with fifty (50) or more parking spaces, shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station per every fifty (50) parking spaces.

2. **Measurement.** The number of electric vehicle charging stations required shall be determined based on the number of vehicle spaces provided that allow for electric vehicle charging. Double counting by using dual chargers per a single station but not providing the required number of vehicle spaces shall be prohibited.

L. **Allowed Reductions to Required Parking**. Table 10-5-1(L) establishes reductions to required parking that may be approved by the Zoning Administrator.

**Table 10-5-1(L) Allowed Reductions to Required Parking**

| Adjustment Type | Criteria | Adjustment Amount |
|---|---|---|
| *Pedestrian Access* | Nonresidential use is located where residents of all residential and mixed-use areas within 1,320 feet of the subject property can walk to and from the nonresidential use on a continuous sidewalk system (ignoring intervening streets). | 10% reduction |
| *Public Parking Lots* | Nonresidential use is located within 900 feet of a parking lot that is available for use by the public without charge (either directly or through a validation program in which the subject use participates). | 10% reduction |
| *On-Street Parking* | Single-family or duplex residential is located along one or more public street frontages where public parking is permitted. | One legal on-street parking space (to a maximum of two parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50% or more of the space is located. |
| | Multifamily residential or nonresidential use located along one or more public street frontages where public parking is permitted. | One legal on-street parking space can be substituted for 0.5 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. |
| *Curbside Parking* | Commercial retail or eating and drinking use offering an online curbside pickup option. | One curbside parking space can be substituted for every required off-street parking space to a maximum 5% reduction of the total number of off-street parking spaces. |

M. **Shared Parking**.

1. **Purpose**. Shared parking is the use of a parking space by vehicles generated by two (2) or more individual land uses without conflict or encroachment. Shared parking for multiple uses creates better pedestrian connections and reduces reliance on private vehicles because multiple trips may be taken by walking. Shared parking is encouraged for the benefits it provides as long as the use follows the conditions and standards listed below.

2. The ability to share spaces is the result of two (2) conditions:

    a. Vehicles accumulate at different times; either by hours, days, or seasons.

    b. Relationship of the uses allows for multiple visits in one (1) auto trip.

3. **Shared Parking Uses**. The uses listed subsections (a) and (b) are uses that are generally considered prime candidates for shared parking. While these are considered the main uses to have shared parking, the Zoning Administrator has the final authority on what uses may or may not share parking regardless of if the use is listed in the subsections below or not.

    a. For purposes of this Section, the following uses are considered daytime uses:

        (1) Office Uses,

        (2) Commercial Service Uses,

        (3) Commercial Retail Uses,

        (4) Industrial Uses, and

        (5) Other similar primarily daytime uses, as determined by the City Council.

    b. For purposes of this Section, the following uses are considered evening or weekend uses:

        (1) Physical Health and Entertainment Uses,

        (2) Public/Semi-Public Uses,

        (3) Eating and Drinking Uses, and

        (4) Other similar primarily nighttime or weekend uses, as determined by the City Council.

4. **Standards**.

   a. The applicant must demonstrate that the shared parking area has a sufficient amount of spaces for the uses they intend to share the area with. The Zoning Administrator may require the applicant to provide data to support the sufficient parking claim.

   b. The nearest parking space shall be no farther than one thousand (1,000) feet from the principal buildings, structures, or uses. The path from the parking space to the principal building should consider:

      (1) Adequate lighting.

      (2) Separation from the right-of-way.

      (3) Legal crosswalks for right-of-way crossing.

      (4) Asphalt, concrete, or similar surface material.

   c. A legal document between the property owners that guarantees access to the shared parking must be submitted to the Zoning Administrator. The document will be approved by the City before being recorded. The termination of the agreement must be approved by the City and the owners must provide proof that each establishment meets the criteria within this title.

N. **Pedestrian Circulation Standards**.

1. Off-street parking areas shall include on-site pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists.

2. The on-site pedestrian circulation system shall comply with all ADA standards.

3. The on-site pedestrian circulation system shall be marked and must connect all buildings on the site to one another and provide connections to the required vehicle and bicycle parking spaces.

4. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not require significant out-of-direction travel.

5. The on-site pedestrian circulation system shall provide at least one (1) connection to adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

6. Connections to existing and future planned trails shall be provided.

O. **Bicycle Parking**. The purpose of this section is to provide sufficient, safe, and convenient bicycle parking to encourage bicycling as a form of transportation, reducing traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

1. **Types of Parking.** The following types of bicycle parking shall be allowed:

a. **Short-Term Parking.**

(1) **Bicycle Rack.** A bicycle rack is a device that is capable of supporting a bicycle in a stable position that secures the bicycle with at least two (2) points of contact. A single rack provides two (2) parking spots. The rack shall be no taller than three (3) feet tall and no less than eighteen (18) inches in length.

(2) **Bicycle Shelter.** A bicycle shelter is a covered parking area and provides all weather protection. The shelter should be designed to hold many bicycles. It is preferred that the shelter be close to other forms of transportation to encourage bicycle riding throughout the City.

b. **Long-Term Parking.**

(1) **Bicycle Locker.** A bicycle locker provides an all-weather, high security, and long-term parking solution. The enclosure should be made out of durable material that will keep the bicycle safe from weather or vandalism. The locker must be able to be locked to prevent theft and it must be able to be unlocked by the user for easy access. It is preferred that bicycle lockers are placed near other forms of transportation to encourage bicycle riding throughout the City.

(2) **Bicycle Station.** A bicycle station provides the highest level of service for long term parking. The station is intended to be a regional hub for bicycles in the area and it is expected for the station to provide services to cyclists. These services may include, but are not limited to, repair, lockers, showers, food and beverages, rental, and other storage facilities.

2. **Off-Street Parking Reduction For Bicycle Parking.**

a. A reduction in the number of off-street vehicle parking spaces required shall be permitted for the provision of bicycle parking provided that:

(1) No fee is required for using the bicycle parking made available;

(2) When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest integer.

b. The reduction in the number of vehicle parking spaces shall be reduced by no more than one (1) space for every two (2) bicycle parking spaces, but no more than five (5) percent of the total required spaces.

c. This provision is applicable to all land uses except single-~~unit~~ family residential and ~~two-unit~~duplex residential.

P. **Land Banked Parking Facilities.** Land banking allows for the designation of a portion of land on a site that would be required for parking to be held and preserved as open space, rather than constructed as parking. This reduces the amount of impervious surface on a site for developments which otherwise would not have enough parked vehicles to fill the minimum required parking stalls, or "bank" the spaces until such time capacity warrants their construction.

1. **Standards.** The Planning and Zoning Commission may recommend to the City Council land banking of up to twenty-five (25) percent of the required parking spaces through the Variation process, as defined in Section 10-8-9 of this ordinance.

2. **Land Bank Plans Required.** The owner of the property making a land bank request shall submit a detailed land banked parking plan for review by the Planning and Zoning Commission with final approval by the City Council. The

land banked parking plan shall show both full compliance with the parking regulations of this chapter and the land bank area showing the reduced number of parking spaces.

3. **Termination of Land Bank.**

   a. The City Council shall have the right in its discretion to require the property owner or successor, to construct all or a portion of the land banked parking facilities. Instances for termination, shall include, but not be limited to:

      (1) The intensity of the use is increased,

      (2) The type of use changes,

      (3) There is an addition to the property or building.

   b. The Zoning Administrator will provide notice to the owner that the land banked parking facilities must be constructed and completed within one (1) year from the date of the notice.

Q. **Off-Street Loading Regulations and Requirements.**

1. **Location.** All loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons of capacity shall be closer than fifty (50) feet to any property zoned or used for residential purposes unless all loading and unloading activities are located completely within the building, screened by the requirements for Transition Area D as detailed in Section 10-5-3(F)(3). No permitted or required loading berth that is open to the sky shall be located within any front or corner side yard and shall not be located within fifty (50) feet of the nearest point of intersection of any two (2) streets.

2. **Size.** Required size shall be determine on a case-by-case basis depending on the narrative provided by the petitioner or traffic study and shall be as approved by the Zoning Administrator.

3. **Surfacing.** All open off-street loading berths shall be improved with a compacted aggregate base not less than twelve (12) inches and surfaced with not less than four (4) inches of bituminous concrete or six (6) inches of concrete or some comparable all weather dustless material. The exact design to be determined based on projected use of the loading berth.

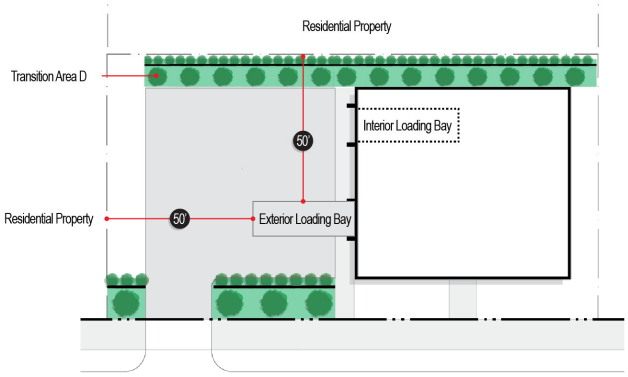
4. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district.

5. **Loading Spaces Not to be Used for Parking Requirements.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

6. **Special Uses.** For special uses other than prescribed hereinafter, loading berths adequate in number and size to serve such use, as determined by the Zoning Administrator, shall be provided.

7. **Required Off-Street Loading Spaces.** The number of loading spaces provided shall be determined on a case-by-case basis as approved by the Zoning Administrator and based on a narrative provided by the petitioner or traffic study. These spaces shall be provided in a manner that does not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas, and with the public use of streets or alleys.

***Figure 5.3. Off-Street Loading Spaces***



## 10-5-2. Driveways

A. **General Driveway Standards**. All driveways shall comply with the City of Yorkville's surfacing requirements as established in the City's Standard Specifications.

B. **Single-~~Unit~~ Family Driveway Standards**. A single slab driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.

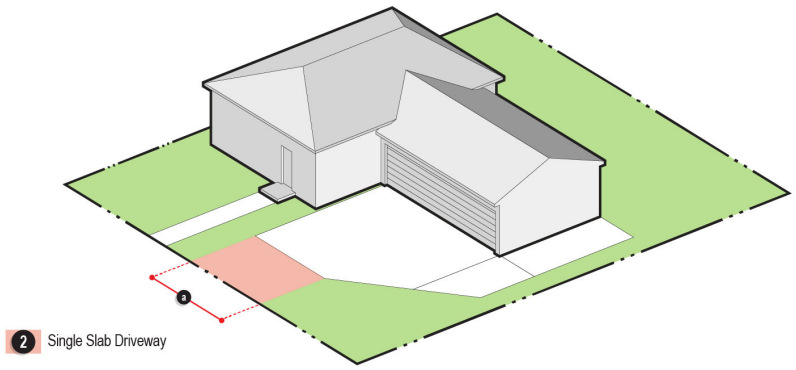
1. **Limit of One**. One (1) single slab driveway and one (1) curb cut shall be permitted per every seventy-five (75) feet of frontage of a single-~~unit~~ family residential lot. New residential parcels taking access from collector or arterial streets, shall share driveways in order to protect public safety by limiting curb cuts.

2. **Single-Slab Driveway Design Standards**.

   a. Single-slab driveways shall not exceed twenty-five (25) feet in width at the property line.

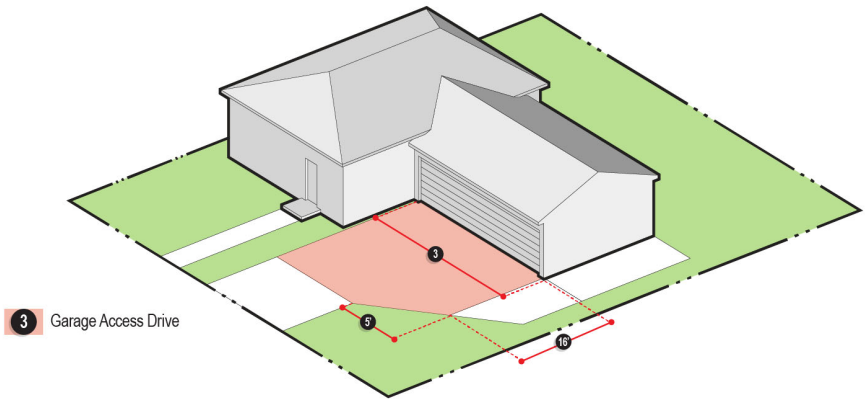
   b. **Surfacing.** Single-slab driveways shall be surfaced as specified in the City of Yorkville's City Standard Specifications.

***Figure 5.4. Single-~~Unit~~ Family Driveway Standards***



3. **Garage Access Drive**. A garage access drive, the width of the garage, as measured from the garage door(s) plus an additional one (1) foot on either side of the garage door(s), is permitted to extend for a distance of sixteen (16) feet from the garage doors before tapering, within five (5) feet, back to the maximum driveway width.

***Figure 5.5. Garage Access Drive Standards***



4. **Parking Pad**.

   a. **Limit of One**. A single-~~unit~~ family driveway may be extended to include one (1) parking pad.

   b. **Configuration**.

      (1) A parking pad shall be a maximum of ten (10) feet in width.

      (2) The portion of the parking pad adjacent to the driveway shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.

      (3) The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.

   c. **Location**. The parking pad shall be set back a minimum of five (5) feet from any side property line and shall be outside of all easements.

   d. **Surfacing**. Parking pads shall be surfaced with material and at a thickness as specified in the City of Yorkville's City Standard Specifications.

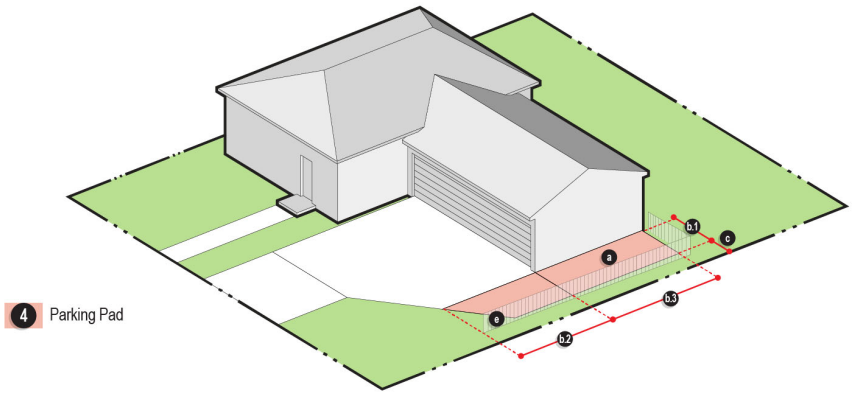
   e. **Screening**. All parking pads located within a required side yard shall be screened from view when facing adjoining property lines with material at least fifty (50) percent opacity and at a minimum height of five (5) feet. The provision of fencing subject to the requirements of Section 10-5-5 shall meet this requirement.

   f. **Covered Structures**. Covered structures located over parking pads shall not be allowed.

   g. **Vehicle Parking**. No vehicle over ten (10) feet in height may be parked on a parking pad.

   h. **Corner Lots**. Parking pads shall not be allowed on corner lots.

***Figure 5.6. Parking Pad Standards***



D. **Multi-~~unit~~ Family and Nonresidential Driveway Standards**.

1. **Location**.

   a. Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.

   b. No lot can have multiple driveways for purposes of vehicular ingress and egress without a minimum three hundred (300) foot separation between such curb cuts along a street.

2. **Driveway Design Standards**.

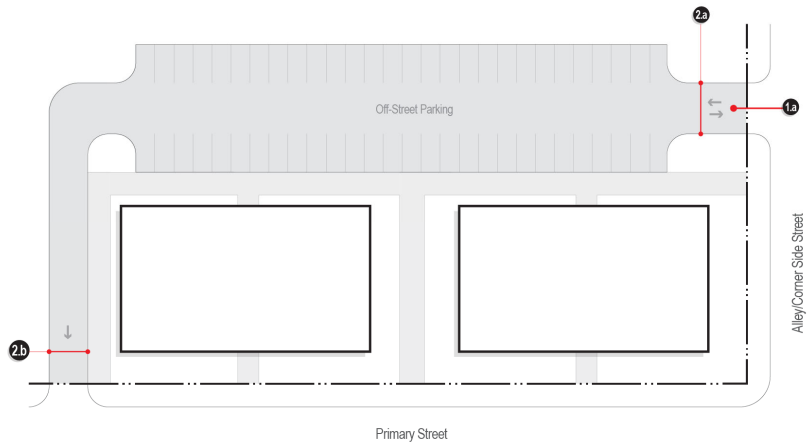
   a. Two-way driveways for multi-~~unit~~ family and nonresidential uses shall be a minimum of twenty-five (25) feet and a maximum of thirty-six (36) feet at the property line.

   b. One-way driveways for multi-~~unit~~ family and nonresidential uses shall be a minimum of sixteen (16) feet and a maximum of twenty (20) feet at the property line.

   c. Driveways for multi-family~~unit~~ and nonresidential uses shall be surfaced with an asphaltic concrete or portland cement pavement.

E. **Vehicle Stacking For Drive Throughs.** Vehicle stacking spaces for drive through uses shall be provided as specified in Section 10-4-15(D).

***Figure 5.7. Multi-~~unit~~ Family and Nonresidential Driveway Standards***



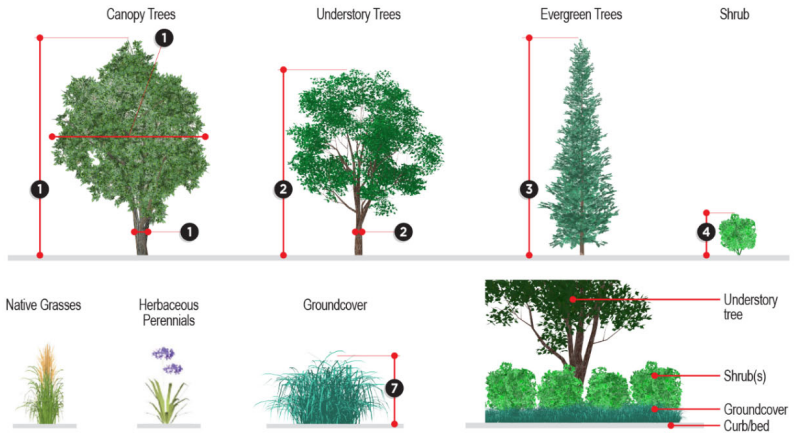
## 10-5-3. Landscape

Landscape improvements required by this section shall apply to all nonresidential, mixed use, and multi-~~unit~~ family development and consist of living vegetation in a combination of plants, trees, shrubs, native grasses, perennials, and/or groundcover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at average breast height (DBH typically 4.5 feet above ground). Any plant materials used to meet the requirements of this section shall not include any plant material identified as an invasive species by the Illinois Department of Natural Resources.

A. **Planting Types**.

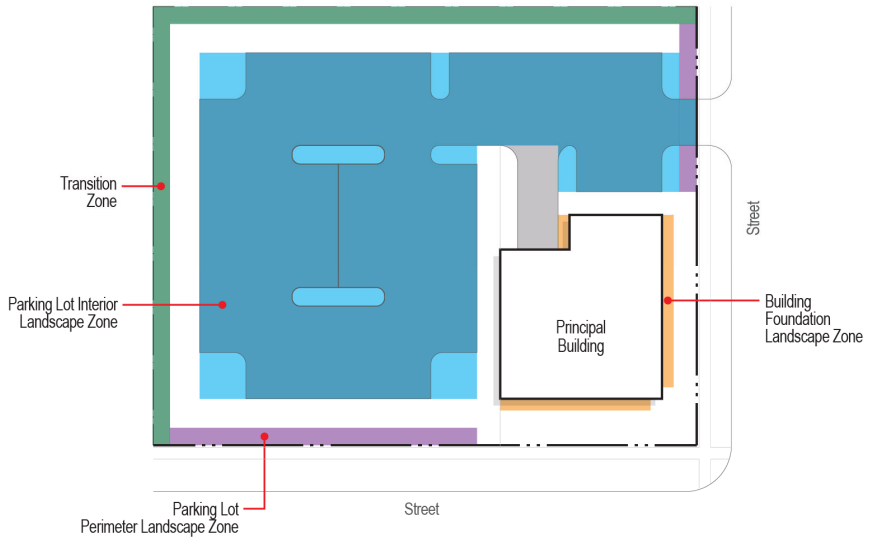
1. **Canopy Trees**. A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a mature height of not less than forty (40) feet and a mature spread of not less than fifteen (15) feet.
2. **Understory Trees**. A woody plant having not less than a one and one-half (1.5) inch caliper, or six (6) feet tall for multiple stem species, that normally attains a mature height of at least fifteen (15) feet.
3. **Evergreen Trees**. A tree having foliage that persists and remains green throughout the year and has a height of not less than six (6) feet at installation and maturing to a height of not less than twenty (20) feet.
4. **Shrubs**. A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two (2) feet, unless classified as a shrub by the State of Illinois.
5. **Native Grasses**. Grasses that are native to the State of Illinois or non-invasive ornamentals, but shall not include noxious weeds.
6. **Herbaceous Perennials**. Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.
7. **Groundcover**. Spreading herbaceous plants, other than turf grass, prostrate shrubs, or woody vines normally reaching an average maximum height of eighteen (18) inches at maturity.

***Figure 5.8. Planting Types***



B. **Required Landscape Zones**. Figure 5.9 illustrates the location of the required landscape zones as detailed in the following sections. The Zoning Administrator may approve exceptions to the required landscape zone as they deem necessary allow adequate construction and use of the site.

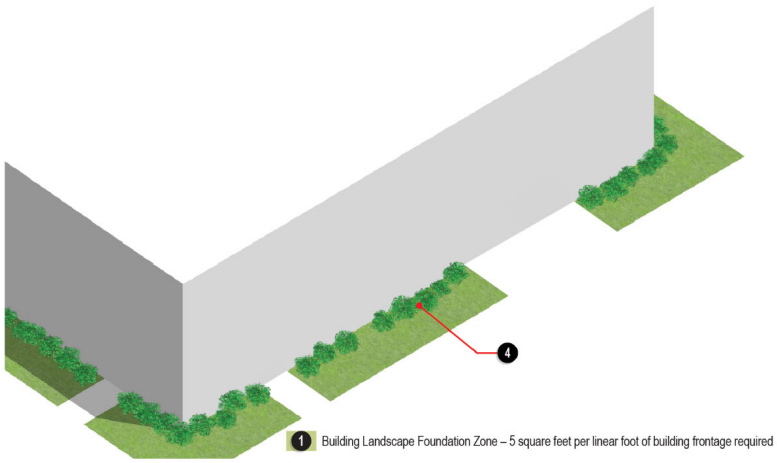
***Figure 5.9. Required Landscape Zones***



C. **Building Foundation Landscape Zone**. All nonresidential, mixed-use, and multi-~~unit~~ family development where a front yard setback is required, with the exception of food processing facilities regulated by the FDA, shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this title. It is the objective of this section to provide a softening effect at the base of buildings.

1. Applicable development is required to maintain a building foundation landscape zone at front and exterior side yards. Five (5) square feet of landscape area shall be provided per linear foot of building frontage facing the front and exterior side yards and shall be dispersed along the building foundation as approved by the Zoning Administrator.
2. Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls.
3. Foundation plantings shall be installed in a manner that complements the architecture of the building, as approved by the Zoning Administrator, depending on site conditions and the location of walkways and driveways.
4. Foundation plantings shall be installed in groupings or clusters of individual plants in a manner that enhances the site's appearance as proposed by the developer and deemed appropriate by the Zoning Administrator.
5. Foundation plantings may include a mixture of the planting types specified in Section 10-5-3(A).
6. Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, landscaping may consist of canopy trees planted in structural soils beneath tree grates or permeable pavement, at the rate of one (1) tree per fifty (50) linear feet of building facade. Minimum structural soil volume shall be six hundred (600) cubic feet per tree.
7. Above-ground stormwater planter boxes installed on-site may be substituted for foundation plantings as deemed appropriate by the Zoning Administrator.

***Figure 5.10. Building Foundation Landscape Zone***



D. **Parking Area Perimeter Landscape Zone**. Landscape required by this section shall be in addition to landscape required under other sections of this title. It is the objective of this section to provide screening between off-street parking areas and rights-of-way, and to provide for the integration of stormwater management with required landscaping.

1. **Location**. All off-street parking areas which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the back of curb of the off-street parking area and the right-of-way.

2. **Applicability**. The parking lot perimeter landscape regulations of this section apply to the following:

   a. The construction or installation of any new off-street parking area; and

   b. The expansion of any existing off-street parking area, in which case the requirements of this section apply only to the expanded area.

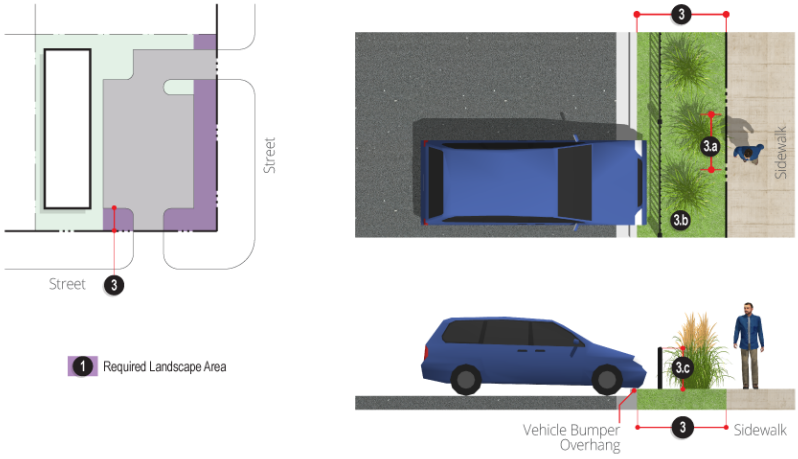
3. **Requirements**. Perimeter landscape shall be established along the edge of the off-street parking area and have a minimum width of seven (7) feet as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

   a. One (1) shrub or native grasses shall be planted for every three (3) feet of landscape area length.

   b. Landscaped areas outside of shrubs/native grasses and tree masses shall be planted in finished groundcover including mulch or stonework.

   c. A low masonry wall or fence the height of which provides effective screening to a maximum height of three (3) feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

***Figure 5.11. Parking Area Perimeter Landscape Zone***



E. **Parking Area Interior Landscape Zone**. All off-street parking areas shall include landscape and trees located within the off-street parking area as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this title. It is the objective of this section to provide shade within parking areas, break up large expanses of parking area pavement, support stormwater management where appropriate, improve the appearance of parking lots as viewed from rights-of-way, and provide a safe pedestrian environment.

1. **Applicability**. The parking area interior landscape zone regulations of this section apply to the following:

   a. The construction or installation of any new off-street parking lot containing ten (10) or more parking spaces; and

   b. The expansion of any existing off-street parking area if the expansion would result in ten (10) or more new parking spaces, in which case the requirements of this section apply only to the expanded area.

2. **Requirements**. For off-street parking areas consisting of ten (10) or more continuous spaces, interior parking area landscape as described in this section shall be required. Off-street parking areas consisting of fewer than ten (10) continuous spaces that are located in front or to the side of the principal building shall be required to terminate all rows of parking with a parking area end cap meeting the standards of subsection 4 below. Off-street parking areas consisting of fewer than ten (10) continuous spaces that are located to the rear of the principal building shall be exempt from parking area interior landscape zone requirements.

3. **Amount**. The amount of required parking area interior landscape shall be determined by the location of the off-street parking area in relation to the primary building as detailed below.

   a. **Off-Street Parking Areas in Front or Side of Primary Building**.

      (1) **Parking Area End Caps**. A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.

      (2) **Parking Area Median Amount Requirement**. Parking area medians shall be placed between every third bay of parking.

      (3) **Parking Area Island Amount Requirement**. Parking area islands shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than ten (10) continuous spaces apart.

***Figure 5.12. Off-Street Parking Area Interior Landscape Zone in Front or Side of Primary Building***

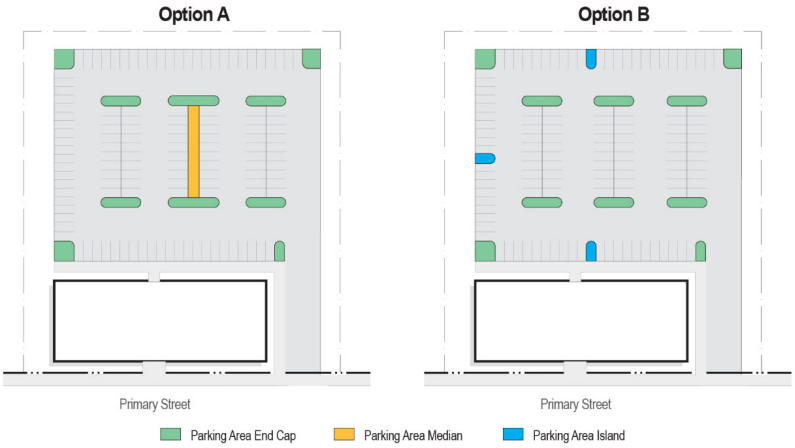


b. **Off-Street Parking Areas in Rear of Primary Building**.

(1) **Parking Area End Caps**. A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.

(2) **Parking Area Median or Parking Area Island Amount Requirement**. The developer may choose to install either parking area medians or parking area islands. If the developer chooses to install parking area medians, they shall be placed between every third bay of parking. If the developer chooses to install parking area islands, they shall be spaced not more than one-hundred eighty (180) feet or more than twenty (20) continuous spaces apart.

***Figure 5.13. Off-Street Parking Area Interior Landscape Zone in Rear of Primary Building***



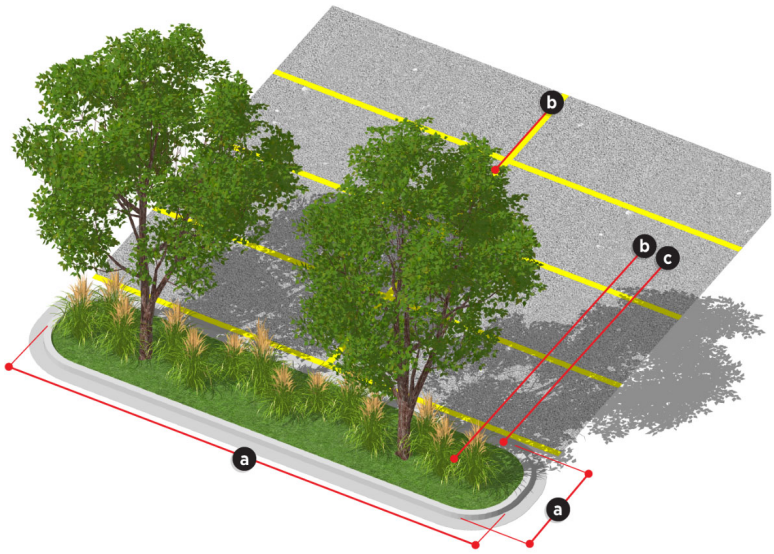
4. **Parking Area End Cap Standards**.

   a. **Size**. Parking area end caps shall be a minimum of ten (10) feet wide by eighteen (18) feet long as measured from the back of the curb to back of the curb and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area end caps opposite one another to form a continuous single end cap.

   b. **Planting**. A minimum of one (1) canopy tree and three (3) native grasses shall be provided for every parking area end cap. If the end cap extends the width of a double bay, then two (2) canopy trees shall be provided. The mature height of the shrubs or native grasses shall not exceed thirty-six (36) inches and all canopy trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   c. **Design**. Parking area end caps shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such end caps shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.14. Parking Area End Cap Standards - Double Bay Parking***



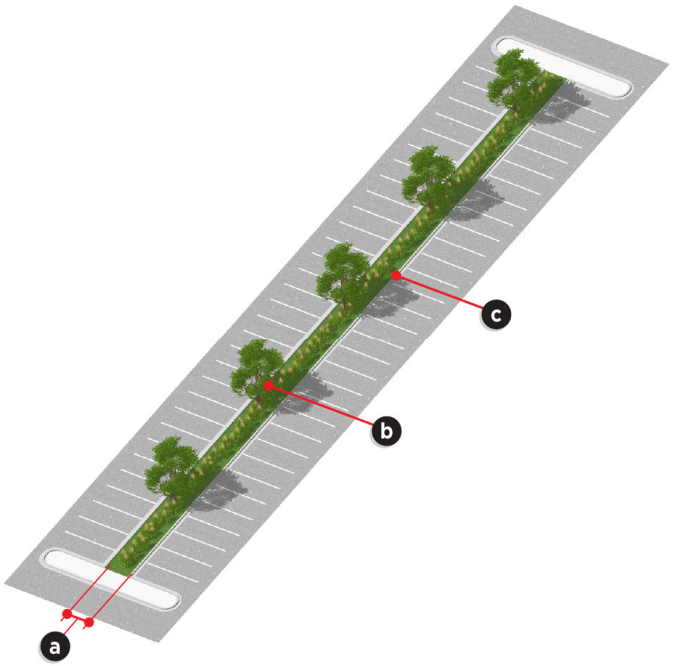
5. **Parking Area Median Standards**.

   a. **Size**. Parking area medians shall have a minimum width of ten (10) feet and minimum soil depth of thirty-six (36) inches.

   b. **Planting**. A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty (50) linear feet of parking area median. The mature height of the shrubs or native grasses shall not exceed thirty-six (36) inches and all canopy trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   c. **Design**. Parking area medians shall be protected with concrete curbing unless the parking area median is designed to be utilized for stormwater management in which case the perimeter shall be protect by wheel stops, or other suitable barriers approved by the Zoning Administrator. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.15. Parking Area Median Standards***



6. **Parking Area Island Standards**.

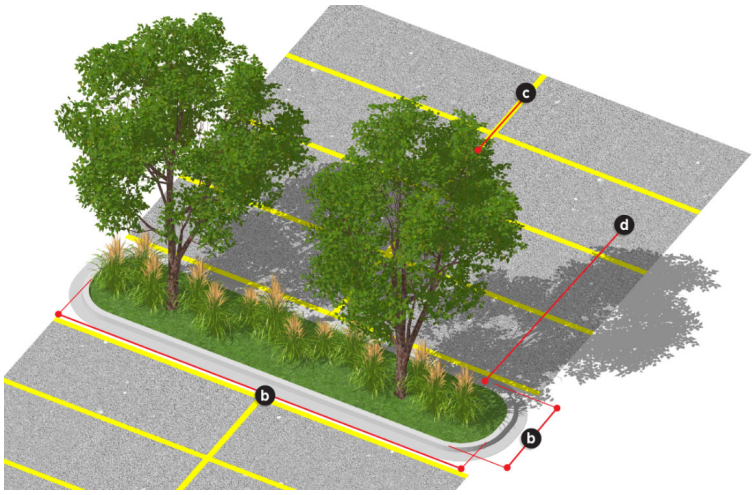
   a. **Requirements**. Parking area islands shall only be required for parking areas with ten (10) or more contiguous spaces in a row.

   b. **Size**. Parking area islands shall be a minimum ten (10) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.

   c. **Planting**. A minimum of one (1) understory tree shall be provided for every parking area island. If the island extends the width of a double bay, then two (2) understory trees shall be provided. Understory trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   d. **Design**. Parking area islands shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.16. Parking Area Island Standards - Double Bay Parking***




7. **Pedestrian Circulation Systems**. Pedestrian circulation systems, as required in the interior of off-street parking areas in Section 10-5-1(N) shall be located along parking area medians. The Zoning Administrator may waive or modify this requirement on determining that locating pedestrian circulation systems along parking area medians is impractical due to site conditions or undesirable because it would create unsafe conditions.

8. **Pedestrian-Scale Lighting.** Pedestrian-scale lighting of an adequate height and design is encouraged to be provided at adequate intervals to illuminate the pedestrian circulation systems.

9. **Type of Landscape Material**. Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant materials used in parking area islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians. Understory trees, perennials, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the Zoning Administrator.

10. **Groundcover**. The surface area of every parking area island and median shall be planted with a mix of rocks, plant material, or other materials approved by the Zoning Administrator.

F. **Transition Zone Landscape Requirements**. Transition zone landscape shall be required along interior side and rear property lines of all nonresidential, mixed use, and multi-~~unit~~ family development. It is not expected that the transition area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this title.

1. **Applicability**. Transition zone landscaping is required as follows:

   a. The construction or installation of any new primary building or primary use; and

   b. The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with transition zone requirements, transition zone landscaping is required only in proportion to the degree of expansion. The Zoning Administrator is authorized to allow the transition zone to be established adjacent to the area of expansion or to disperse transition zone landscaping along the entire site transition zone.

2. **Application of Transition Zone Types**. Transition zones shall be provided based on Table 10-5-3(F)(2), except where adjacent uses are of a similar nature, scale, and intensity as determined by the Zoning Administrator. As per Table 10-5-3(F)(2), the type of required transition zone is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

**Table 10-5-3(F)(2) Application of Transition Zone Types**

| Subject Lot Land Use | Adjacent Lot Land Use | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Agricultural* | *Single-Family Residential* | *All Other Residential* | *Public/Institutional* | *Retail* | *Service/Medical/Office* | *Lodging* | *Eating/Drinking* | *Entertainment* | *Vehicle Related* | *Industrial/Transportation* |
| *Agricultural* | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *Single-Family Residential* | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *All Other Residential* | n/a | C | A | B | B | B | B | B | C | D | D |
| *Public/Institutional* | n/a | C | B | A | B | B | B | B | B | C | D |
| *Retail* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Service/Medical/Office* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Lodging* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Eating/Drinking* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Entertainment* | n/a | C | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *Vehicle Related* | n/a | D | D | B | A | A | A | A | A | B | C |
| *Energy Industrial/Industrial/Transportation* | n/a | D | D | D | D | D | D | D | D | D | D |

3. **Transition Zone Types**. Four (4) transition zone types are established in recognition of the different contexts that may exist, as shown in Table 10-5-3(F)(3). Transition zones may include a combination of elements including setback distances for separation, planting types, solid fencing, green walls, vegetated stormwater management areas, living groundcover, or turf.

| Table 10-5-3(F)(3) Transition Zone Types | | | | | |
|---|---|---|---|---|---|
| Specification | | Type A (3) | Type B (3) | Type C (3) | Type D (3) |
| (a) | Minimum Zone Width (1) | 8 feet | 10 feet | 15 feet | 20 feet |
| (b) | Minimum Fence/Wall Height (2) | optional | optional | 6 feet | 6 feet |
| *Minimum Number of Landscape Elements per 100 Linear Feet* | | | | | |
| (c) | Understory Tree | optional | 3 | 4 | 5 |
| (d) | Canopy/Evergreen Tree | 4 | 3 | 4 | 5 |
| (e) | Shrubs/Native Grasses | optional | 15 | 25 | 35 |
| *Notes:* | | | | | |
| (1) Required yard setbacks may be utilized for transition zone landscape. | | | | | |
| (2) Fence or wall requirements may be satisfied by a solid evergreen hedge with a maximum height of six (6) feet, as approved by the Zoning Administrator. | | | | | |
| (3) Landscaping elements can be arranged to match to natural topography or natural features of the site and may be arranged in groupings to enhance site aesthetics as approved by the Zoning Administrator. | | | | | |

***Figure 5.17. Transition Zone Type A Standards***

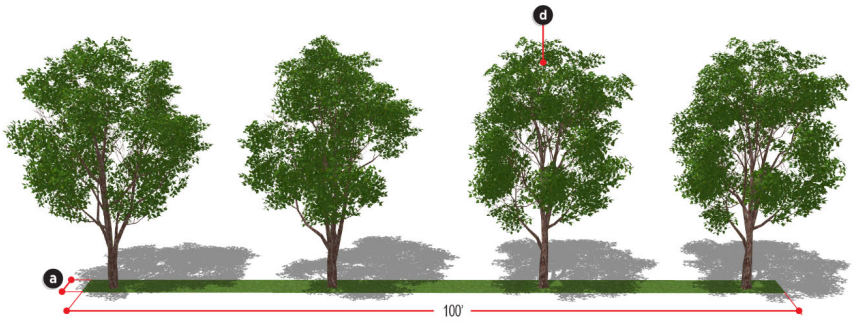


*Figure 5.18. Transition Zone Type B Standards*

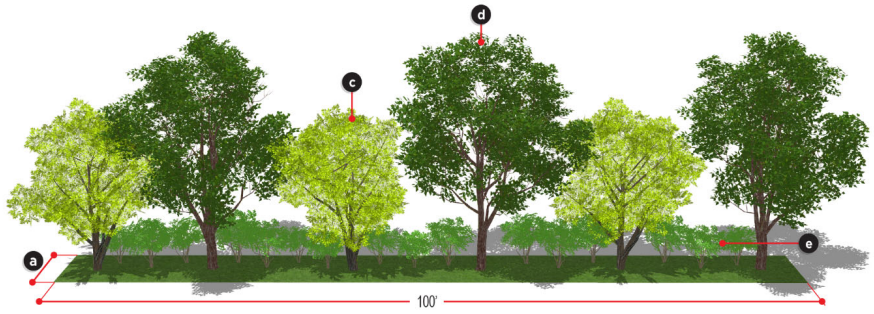



*Figure 5.19. Transition Zone Type C Standards*

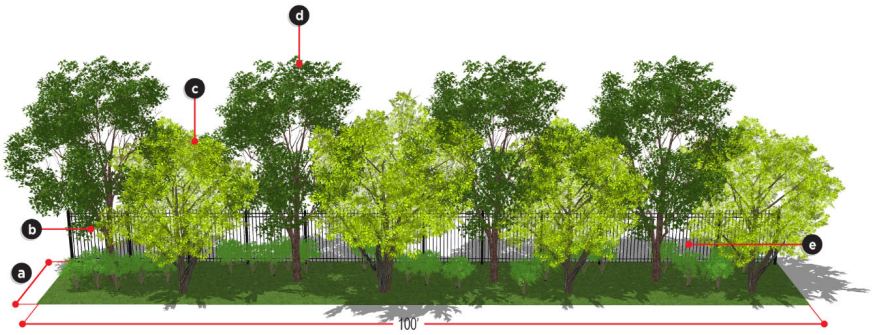



*Figure 5.20. Transition Zone Type D Standards*



G. **Species Diversity Requirements.** The following species diversity requirements shall be required for all developments, unless otherwise approved by the Zoning Administrator in conjunction with approval of vegetated stormwater management areas.

1. Total landscape elements, excluding turf, shall not be comprised of more than thirty (30) percent of any single species or fifty (50) percent of any genus on a parcel that is between one-half (0.5) and five (5) acres.

2. Total landscape elements, excluding turf, shall not be comprised of more than twenty (20) percent of any single species or twenty-five (25) percent of any genus on a parcel that is greater than five (5) acres.

H. **Tree Preservation and Removal**. No live tree(s) with a four (4) inch diameter at breast height may be removed without first applying for tree removal and receiving approval from the City as specified in Section ###.

1. **Tree Preservation and Removal Guidelines.** Every reasonable effort shall be made to retain existing trees shown in the tree survey prepared by a registered landscape architect through the integration of those trees into the site and landscape plan for a proposed development.

   a. Critical areas such as floodplains, steep slopes, and wetlands, should be left in their natural condition or only partially cleared.

   b. Roadways, storage areas, and parking lots should be located away from valuable tree stands.

   c. Cutting and filling in the vicinity of valuable trees should be minimal.

   d. If more than one-third of the tree's root zone is to be affected by construction, the tree should be part of the removal plan and replaced with the appropriate number of trees.

2. **Tree Survey Requirements.** Every tree survey for any new development shall include the following:

   a. Location, species (botanic and common name), and diameter at breast height (DBH) of all trees four (4) inches DBH or larger.

   b. Survey must clearly identify which trees are proposed to be removed and which are proposed to be preserved.

   c. A summary data table indicating total number of trees removed and trees to be replaced shall be provided on the survey.

3. **Tree Replacement Standards.**

   a. Any tree approved for removal shall be replaced with new trees in accordance with the following schedule:

**Table 10-5-3(H)(3)(a) Tree Replacement Approved For Removal**

| Caliper (Inches) of tree to be removed | Number of Replacement Trees |
|---|---|
| 30 or Greater | 6 |
| 13-29 | 5 |
| 8-12 | 4 |
| 4-7 | 2 |

b. In the event that a tree identified to be preserved is removed or damaged, such tree shall be replaced as follows:

| Table 10-5-3(H)(3)(b) Tree Replacement Identified For Preservation | |
|---|---|
| Caliper (Inches) of tree to be removed | Number of Replacement Trees |
| 30 or Greater | 12 |
| 13-29 | 10 |
| 8-12 | 8 |
| 4-7 | 4 |

c. All replacement trees shall have a minimum caliper of two and one-half (2½) inches and shall consist of canopy and understory trees as deemed appropriate by Zoning Administrator.

d. If the tree(s) approved for removal is (are) dead from natural causes prior to the date of the tree removal permit, then no replacement tree(s) are required for them.

4. **Preservation of Existing Trees.** Preservation of existing high-quality trees within a new development or redevelopment site is highly encouraged. Preserved trees may fulfill a portion of the landscape requirements established in this section. Should the applicant propose to maintain existing high-quality trees to count toward satisfying certain landscape requirements of this title, the Zoning Administrator may, upon receipt of a tree preservation plan, waive certain landscape requirements if mature, high-quality trees on a lot are proposed to be preserved. If, upon inspection at the conclusion of the project, trees identified for preservation have been removed, damaged, or are otherwise in declining condition, all waived required landscape shall be installed.

5. **Fee in Lieu.** A fee may be provided in lieu of the replacement of trees or preservation of existing trees as established in the City of Yorkville's adopted ordinances. These fees will be based upon wholesale pricing for a two and a half (2 ½) to three (3) inch tree and shall cover the cost of the tree and the estimated cost of the installation of the trees required to be planted. Money collected from the fee in lieu option shall be deposited into a Tree Bank Fund to be used towards tree replacement and plantings throughout the City.

6. **Tree Preservation Plan.** Development on all parcels four (4) acres or greater in area shall require the submittal and approval of a tree removal plan.

I. **Installation and Maintenance of Landscape Areas**.

1. Immediately upon planting, all landscape shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.

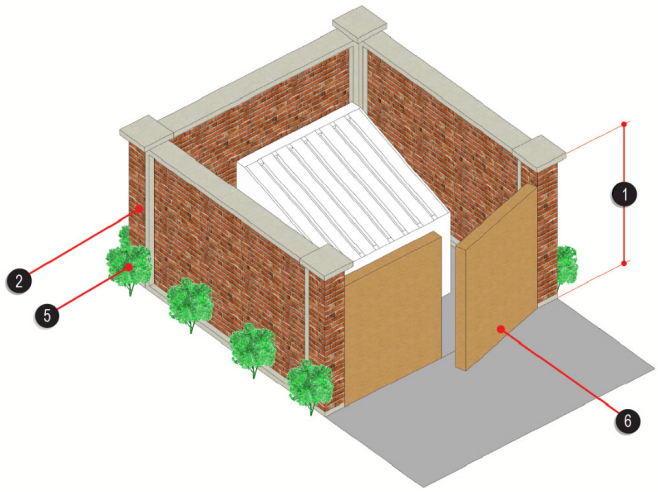
2. The ground surface of landscape areas shall be covered with either turf, sod, mulch, and/or other types of pervious groundcover.

## 10-5-4. Screening

A. **Trash and Recycling Receptacles**. The following regulations shall apply to all nonresidential, mixed use, and multi-~~unit~~ family development.

1. Trash and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
2. Materials used for screening shall complement the exterior building cladding materials of the primary building.
3. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
4. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
5. Shrubs shall be installed every five (5) feet along the exterior of the enclosure, with the exception of enclosure openings, to provide a softening effect.
6. Enclosure openings shall be gated with an opaque material.
7. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
8. Access drives shall be constructed of materials and to a thickness which accommodates truck loading.
9. Enclosures shall be of an adequate size to accommodate expected containers.
10. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
11. Trash and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

***Figure 5.21. Trash and Recycling Receptacle Screening Standards***



B. **Ground/Wall Mounted Mechanical Units**. The following regulations shall apply to all ground/wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and / or silos accessory to a brewery, winery, and/or distillery are exempt from these requirements.

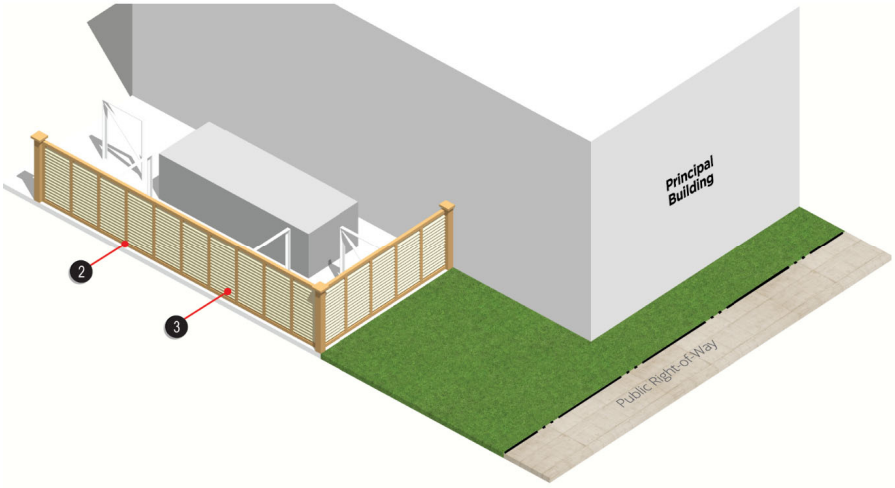
1. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.

2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

3. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.

4. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

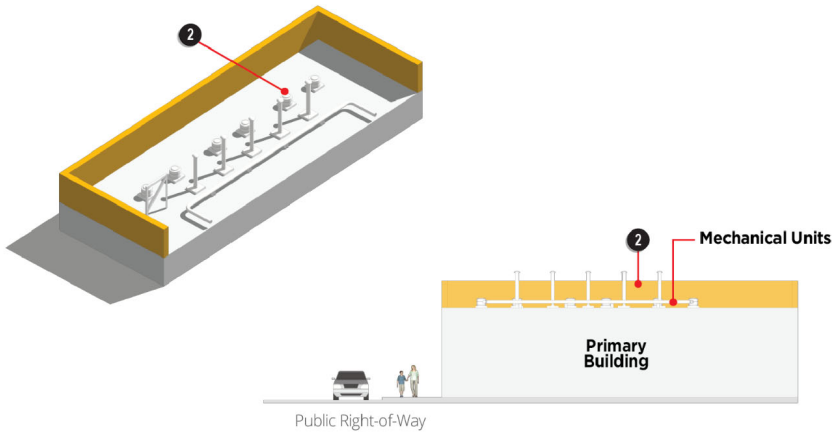
***Figure 5.22. Ground/Wall Mounted Mechanical Unit Screening Standards***



C. **Roof Mounted Mechanical Units**. The following regulations shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multi-~~unit~~family, non-residential, or mixed-use developments.

1. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.
2. Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.
3. Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
4. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
5. Additional screening may be required due to topographic differences in the adjoining properties.

***Figure 5.23. Roof-Mounted Mechanical Unit Screening Standards***



## 10-5-5. Fences

A. **Regulations for All Zoning Districts.**

1. Fences thirty-six (36) inches or more in height require a building permit.
2. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
3. No more than two (2) different types of fencing material are permitted per lot.
4. **Materials.** The materials listed below are acceptable for a fence in any district unless specific districts are specified in in this subsection. These materials are an example of acceptable fencing. The Zoning Administrator has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.
    a. Stone,
    b. Brick,
    c. Natural rot resistant wood (cedar, cyprus, redwood),
    d. Cast or wrought iron,
    e. Plastic,
    f. Aluminum,
    g. Composite wood and plastic,
    h. Vinyl coated chain-link (rear and side yard only on properties in nonresidential districts).
    i. Galvanized chain-link (only on M-1 or M-2 properties adjacent to other M-1 or M-2 property).

B. **Placement.**

1. Fences may be built up to the property line but shall not extend beyond the front plane of the primary building facade in residential and business districts and must be located entirely on the property of the owner constructing it.
2. Fences may be constructed within an easement, though future work within the easement may result in the removal of the fence. Fences are not allowed in some types of restricted easements, such as those dedicated for landscape, sidewalks, trails, access or where otherwise limited by an easement document.
3. The property owner is responsible for locating property lines, prior to the installation of the fence.
4. Fences, walls, or hedges shall not encroach on any public right-of-way.
5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. All solid fences, walls, hedges, or shrubberies which exceed three (3) feet above the street grade shall comply with the vision clearance standards of Section 10-5-6 of this title.

C. **Prohibited Fences.**

1. Fences or enclosures charged with or designed to be charged with electrical current are prohibited, except for underground dog fences.
2. Any fence made of, in whole or in part, cloth, canvas or other like material is prohibited.

3. No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items as determined by the Zoning Administrator.

D. **Height.** Except as otherwise permitted in this title, annexation agreements, planned unit developments or any other development related agreements or ordinances, fences shall not exceed the maximum height as listed in Table 10-5-5(D) of this section.

**Table 10-5-5(D) Fence Height Standards**

| District/Use | Maximum Height per Yard | | | |
|---|---|---|---|---|
| | Front Yard | Corner Side Yard | Interior Side Yard | Rear Yard |
| Residential Districts | 3 feet [1] | 6 feet | 6 feet [2] | 6 feet [2] |
| Business Districts | 3 feet [1] | 6 feet | 6 feet [2] | 6 feet [2] |
| Manufacturing District | 8 feet | 8 feet | 8 feet | 8 feet |
| Public Uses and Utilities | 8 feet | 8 feet | 8 feet | 8 feet |

**Notes:**

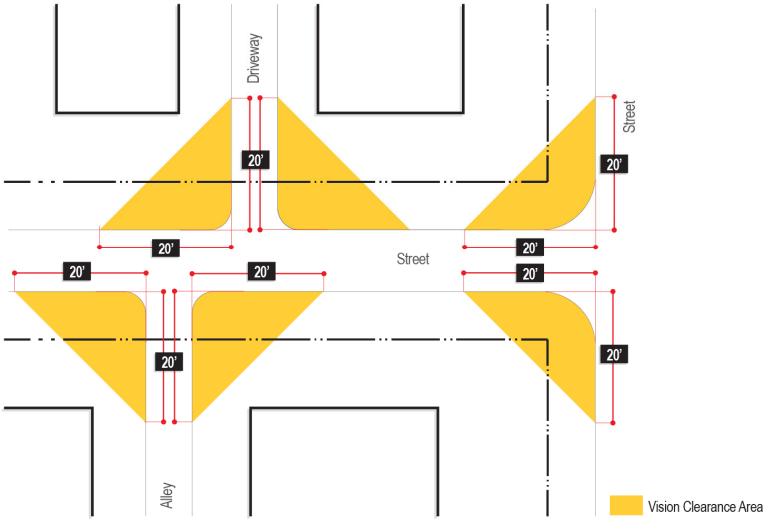
1. Fence may be a maximum of four (4) feet in height if opacity does not exceed fifty (50) percent.

2. Fence may be a maximum of eight (8) feet in height if in a residential district and adjacent to a nonresidential use or in a business district and adjacent to a residential use.

## 10-5-6. Vision Clearance

Clear sight distance shall be required at the intersection of a driveway and any right-of-way or at the intersection of two (2) or more streets. No building or structure shall be permitted that creates a visual obstruction taller than three (3) feet in the area measured extending twenty (20) feet from the curb at the intersection of the driveway and street, or from the curb at the intersection of two (2) or more streets.

***Figure 5.24. Vision Clearance Standards***



## 10-5-7. Outdoor Lighting

A. **Applicability.** This section shall apply to the replacement of existing lighting units and fixtures and any lighting units or fixtures proposed to be added to a site with ~~multiunit~~ multi-family and nonresidential uses only.

B. **Exceptions.** Temporary holiday lighting shall be exempt from the standards of this sections.

C. **Fixture Classification**. All outdoor lighting fixtures, with the exception of wall mounted accent lighting and outdoor lighting in the A-1 District, shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this UDO.

D. **LED Fixtures**. Non light-emitting diode fixtures shall be allowed for building mounted, ornamental, or holiday lighting. Lighting fixtures for parking lots shall utilize a light-emitting diode (LED) fixtures.

E. **Pole Mounted Outdoor Lighting**.

1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones as specified in Section 10-5-3.

2. **Maximum Pole Height.**

| Table 10-5-7(E) Outdoor Lighting Height Standards | |
|---|---|
| Districts | Maximum Height |
| Residential Districts | 20 feet |
| Institutional and Open Space Districts | 20 feet |
| B-2 Mixed Use District | 25 feet |
| Other Business and Manufacturing Districts | 35 feet |

F. **Wall Mounted Accent Lighting**. Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.

G. **Lighting Intensity.** The average foot-candle of any lighting fixture intensity should be two to two and one-half (2.0—2.5) foot-candles. The average to minimum light intensity ratio should be no more than six to one (6:1), and the maximum to minimum light intensity ratio should be no more than twenty to one (20:1).

H. **Off-Street Parking Area Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public highways in such a way as not to create a nuisance. The City of Yorkville promotes the "dark sky" concept.

I. **Maximum Light Level at Property Line**. All outdoor lighting fixtures, including lights from signage, shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.

J. **Fixtures.** All outdoor lighting must employ full cut-off or fully shielded fixtures and the use of wall packs on buildings should be minimized.

K. **Light Level Measurement**.

1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.

2. **Light Meter Specifications**. Light levels shall be measured in foot candles with a direct-reading portable light meter as measured by the City. The meter shall:

    a. Have cosine and color correction,

    b. Have an accuracy tolerance of no greater than plus or minus five (5) percent, and

    c. Have been calibrated within the last two (2) years.

L. **Automatic Lighting Controls.** All outdoor lighting on non-residential lots must be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically extinguish lights no more than one hour following the close of business, excluding security lighting.

M. **Photometric Plan**. A photometric plan as specified in the City of Yorkville Standard Specifications shall be required.

# Chapter 6. Sign Standards

10-6-1. Purpose and Scope ..... 1
10-6-2. Limit on Sign Area ..... 3
10-6-3. Sign Measurement ..... 4
10-6-4. Permitted Sign Types ..... 5
10-6-5. General Sign Standards ..... 6
10-6-6. Permanent Sign Standards ..... 7
10-6-7. Temporary Sign Standards ..... 17~~16~~
10-6-8. Comprehensive Sign Plan ..... 24~~23~~
10-6-9. Prohibited Signs and Content ..... 25~~24~~
10-6-10. Safety, Maintenance, and Abandonment ..... 25~~24~~

## 10-6-1. Purpose and Scope

A. **Purpose.** The purpose of this Chapter is to set out regulations for the erection and maintenance to ensure the appropriate appearance of signs while preserving the right of free speech and expression in keeping with the following principles.

1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself,

2. The City has an important and substantial interest in preventing sign clutter, which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists, because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the City's streets by creating visual confusion and aesthetic blight,

3. Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high-quality community character,

4. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's streets if they are not removed,

5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter,

6. The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community, and

7. The uncontrolled use of off-premises advertising signs can be injurious to the public, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial signage are necessary and desirable.

B. **Scope**. The regulations of this Chapter shall provide a balanced and fair legal framework for design, construction, and placement of signs that:

1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:

    a. Collapsing, catching fire, or otherwise decaying,

    b. Confusing or distracting motorists, or

    c. Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:

    a. Are not overwhelmed by the number of messages presented, and

    b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose, and

3. Protects the public welfare and enhances the appearance and economic value of the community by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors,

4. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height,

5. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan of the City of Yorkville,

6. Enhances property values and business opportunities,

7. Assists in wayfinding, and

8. Provides fair and consistent permitting and enforcement.

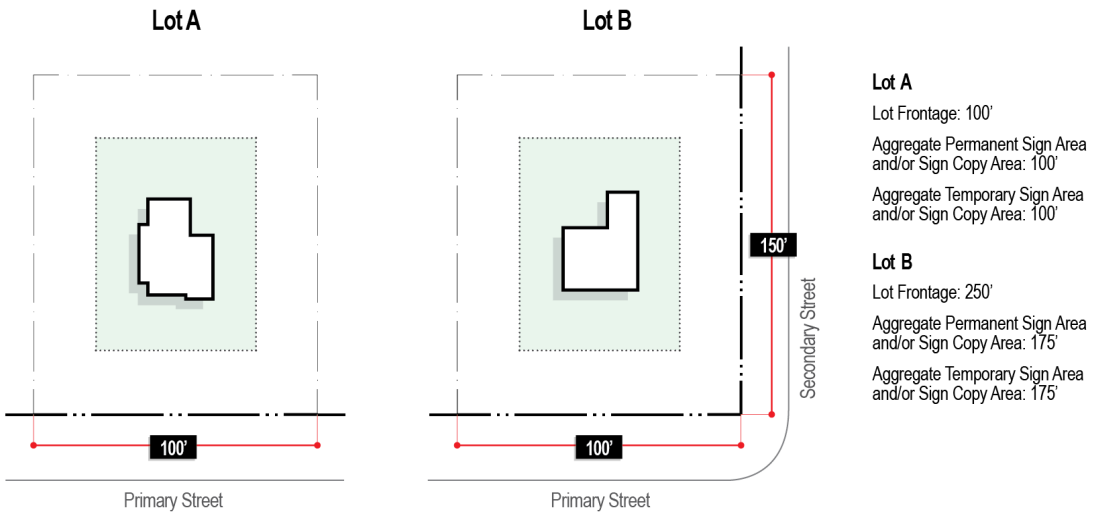
## 10-6-2. Limit on Sign Area

A. **Permanent Sign Area Limit**. Each lot with ~~multiunit~~ multi-family residential, mixed-use, or non-residential uses shall be allowed aggregate permanent sign area equal to one (1) square foot of sign area per linear foot of lot frontage.

B. **Temporary Sign Area Limit**. Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of frontage.

C. **Premises Having Frontage on More Than One Dedicated Street**. Premises having frontage on more than one (1) dedicated street shall be allowed an additional one-half (0.5) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

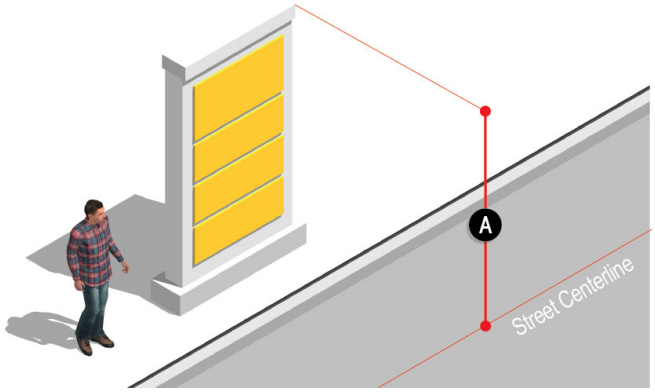
***Figure 6.1. Limit on Sign Area***



## 10-6-3. Sign Measurement

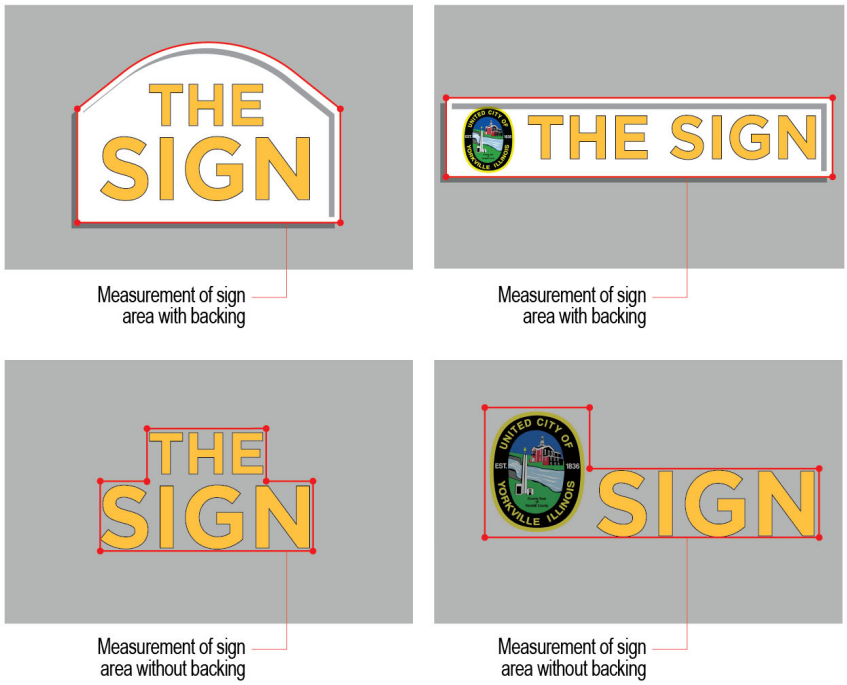
A. **Sign Height**. The height of a sign shall be computed as the distance from the grade of the centerline of the adjacent street to the top of the highest attached component of the sign.

***Figure 6.2. Sign Height Measurement***




B. **Sign Area**. Sign area shall be computed by means of the smallest square, rectangle, circle, triangle or combination thereof that shall encompass the extreme limits of the writing representation, emblem or other display, together with any material or color forming an integral part of the backing of the display or used to differentiate the sign from the sign base or structure against which it is placed. Sign area shall not include any supporting framework, bracing, decorative fence, or wall when such fence or wall otherwise meets this Title's regulations and is clearly incidental to the display itself. A double-faced sign shall count as a single sign.

***Figure 6.3. Sign Area Measurements***



## 10-6-4. Permitted Sign Types

A. The following key is to be used in the interpretation of Table 10-6-4(A) Permitted Sign Types by district.

1. **Permitted Sign Types**. Sign types marked as "P" in the table shall be permitted subject to all applicable regulations of this Title and only after the issuance of a Sign Permit as detailed in Section 10-8-3(E).

2. **Allowed Sign Types**. Sign types marked as "A" in the table shall be allowed subject to all applicable regulations of this Title without the issuance of a Sign Permit.

3. **Prohibited Sign Types**. A blank space in the table indicates that a sign type is not allowed in the respective district.

4. **Interpretation of Similar Sign Type**. If a proposed sign is not listed in the table, the Zoning Administrator shall determine if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.

5. **Exempt Signs**. Any sign located on private property less than two (2) square foot in area and mounted on a structure shall be exempt from the standards of this Chapter.

6. **Unlisted Sign Types**. Sign types that are not included in Table 10-6-4(A) shall be considered prohibited.

| | District | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Sign Type** | **R Districts** | **B-1** | **B-2** | **B-3** | **M-1** | **M-2** | **A-1** | **OS** | **PI** |
| *Permanent Signs* | | | | | | | | | |
| Wall Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Single-Tenant Monument Sign | P (1)(2) | P | P | P | P | P | P (1) | P | P |
| Multi-Tenant Monument Sign | | P | P | P | P | P | | | P |
| Awning/Canopy Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Projecting Sign | | P | P | P | | | | P | P |
| Window Sign | | A | A | A | A | A | | A | A |
| On-Site Traffic Directional Sign | P (1) | P | P | P | P | P | | P | P |
| *Temporary Signs* | | | | | | | | | |
| Wall Mounted Banner Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Ground Mounted Banner Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Feather Sign | | P | P | P | P | P | | P | |
| A-Frame/Sandwich Board Sign | A (1) | A | A | A | | | | | |
| Post Sign | A | A | A | A | A | A | A | A | P |
| Cold Air Inflatables | | A | A | A | A | A | A | A | A |
| *Notes:* | | | | | | | | | |
| (1) Sign shall be permitted for nonresidential, mixed use, or multifamily developments only. | | | | | | | | | |
| (2) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only. | | | | | | | | | |

## 10-6-5. General Sign Standards

A. **Illumination**.

1. **Location and Design of Light Source**. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.

2. **Level of Illumination**. In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 10-5-7. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

B. **Electronic Message Boards**. Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following:

1. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.

2. The maximum sign area of any sign comprised entirely of an electronic message board shall be eighty (80) percent of the maximum sign area of the single-tenant or multi-tenant sign, as applicable.

3. The electronic message format shall conform to the following requirements:

   a. The message shall contain a static message or image only and not have movement, or the appearance of movement, during the static display period.

   b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.

   c. The message shall not change more frequently than once every ten (10) seconds.

4. Electronic message boards must be equipped with a default mechanism that shall stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.

6. Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.

7. Illumination of electronic message signs shall not be detectable across any property line.

8. Applications shall be reviewed by the Zoning Administrator to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways.

## 10-6-6. Permanent Sign Standards

A. **Wall Signs**.

1. **Sign Area**.

~~a. **Primary Wall Signs.**~~

~~b.~~a. **Signs Attached to a Wall With a Public Entrance or Facing a Public Right-of-Way.** The maximum sign area shall be two (2) square feet for every one (1) linear foot of the exterior wall to which it is affixed. The sign shall not to exceed seventy-five (75) percent of the width of the exterior wall to which it is attached.

~~c.~~b. **Signs Attached to Any Other Wall.** The maximum sign area shall be one (1) square foot for every one (1) linear foot of the exterior wall to which it is affixed. The sign shall not exceed fifty (50) percent of the width of the exterior wall to which it is attached.

~~d. **Painted Wall Signs.**~~

~~(1) **Location on Non-Primary Building Facades.** Painted wall signs shall be located on non-primary building facades not facing a public right-of-way.~~

~~(2) **Sign Area.** Painted wall signs may cover up to seventy (70) percent of a given façade and up to seventy (70) percent of the entire surface of the structure.~~

~~(3) **Building Permit Required.** A building permit shall be required for the establishment of a painted wall sign.~~

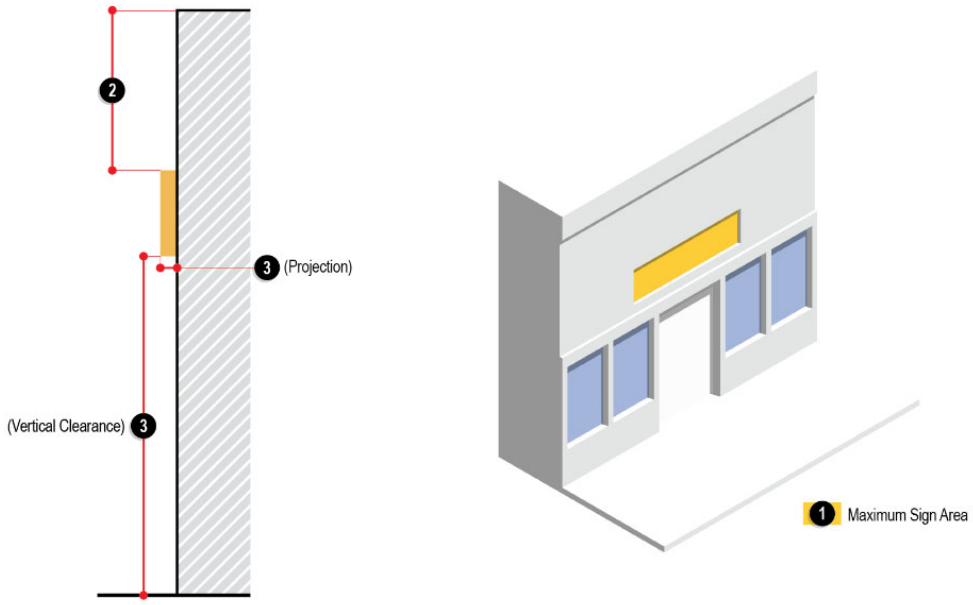
2. **Sign Height**. No wall sign shall be closer than one (1) foot from the highest roofline or the top of the parapet wall or mansard root.

3. **Projection and Clearance**.

a. **Projection**. If the wall sign projects more than six (6) inches from the wall of the building or structure to which it is attached, it shall maintain a vertical clearance of at least eight (8) feet.

b. **Maximum Projection**. No wall sign shall project more than twelve (12) inches from the wall of the building or structure to which it is attached. Any sign which projects more than twelve (12) inches from the wall will be defined as a projecting sign as regulated in Section 10-6-6(D).

*Figure 6.4. Wall Sign Area, Height, and Projection*




4. **Number of Signs**.

   a. Single tenant buildings shall be permitted a total of two (2) primary wall signs or one (1) primary wall sign ~~and one (1) painted wall sign~~ per one hundred (100) linear feet of building frontage. One (1) additional wall sign shall be allowed per additional hundred (100) feet of building frontage. Only one (1) primary~~/painted~~ wall sign shall be displayed on any single building façade.

   b. Multi-tenant buildings shall be permitted one (1) wall sign per unit.

   c. A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:

      (1) In keeping with the overall design and architecture of the building,

      (2) A minimum of ten (10) feet from the primary wall sign~~, painted wall sign,~~ and other secondary wall signs,

      (3) A maximum of fifty (50) percent of the size of the primary wall sign,

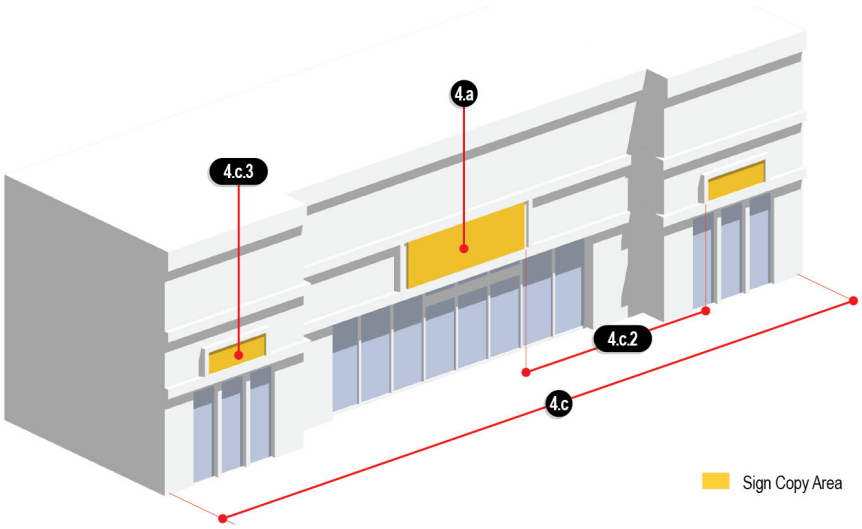
      (4) Accessory to the building's primary~~/painted~~ wall sign(s), and

      (5) The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 10-6-6(A)(1).

5. **Sign Copy**. If the sign copy utilized on a wall sign is either individually affixed letters, raceway letters, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate, the Zoning Administrator may approve an increase in sign copy area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.

6. **Other Provisions**. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

*Figure 6.5. Secondary Wall Sign Standards*



B. **Monument Signs.**

1. **General Monument Sign Standards**

a. **Sign Materials**. The following classes of sign materials shall be utilized in the determination of allowed sign area and sign height as detailed in Sections 10-6-3(A) and 10-6-3(B).

(1) **Base Quality Materials**.

(a) Stone veneer systems,

(b) Fiber cement,

(c) Wood,

(d) EIFs,

(e) Precast panels, or

(f) Other as determined by the Zoning Administrator.

(2) **High Quality Materials**.

(a) Masonry,

(b) Natural stone,

(c) Steel/wrought iron, or

(d) Other as determined by the Zoning Administrator.

b. **Landscape**.

(1) All monument signs shall be required to plant and maintain a landscape area at the base of the sign.

(2) The minimum area of the landscape area shall be equal to half (1/2) of the square footage of the sign area of the associated sign.

(3) Landscape areas shall be planted with one (1) shrub or native grass, per every three (3) square feet of required landscape area.

(4) Required shrubs and native grasses shall be approved by the Zoning Administrator as a landscape plan.

2. **Single-Tenant Monument Signs**.

   a. **Sign Dimensions**.

      (1) **Base Quality Single-Tenant Monument Signs**. Single-tenant monument signs utilizing base quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed thirty-two (32) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed eight (8) feet.

      (2) **High Quality Single-Tenant Monument Signs**. Single-tenant monument signs utilizing high quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed forty-eight (48) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed twelve (12) feet.

   b. **Number of Signs**. A maximum of one (1) single-tenant monument sign shall be permitted per every eight-hundred (800) continuous, linear feet of lot frontage.

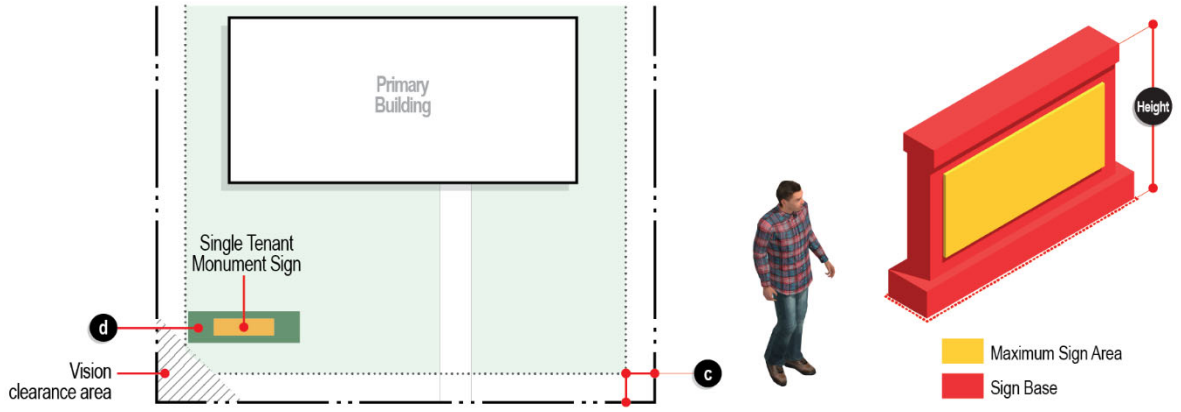
   c. **Location**. Single-tenant monument signs shall be located the minimum distance established below per district type from property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 10-5-6.

      (1) **Residential Districts**: Ten (10) feet

      (2) **Nonresidential Districts**: Five (5) feet

   d. **Landscape Requirement**. All single-tenant monument signs shall be required to plant and maintain a landscape area meeting the requirements of Section 10-6-6(B)(1)(d) at the base of the sign.

***Figure 6.6. Single-Tenant Monument Sign Standards***



3. **Multi-Tenant Monument Signs**.

   a. **Sign Dimensions**.

      (1) **Base Quality Multi-Tenant Monument Signs**. Multi-tenant monument signs utilizing base quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed thirty-two (32) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed ten (10) feet.

      (2) **High Quality Multi-Tenant Monument Signs**. Multi-tenant monument signs utilizing high quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed sixty-four (64) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed fourteen (14) feet.

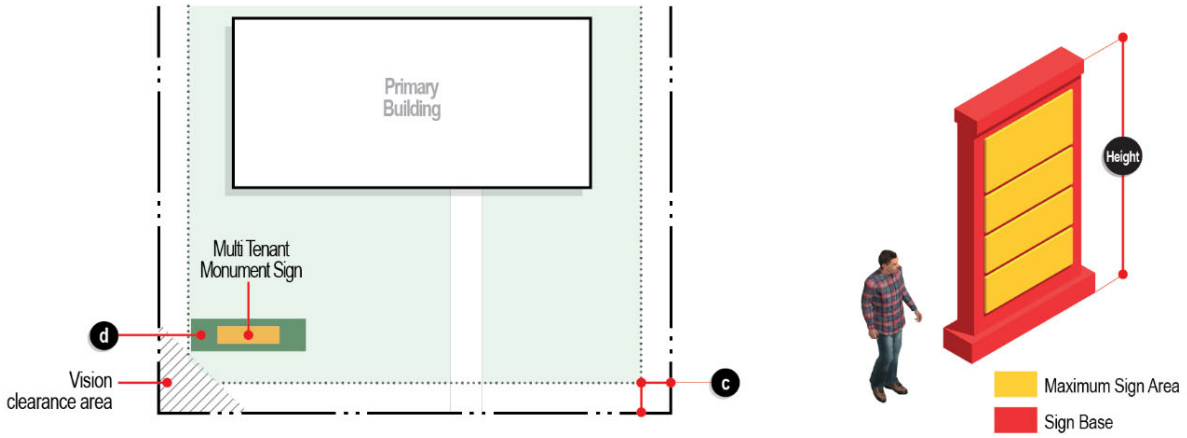
   b. **Number of Signs**. A maximum of one (1) multi-tenant monument sign shall be permitted per lot frontage.

   c. **Location**. Multi-tenant monument signs shall be located a minimum of five (5) feet from all property lines and rights-of-way, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.

   d. **Landscape Requirement**. All multi-tenant monument signs shall be required to plant and maintain a landscape area meeting the requirements of Section 10-6-6(B)(1)(d) at the base of the sign.

   e. **Signs Within Landscaped Medians**. Any multi-tenant monument sign within a landscaped median shall be located outside vision clearance areas as specified in Section 10-5-6.

***Figure 6.7. Multi-Tenant Monument Sign Standards***



C. **Awning/Canopy Signs**.

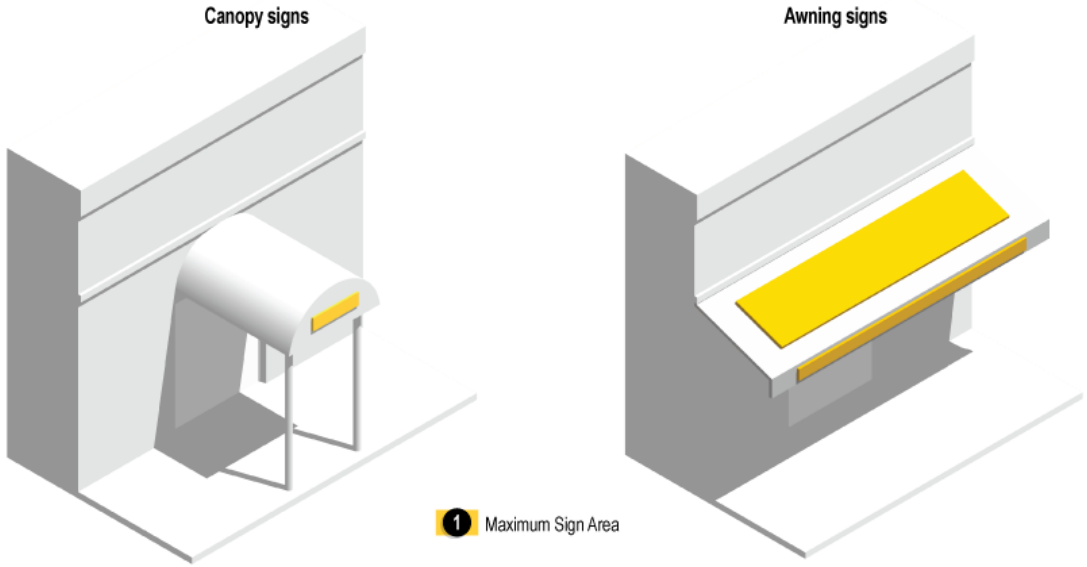
1. **Sign Area**. The maximum sign area of awning/canopy signs shall be fifty (50) percent of the face of the awning or canopy upon which the sign shall be printed or affixed. The area of the awning or canopy sign copy shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 10-6-6(A)(1).

2. **Other Provisions**.

   a. Signs required for public health, safety, and welfare that are posted on awnings/canopies, like "clearance" signs, shall not count towards allowed sign area.

   b. Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.

***Figure 6.8. Awning/Canopy Sign Standards***



D. **Projecting Signs**.

1. **Sign Area.** The maximum permitted sign copy area of projecting signs shall be sixteen (16) square feet.

2. **Height.** Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less.

3. **Clearance**. Projecting signs shall maintain a minimum vertical clearance of eight (8) feet.

4. **Number of Signs.** A maximum of one (1) projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.

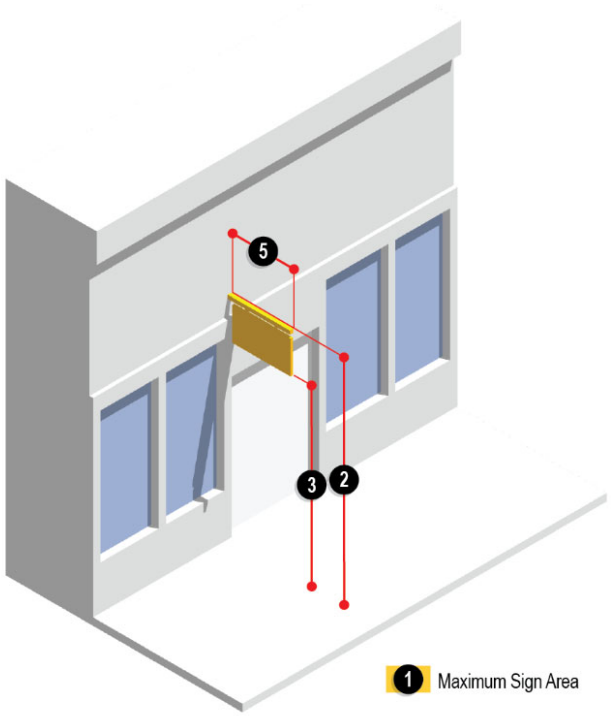
5. **Projection.**

   a. Signs which project over a public right-of-way may horizontally project a maximum of four (4) feet from the mean elevation of the building to which it is attached.

   b. Signs which project over private property may horizontally project a maximum of eight (8) feet from the mean elevation of the building to which it is attached.

6. **Other Provisions.** Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

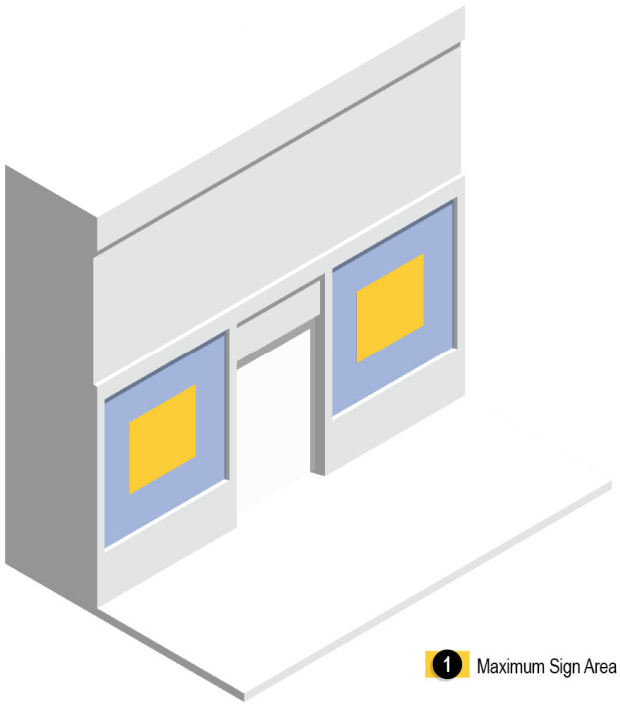
***Figure 6.9. Projecting Sign Standards***



E. **Window Signs**.

1. **Sign Area**. The maximum permitted sign area of a window sign shall be fifty (50) percent of the square footage of the individual window on which the sign shall be located.

***Figure 6.10. Window Sign Standards***



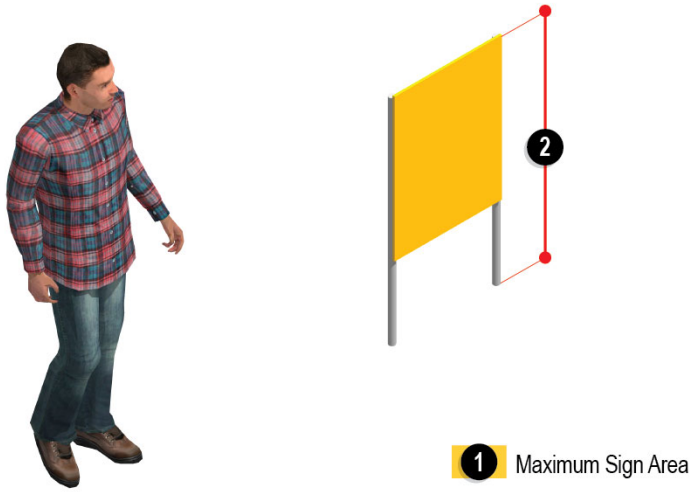
F. **On-Site Traffic Directional Signs**.

1. **Sign Area**. The maximum sign area of on-site traffic directional signs shall not exceed six (6) square feet. Permitted on-site traffic directional sign area shall not count towards aggregate sign area.

2. **Sign Height**. The maximum height of on-site traffic directional signs shall not exceed four (4) feet.

3. **Number of Signs**. The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property.

***Figure 6.11. On-Site Traffic Directional Sign Standards***



## 10-6-7. Temporary Sign Standards

A. **General Standards for Permitted Temporary Signs**.

1. **Concurrent Display**. A maximum of two (2) permitted temporary signs, as permitted per district, may be displayed per lot concurrently, with the exception of feather signs as detailed in Section 10-6-7(D).

B. **Wall Mounted Banner Signs**.

1. **Sign Area**.

a. The maximum sign area of wall mounted banner signs in residential districts or the B-1, B-2, A-1, OS, and PI Districts shall not exceed seven and one-half (7.5) percent of the total area of the face of the wall to which the sign is to be affixed.

b. The maximum sign area of wall mounted banner signs in the B-3, M-1, and M-2 Districts shall not exceed ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.

2. **Sign Height**. No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.

3. **Number of Signs**. A maximum of one (1) wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.

4. **Location**. Wall mounted banner signs shall be affixed to a building.

5. **Projection**. Wall mounted banner signs shall be affixed flat against the building to which they are mounted.

6. **Duration**. Wall-mounted banner signs shall be limited to ninety (90) days in any calendar year.

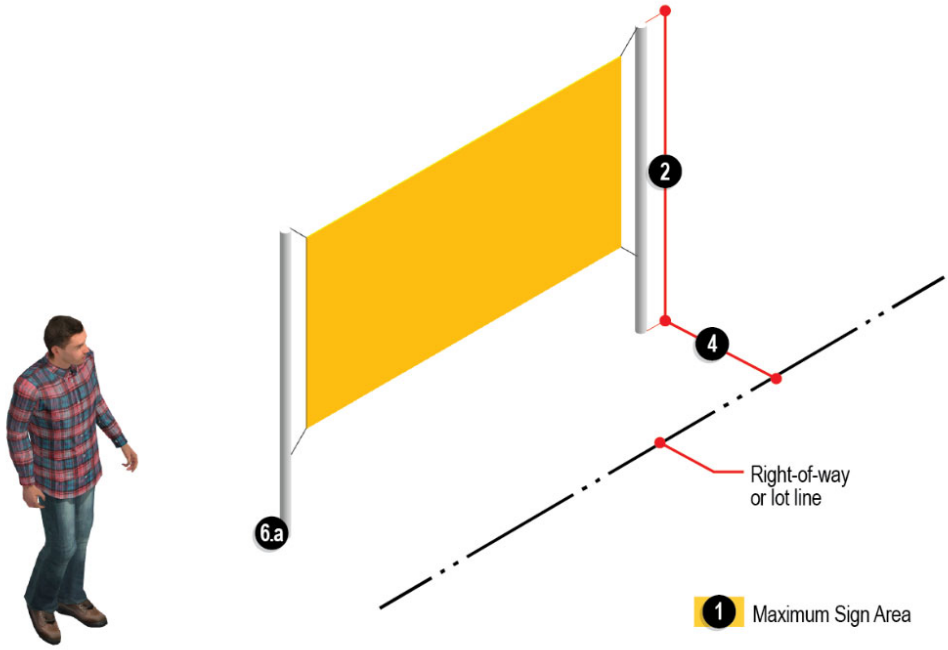
***Figure 6.12. Wall-Mounted Banner Sign Standards***



C. **Ground Mounted Banner Signs**.

1. **Sign Area**. The maximum sign area of a ground mounted banner sign shall not exceed thirty-two (32) square feet.
2. **Sign Height**. The maximum height of a ground mounted banner sign shall not exceed six (6) feet.
3. **Number of Signs**. A maximum of one (1) ground mounted banner sign shall be permitted per lot frontage.
4. **Location**. Ground mounted banner signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.
5. **Duration**. Ground mounted banner signs shall be limited to ninety (90) days in any calendar year.
6. **Other Provisions**.
   a. Ground mounted banner signs shall be securely anchored into the ground or secured in a portable base designed for such function.
   b. Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.13. Ground-Mounted Banner Sign Standards***



D. **Feather Sign**.

1. **Sign Area**. The maximum sign area of feather signs shall not exceed twenty-six (26) square feet.

2. **Sign Height**. The maximum height of a feather sign shall not exceed twelve (12) feet.

3. **Number of Signs**.

   a. A maximum of three (3) feather signs sixteen (16) square feet or less shall be permitted per lot frontage. Only one (1) feather sign shall be permitted per frontage when the sign is over sixteen (16) square feet in area.

   b. For multi-tenant buildings, only one (1) feather sign is permitted per business.

4. **Location**.

   a. Feather signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 10-5-6.

   b. For multi-tenant buildings, feather signs must be twenty-five (25) feet from any other feather sign.

5. **Duration**.

   a. The permitted display period of a feather sign shall be a maximum of thirty (30) consecutive days.

   b. A total of three (3) nonconcurrent display periods shall be permitted per property per calendar year.

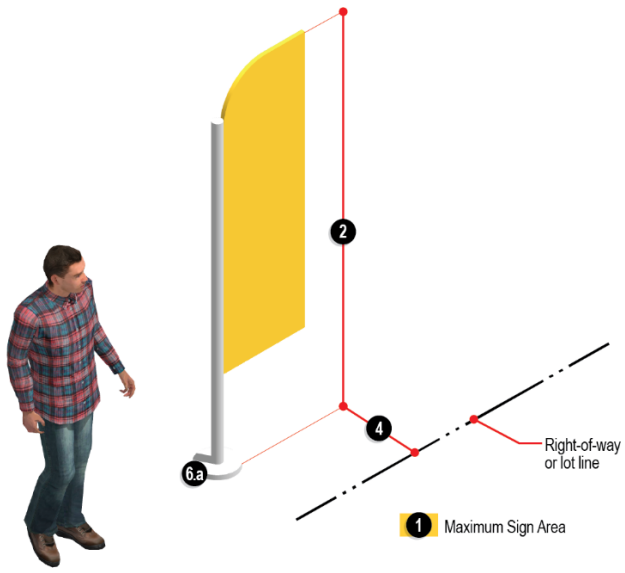
   c. Nonconcurrent display periods shall be separated by a minimum of thirty (30) days.

6. **Other Provisions**.

   a. Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.

   b. Feather signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.14. Feather Sign Standards***



E. **A-Frame/Sandwich Board Signs**.

1. **Sign Area**. The maximum allowed sign area of a-frame/sandwich board signs shall be eight (8) square feet.

2. **Height**. The maximum allowed height of a a-frame/sandwich board sign shall be four (4) feet.

3. **Number of Signs**. A maximum of one (1) a-frame/sandwich board sign shall be permitted per ground floor nonresidential tenant space.

4. **Location**.

   a. A-frame/sandwich board signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of three (3) feet.

   b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.

   c. All a-frame/sandwich board signs shall be within seven-hundred fifty (750) feet of the entrance of the associated business.

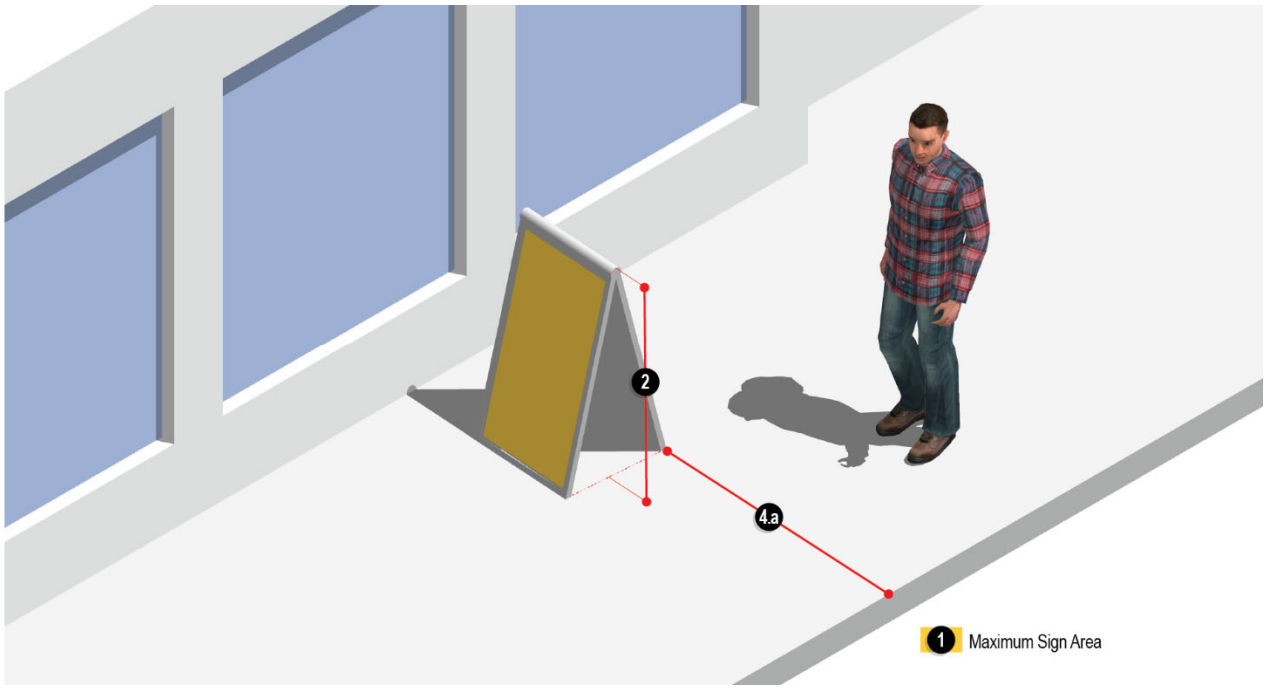
5. **Other Provisions For Parcels within the Downtown Overlay District**.

   a. A-frame/sandwich board signs shall be on-premises signs only, with the exception of B-2 zoned parcels.

   b. The property owner of B-2 zoned parcels may locate an A-Frame/Sandwich Board sign off premise within the public right-of-way within the Downtown Overlay District. The owner shall be required to provide a release or hold harmless to the City prior to the display of any such signs located within a public right-of-way.

6. **Duration of Display**. The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.

***Figure 6.15. A-Frame/Sandwich Board Sign Standards***



F. **Post Signs**.

1. **Sign Copy Area**.

   a. The maximum sign copy area of a post sign in a residential zoning district shall not exceed six (6) square feet.

   b. The maximum sign copy area of a post sign in a nonresidential zoning district shall not exceed thirty-two (32) square feet.

2. **Sign Height**. The maximum height of a post sign shall not exceed six (6) feet.

3. **Number of Signs**. A maximum of one (1) post sign shall be allowed per lot frontage.

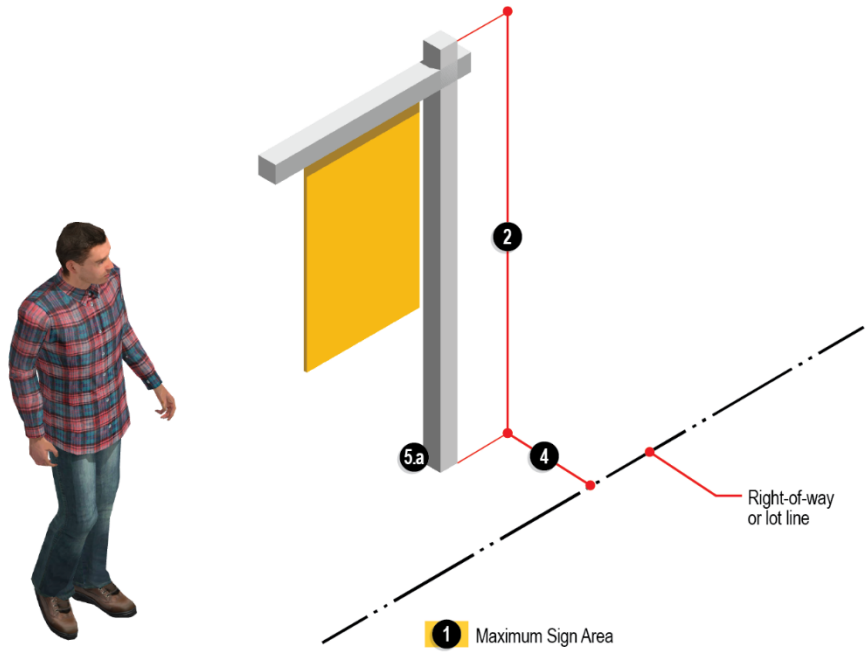
4. **Location**. Post signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.

5. **Other Provisions**.

   a. Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.

   b. Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.16. Post Sign Standards***



~~G. **Yard Signs**.~~

~~1. **Sign Area**. The maximum sign area of yard signs shall be as follows.~~

~~a. Thirty-two (32) square feet for parcels that have frontage along a major arterial road.~~

~~b. Sixteen (16) square feet for all other parcels.~~

~~2. **Sign Height**. The maximum height of a yard sign shall not exceed four (4) feet.~~

~~3. **Number of Signs**. A maximum of two (2) yard signs may be displayed concurrently. However, during the period sixty (60) days before and fifteen (15) days after a federal, state, or local election an unlimited number of yard signs may be displayed concurrently subject to all other applicable regulations of this section.~~

~~4. **Location**. Yard signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, shall not be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.~~

~~5. **Other Provisions**.~~

~~a. Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.~~

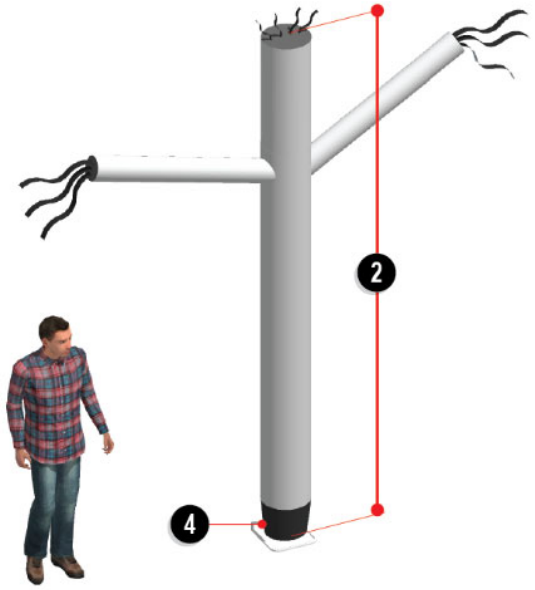
~~b. Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.~~

~~c. One (1) yard sign displayed for a period of up to seventy-two (72) hours shall be exempt from the requirements for this section.~~

~~H.~~G. **Cold Air Inflatables**. Cold air inflatable signs shall be allowed in all districts with the exception of residential districts.

1. **Duration.** Cold air inflatable signs shall be allowed once per calendar year for a maximum of seventy-two (72) hours.
2. **Sign Height.** The maximum height of a cold air inflatable sign shall be twenty-five (25) feet as measured from grade.
3. **Location.** Inflatable signs shall not be installed below or interfere with any electrical conductors, phone conductors, CATV conductors, fire alarm conductors or any other similar installations.
4. **Supports Required.** The inflatable structure shall be ground-mounted or attached to supports and guy wires ground-mounted or securely attached to the building roof. No inflatable structure shall be permitted to be secured to any mechanical equipment, parapet walls or other items normally found on the roof of a structure.
5. **Encroachment.** Inflatable signs shall be anchored to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

***Figure 6.~~18~~17. Cold Air Inflatable Sign Standards***



## 10-6-8. Comprehensive Sign Plan

A. **Intent**. The intent of the comprehensive sign program is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the comprehensive sign plan is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.

B. **Applicability**. Any building or development may elect to submit a comprehensive sign plan. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.

C. **Conditions**. The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.

D. **Evaluation Criteria**.

1. **Placement**. All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.

2. **Quantity**. The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.

3. **Size**. All signs shall be no larger than necessary for visibility and legibility but in no instance shall the sign area or sign height exceed the maximum established per sign type per district. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.

E. **Application**. A comprehensive sign plan shall be submitted on a form established by the Zoning Administrator. The application shall contain the following information as well as all other information required by the Zoning Administrator to ensure compliance with the comprehensive sign plan evaluation criteria.

1. Name, address, and telephone number of the applicant.

2. Location of building, structure, or lot to which or upon which the comprehensive sign plan shall apply.

3. Name of person, firm, corporation, or association developing the comprehensive sign plan.

4. Written consent of the owner or lessee of the building, structure, or land to which the proposed comprehensive sign plan is applicable.

5. Scale drawing of all signs included in the comprehensive sign plan indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eight (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by the Zoning Administrator.

6. A scale drawing indicating the location and position of all signs included in the comprehensive sign plan in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.

F. **Review and Action**. The Zoning Administrator shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

G. **Appeals**. Any applicant who receives a notice of denial from the Zoning Administrator may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted according to the applicant.

## 10-6-9. Prohibited Signs and Content

A. **Prohibited Signs**. The following sign types shall be prohibited in all districts:

1. Pole/Pylon Signs
2. Billboards
3. Roof Signs
4. Outline Lighting
5. Signs located on City property without the City's permission
6. Signs which encroach on the public right-of-way

B. **Prohibited Content**.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
    a. Content that is prohibited or restricted per state or federal statute.
    b. Text or graphics that advertise unlawful activity,
    c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
    d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Illinois Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Illinois Constitutions.

## 10-6-10. Safety, Maintenance, and Abandonment

A. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with applicable building and other codes adopted by the City.

B. All signs, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this Title. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Title.

C. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish.

D. If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this Title constructed, erected, or maintained in violation of the provisions of this title, he or she shall give written notice per the provisions of this Title. Such notice shall specify the manner in which the sign is unsafe or in violation of this Title.

E. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this Title.

# Chapter 7. Subdivision Standards

10-7-1. Intent and Purpose ..... 1
10-7-2. Lots ..... 2
10-7-3. Street Design and Improvements ..... 3
10-7-4. Circulation and Connectivity ..... 13
10-7-5. Easements ..... 13
10-7-6. Water, Sewer, and Stormwater ..... 14
10-7-7. Cluster Development ..... 15
10-7-8. Anti-Monotony Standards ..... 16
10-7-9. Park and Recreation Land and School Site Dedication ..... 18

## 10-7-1. Intent and Purpose

A. The regulations of this Chapter are adopted to:

1. Protect the interests of the landowner, the investor in land, the homeowner, and the municipal unit;
2. Conserve, protect, and enhance property and property values; to secure the most efficient use of land; and to facilitate the provisions of public improvements;
3. Provide for orderly growth and development; to afford adequate facilities for the safe and efficient means for traffic circulation of the public; and to safeguard the public against flood damage;
4. Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width, and course of streets and highways; the installation of utilities, street pavements, and other essential improvements; and the provision of necessary public grounds for schools, parks, playgrounds, and other public open space; and
5. Establish procedures for the submission, approval, and recording of plats, to provide the means for enforcement of this title, and to provide penalties for violations.

B. **Provision of Improvements.** All improvements required by this Chapter shall be installed by the developer as part of a Subdivision as detailed in Section 10-8-6.

C. **Conformance With Standard Specifications and Ordinances.** All improvements required in this Chapter shall be as specified in the City's standard specifications for improvements, the Kendall County Stormwater Management Ordinance, and other applicable County ordinances.

## 10-7-2. Lots

A. **Conformance With District Standards.** All lots shall meet the minimum depth, width, and area requirements of the governing district, unless otherwise approved as a cluster development.

B. **Lot Size and Shape.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision, and for the type of development and use contemplated, as determined by the Planning and Zoning Commission and City Council.

C. **Orientation.** Where appropriate, lot orientation along an east-west longitudinal axis is recommended for increased energy efficiency for potential solar panels.

D. **Double Frontage and Reverse Frontage Lots**.

1. Double frontage and reverse frontage lots shall be avoided, except where necessary to overcome disadvantages of topography and orientation, and where a limited access highway, railroad right-of-way, major street, or similar situation exists.

2. In these instances, double frontage lots shall be provided with suitable screen planting when adjoining roadways as follows:

    a. **Local or Collector Roads.** Double frontage lots adjoining a local or collector road shall provide a type C transition yard as specified in Table 10-5-2(F)(3).

    b. **Arterial Roads.** Double frontage lots adjoining a local or collector road shall provide a type D transition yard as specified in Table 10-5-2(F)(3).

3. Double frontage lots may be subdivided and utilize a separate lot or outlot where the rear property line fronts an adjoining roadway for required transition yards.

E. **Subdivisions to Include Entirety of Parent Parcels.** Subdivisions must include and plan for the entire parcel or parcel(s) being divided and shall not exclude portions of the parcel or parcel(s) being divided from the subdivision.

F. **Access.**

1. All lots shall front or abut on a public street.

2. The fronting of residential lots on state and county highways or major thoroughfares, major collectors as designated in the comprehensive plan is prohibited. Each subdivision entrance shall be located not less than one thousand three hundred (1,300) feet apart, centerline to centerline, unless topography or existing street locations dictate otherwise.

3. Non-access provisions controlling ingress and egress to streets may be required by the Planning and Zoning Commission and City Council to assure traffic safety and to relieve congestion at intersections.

4. The distance between access points shall adhere to the City's standard specifications and be approved by the City Engineer.

## 10-7-3. Street Design and Improvements

A. **Street Network Design**

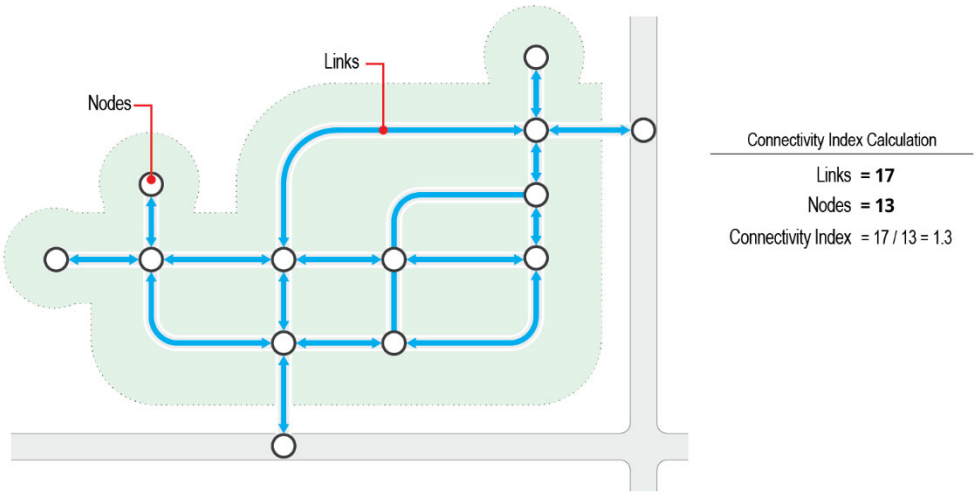
1. **General Street Layout**.

a. In general, streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth, and provide adequate public safety and convenience for motorists, cyclists, and pedestrians alike.

b. The proposed street layout shall also be coordinated with the existing street system of the surrounding area. Where a through street or a series of streets establishes a connection between two (2) public streets, such street shall be a public street.

c. **Connectivity Index**. A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and two-tenths (1.2).

***Figure 7.1. Connectivity Index Calculation***

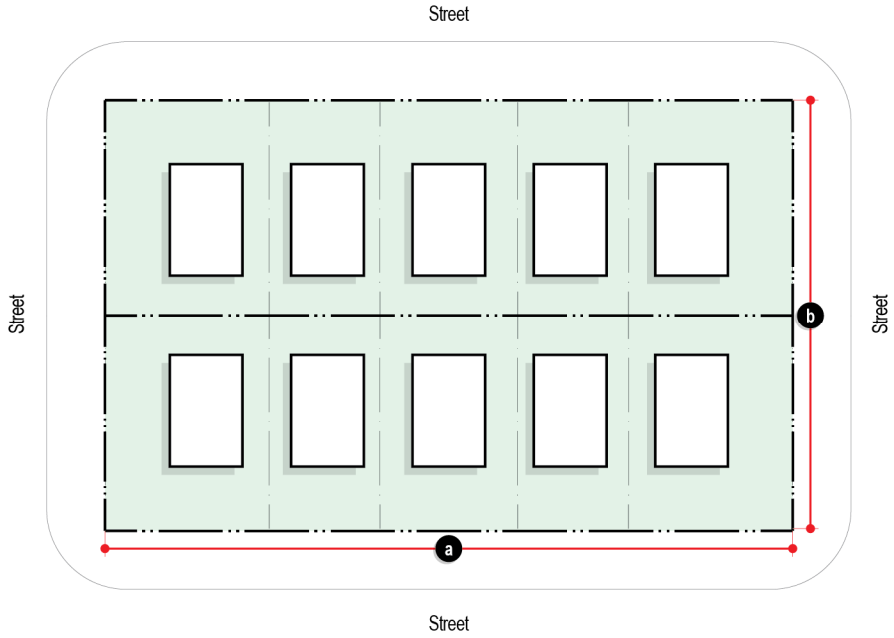


2. **Blocks.**

   a. **Length.** Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length. Shorter blocks of eight hundred (800) feet or less in length are encouraged.

   b. **Width.** Lots shall have sufficient width to provide two (2) tiers of lots of appropriate depth, except on boundaries of a proposed subdivision or where required to separate and discourage through traffic between residential subdivisions and nonresidential development.

***Figure 7.2. Blocks***



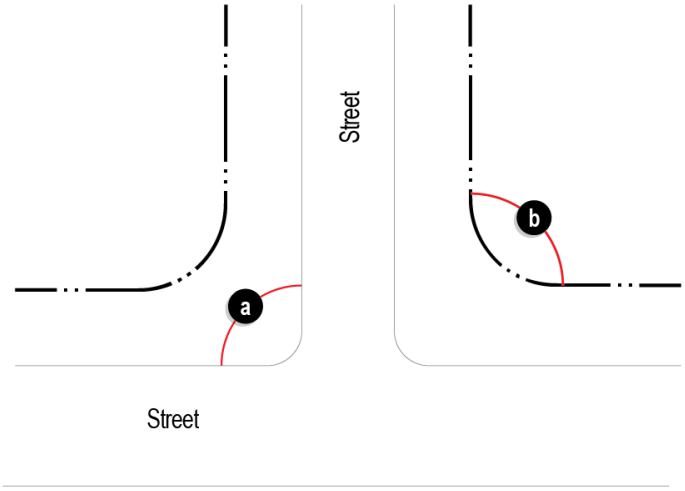

3. **Street Jogs.** Street intersection jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited. Horizontal changes in alignment shall have a radius of twenty (20) feet to permit safe vehicular turning movements.

4. **Street Intersections.**

   a. Streets shall be laid out so as to intersect at right angles. Proposed intersections at angles of less than eighty (80) degrees shall not be acceptable. Proposed intersections at less than ninety (90) degrees shall be approved only when the proposed layout enhances the subdivision's overall layout and circulation pattern or is required due to natural constraints on the site as determined by the Zoning Administrator.

   b. Property lines at minor street intersections shall be rounded with a minimum radius of twenty-five (25) feet. Property lines at major streets or highway intersections shall be rounded with a minimum radius of thirty (30) feet.

***Figure 7.3. Street Intersections***



5. **Cul-de-sacs.**

   a. Cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around.

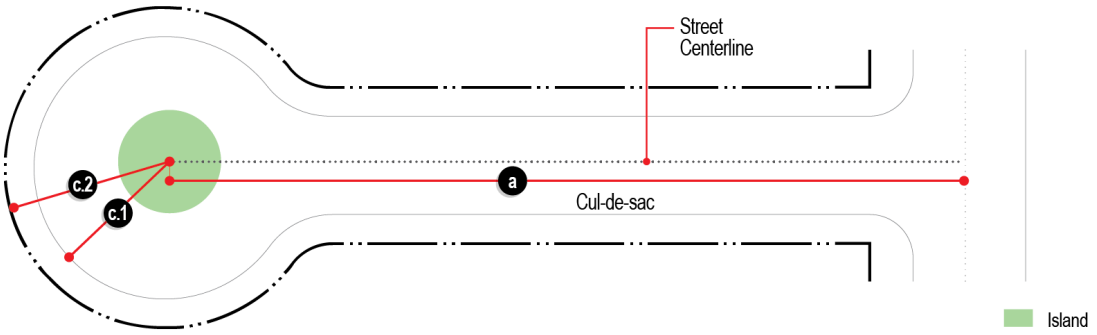
   b. **Islands.** Islands in the center of cul-de-sacs with a minimum radius of fifteen (15) feet shall be required. Islands shall use mountable curbing only that allows vehicular access to the islands. Islands may be planted with vegetation, however, such vegetation shall not exceed four (4) feet at maturity to allow for vision clearance across the cul-de-sac's diameter.

   c. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular paved area allowing for vehicular turn around and having a minimum radius of:

      (1) Fifty (50) feet from the center of the island to the outside curb.

      (2) Sixty (60) feet the center of the island to the edge of right-of-way.

***Figure 7.4. Cul-De-Sac Standards***



6. **Street Stubs**.

   a. In new developments the subdivider shall terminate streets as stubs at the outer perimeter boundaries of the development based on the criteria below. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:

      (1) The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.

      (2) The street by its general configuration, in relationship to the existing development of the area, serves any collector function.

      (3) The street extends into an undeveloped area in such a manner as to serve any future collector function.

      (4) The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.

   b. Street stubs shall be clearly demarcated and identified for future street extension by street signage.

   c. All street stubs shall terminate with a turn-around for vehicles.

   d. All stub streets shall conform to the City's adopted version of the International Fire Code.

   e. The City Engineer may deem that the street stub is impractical due to topographic conditions, environmental constraints, property shape, or property accessibility.

7. **Dead End Streets**. Dead end streets shall not be permitted except as street stubs per the requirements of this section.

B. **General Improvement Requirements.**

1. **Sidewalks.** Concrete sidewalks shall be at least five (5) feet in width.

2. **Shared Use Paths.** Shared use paths shall be at least eight (8) feet in width.

3. **Bicycle Facilities**.

   a. Bicycle lanes shall be at least four (4) feet in width.

   b. Shared bicycle and vehicle lanes and bike lanes shall be delineated in accordance with NACTO standards.

4. **Parkways**.

   a. Parkways shall be at least seven (7) feet in width, however, parkways may be reduced to five (5) feet in width along minor streets or lower-traffic volume street types as approved by the City.

   b. Parkways shall be located between the back of curb and sidewalk.

   c. **Street Trees.** A minimum of one (1) canopy tree shall be planted per every forty (40) linear feet of parkway. Where overhead utility line conflicts are present, a minimum of one (1) understory tree shall be planted every twenty (20) feet. The spacing of trees shall take into consideration site-specific conditions and clear vision triangles.

      (1) **Substitution on Private Property Allowed.** Up to twenty-five (25) percent of the street trees required in Section 10-7-3 (B)(4)(c) may be planted on private property within the subdivision provided the following are met.

         (a) The trees located on private property shall be located within the same subdivision as the parkway trees they will be substituted for.

         (b) The trees shall be located within the required front yard on each subject lot.

         (c) The trees provided on private property shall be provided in addition to any landscaping required per Section 10-5-3.

         (d) The trees provided on private property shall meet the planting specifications of Section 10-5-3(A) above.

         (e) The substitution of street trees on private property shall enhance the visual quality of the neighborhood and achieve the same visual effects as trees planted in parkways as proposed by the developer and approved by the Zoning Administrator.

   d. A complete streetlight system shall be installed in the required parkway in all subdivisions.

5. **On-Street Parking**.

   a. On-street parking shall be parallel.

   b. On-street parking spaces shall have the following minimum dimensions:

      (1) Width: Eight (8) feet.

      (2) Length: Twenty-three (23) feet.

   c. On-street parking spaces shall be delineated with striping with a minimum width of four (4) inches. For all types of local streets, the striping of the on-street parking spaces may be provided but shall only be required when no curbing is provided.

d. On-street parking spaces shall be visually delineated from drive aisles with striping or other means.

6. **Medians**.

a. Medians shall have a minimum width of ten (10) feet.

b. Medians shall taper to a minimum of four (4) feet in width at intersections.

c. Medians shall be planted with a minimum of fifteen (15) shrubs or native grasses every fifty (50) linear feet. Landscaped elements shall be maintained privately by a homeowners association or another organization associated with the development in which they are located.

C. **Street Design Requirements.**

1. **Right of-Way Widths.** The minimum right-of-way widths of proposed streets shall be as detailed in Table 10-7-3(C)(1).

| Table 10-7-3(C)(1): Minimum Right-of-Way Widths | |
|---|---|
| **Type of Street** | **Minimum Right-of-Way Widths (Feet)** |
| *Arterial* | 85 |
| *Collector* | 70 |
| *Local Nonresidential* | 80 |
| *Local Residential* | 66 |

2. **Paving Widths.** The minimum paving widths from curb face shall be as detailed in Table 10-7-3(C)(2).

| Table 10-7-3(C)(2): Minimum Paving Widths | |
|---|---|
| **Type of Street** | **Minimum Paving Width (Feet)** |
| *Arterial* | 51 |
| *Collector* | 41 |
| *Local Nonresidential* | 39 |
| *Local Residential* | 30 |

3. **Required Street Design Elements.** Required street design elements shall be as established per street type in Table 10-7-3(C)(3).

a. A "●" indicates an element that is required on one (1) side of a given street.

b. A "○" indicates an element that is required on both sides of a given street.

c. A "◊" indicates an element that is required.

d. A "□" indicates an element that is required at the discretion of the City.

| Table 10-7-3(C)(3): Required Street Design Elements | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **Required Street Design Element** | | | | | | |
| **Type of Street** | *Sidewalk* | *Shared Use Path* | *Parkway* | *Bicycle Lane* | *Shared Bicycle & Vehicle Lane* | *On-Street Parking* | *Median* |
| *Freeway or Expressway* | As required by the IDOT | | | | | | |
| *Arterial* | • | • | ○ | ○ | | | ◊ |
| *Collector, Bike Lane & Median* | • | • | ○ | ○ | | | ◊ |
| *Collector, On-Street Parking* | • | • | ○ | | □ | ○ | |
| *Local Nonresidential, Bike Lane & Median* | ○ | | ○ | ○ | | | ◊ |
| *Local Nonresidential, On-Street Parking* | ○ | | ○ | | □ | ○ | |
| *Local Residential* | ○ | | ○ | | □ | ○ | |

*Figure 7.5. Arterial Design Standards*

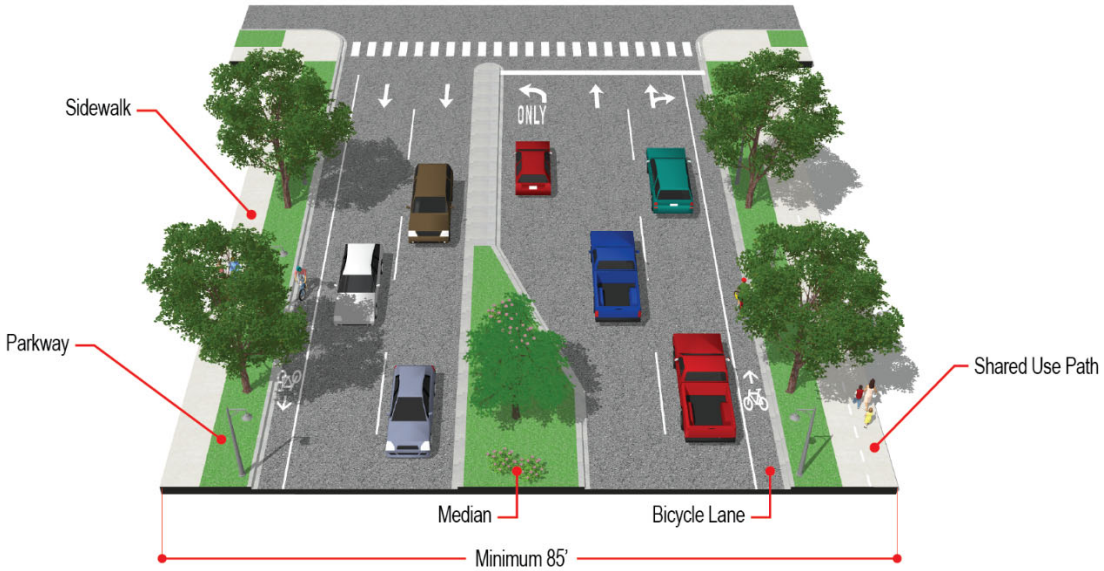



*Figure 7.6. Collector Street With Bicycle Lane and Median Standards*

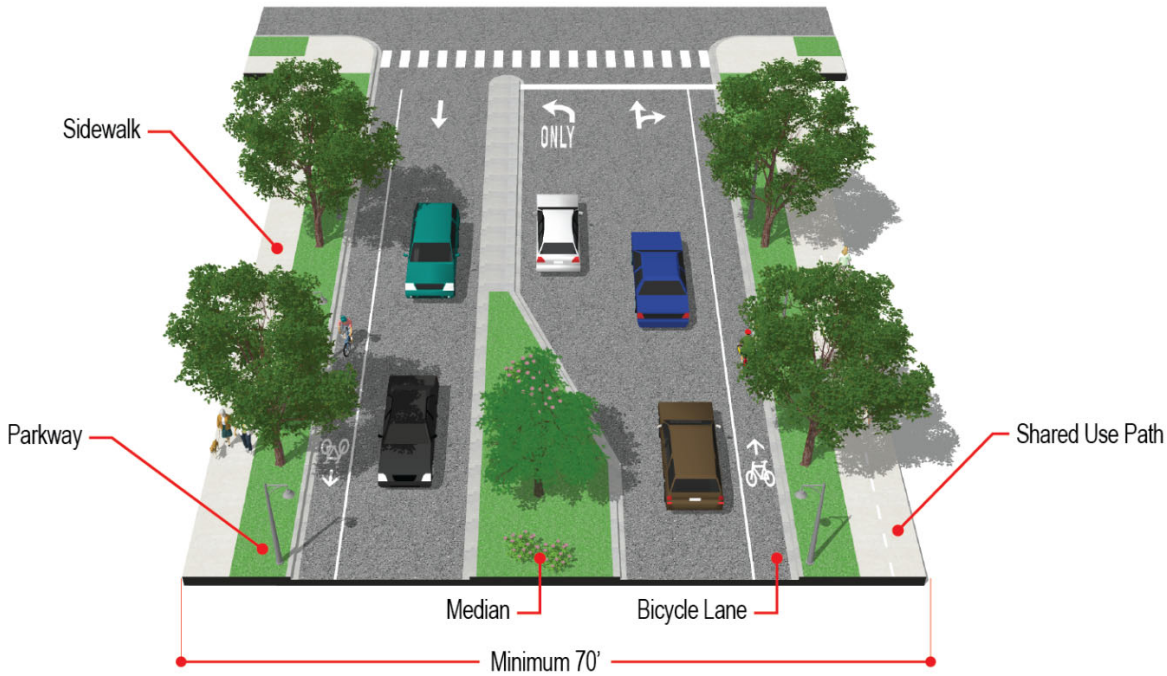


*Figure 7.7. Collector Street With On-Street Parking Standards*

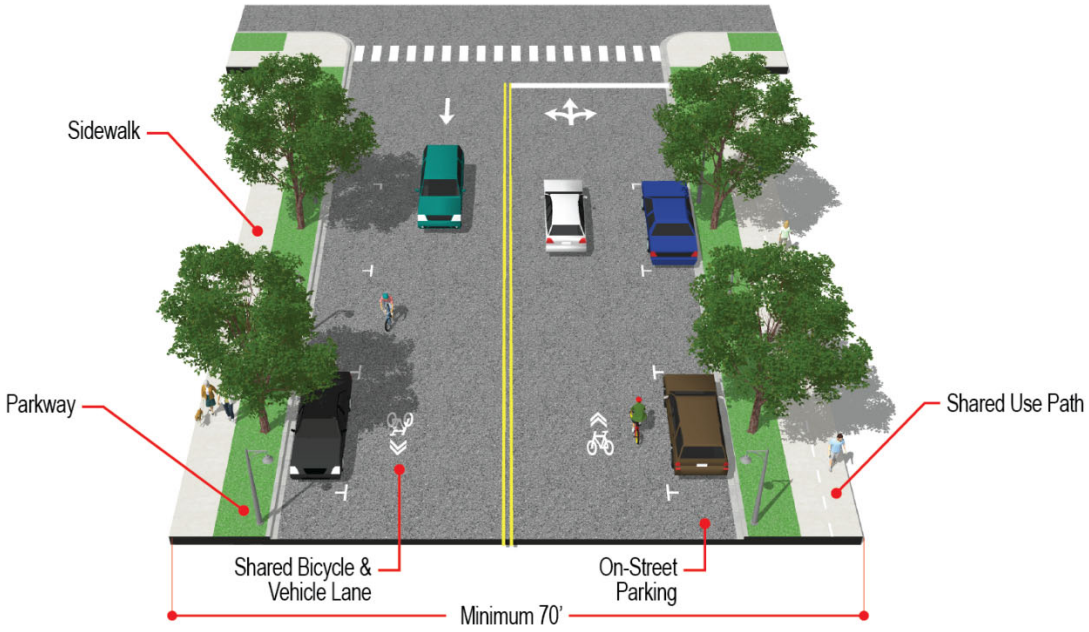



*Figure 7.8. Local Nonresidential Street With Bicycle Lane and Median Standards*

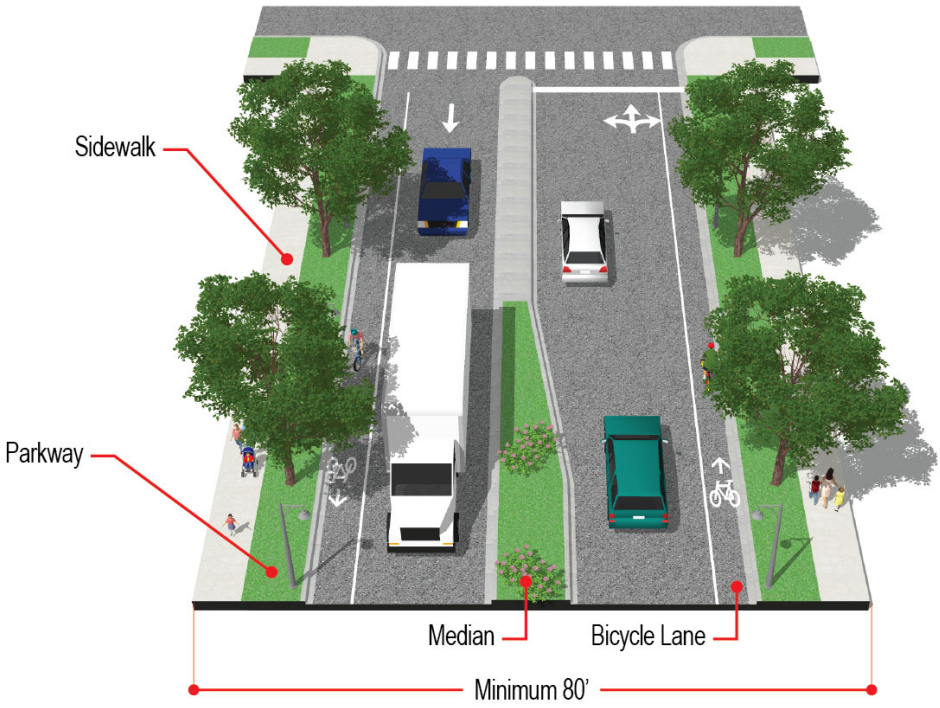


*Figure 7.9. Local Nonresidential Street With Bicycle Lane and Median Design Standards*

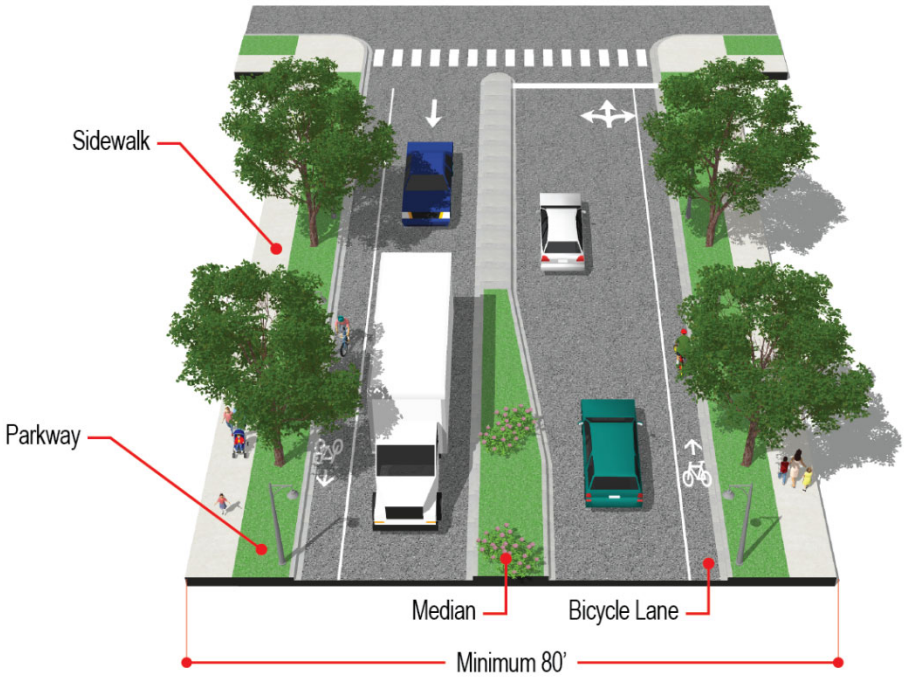
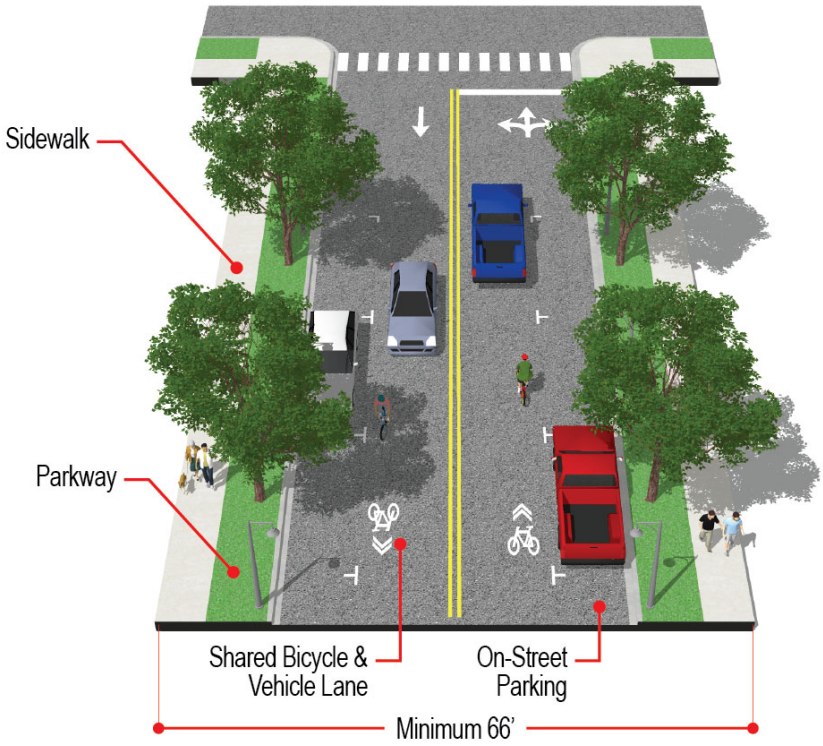



*Figure 7.10. Local Residential Street Design Standards*



## 10-7-4. Circulation and Connectivity

A. **Half Streets.**

1. Half streets shall be prohibited, except where the Planning and Zoning Commission deems them essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

2. A right-of-way width of not less than forty (40) feet, and a pavement width of not less than twenty-two and one-half (22½) feet, shall be required for the half street.

3. Where a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted and constructed within such tract.

4. In cases where half streets are accepted, the owner and subdivider shall be required to grade and improve the half street, the same as all other subdivision streets.

B. **Alleys.**

1. **All Alleys.** All alleys shall be privately maintained.

2. **Commercial and Industrial.** Alleys shall be provided for all commercial and industrial districts, except that the City may waive this requirement where another definite and assured provision is made for service access, such as off-street loading and parking consistent with, and adequate for, the uses proposed.

3. **Residential.** Alleys are encouraged in subdivisions in the R-2D, R-3, and R-4 Districts and when provided shall have a minimum right-of-way width twenty (20) feet. Alleys shall be prohibited in the A-1, R-1, and R-2 Districts, unless deemed necessary by the City Engineer because of topography or other exceptional circumstances.

4. **Dead End.** Dead end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by the City Engineer.

5. **Obstructions.** No obstructions shall be permitted in areas reserved for alleys.

## 10-7-5. Easements

A. **Utility Easements Required.**

1. Utility easements at least ten (10) feet wide shall be provided at the rear of all lots and shall be centered on the rear or side lot lines, unless otherwise approved by the City Council due to topography, natural features, or other site constraints.

2. Utility easements may be required at other locations than the rear of lots and at greater widths than ten (10) feet to accommodate proposed utilities and to provide space for future utilities, as deemed appropriate by the City Engineer.

3. Utility easements shall be provided along both sides of all road right-of-ways.

B. **Stormwater Control Facilities Easements Required.** Easements shall be required for all stormwater control facilities and for overflow routes.

C. **Watercourse Easements Required.** Where a watercourse, drainage channel, stream, or other body of water traverses a subdivision, appropriate dedications or easement provisions, with adequate width to accommodate the observed, computed, or anticipated stormwater drainage through and from the subdivision shall be made. The width of the easement shall depend on the area of land drained by the watercourse and shall be of adequate width to allow access for construction and maintenance equipment.

D. **Transition Area Easements.** Transition zone easements may be required in accordance with the standards of Section 10-5-3(F). If said easement is to also be used for public utilities, only such plant materials that have an ultimate growth not exceeding fifteen (15) feet shall be used.

## 10-7-6. Water, Sewer, and Stormwater

A. **Water System Connection Required.**

1. All parcels within a subdivision shall be required to connect to the United City of Yorkville's Public Water Supply System, including required water main extensions off-site, to the sizes required by the City.

2. All subdivisions shall provide a looped, double fed water system, and extensions to the boundaries of the development, as directed by the City.

B. **Sanitary Sewer Connection Required.**

1. All parcels within a subdivision shall be required to provide connection to the sanitary sewer system, including required sewer extensions off-site, to the sizes and depths required by the City.

2. The sanitary sewers shall be extended to the far boundaries of the development, as directed by the City.

C. **Stormwater Drainage Required.**

1. Surface water drainage improvements consisting of storm sewers or open channels, inlets, catch basins, manholes, and/or detention facilities, shall be designed and constructed to adequately drain the area being developed and any other areas that naturally drain through the area being developed.

2. If the natural surface water drainage will be changed by the construction of the subdivision, adequate provision shall be made for collection and diversion of such surface waters into public areas or drains which the subdivider has a right to use. Surface waters shall not be deposited on the property of adjoining landowners in a manner that causes erosion or other damage.

3. The property owner shall maintain any drainage course across their property and shall keep their property free from features that restrict the natural drainage.

## 10-7-7. Cluster Development

Cluster development is allowed in residential subdivisions in the R-1, R-2, and R-2D Districts to encourage and accommodate, in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas and encourage compact, walkable design of subdivisions and neighborhoods.

A. **Resources to be Conserved**. To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.

B. **Maximum Density per Acre**. The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table 10-7-7(B).

| Zoning District | Maximum Density |
|---|---|
| R-1 | 3.63 dwelling units/acre |
| R-2 | 4.36 dwelling units/acre |
| R-2D | 2.90 dwelling units/acre |

C. **Maximum Dimensional Standards Reduction**. The dimensional standards established in Table 10-3-9(A) may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.

D. **Density Bonus**. The maximum gross density per acre, per district, may be exceeded by a maximum of thirty (30) percent if either the natural resource conservation or subdivision design standards below are met.

1. **Natural Resource Conservation.** A minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the City Council and shall be directly tied to the amount of land area placed in a conservation easement.

    a. Native landscapes,

    b. Mature tree stands,

    c. Prime farmland,

    d. Critical habitat, and/or

    e. Other as approved by the Zoning Administrator.

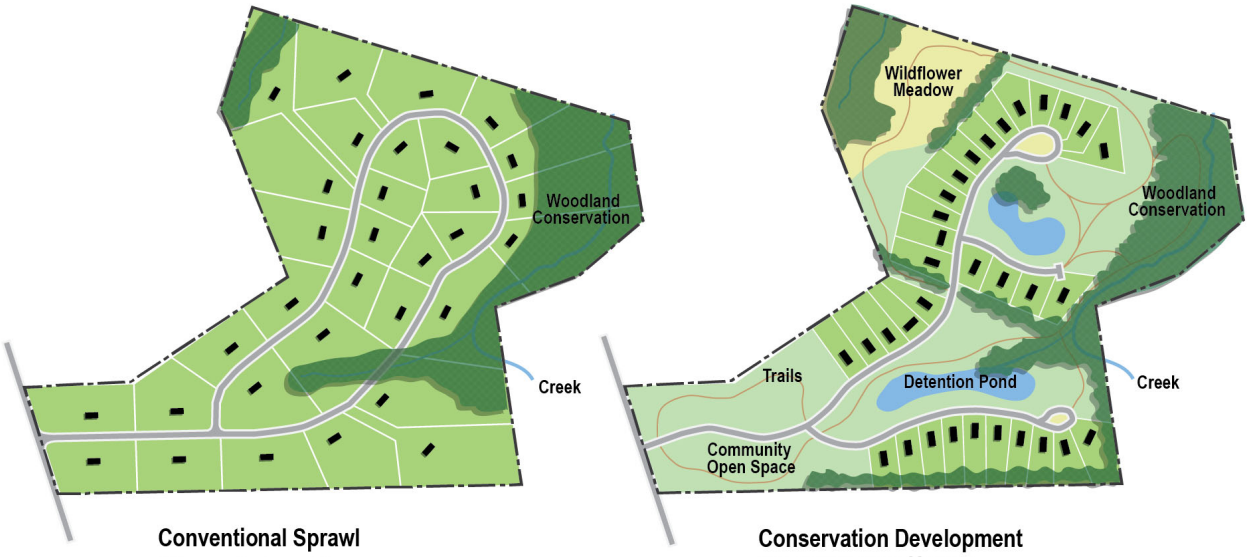
2. **Subdivision Design.** The subdivision provides an enhanced pedestrian environment throughout the neighborhood by fulfilling at least one (1) of the following standards. The maximum allowed density bonus shall be as determined by City Council and shall be directly tied to the enhancements to the pedestrian environment provided.

    a. At least twenty (20) percent of blocks in the subdivision are eight-hundred (800) feet or less in length.

    b. At least twenty (20) percent of the cul-de-sacs in the subdivision are four-hundred (400) feet or less in length.

E. **Planned Unit Development Required.** Any subdivision employing cluster development techniques shall require approval through the Planned Unit Development Process as specified in Section 10-8-8.

*Figure 7.11. Cluster Development*




## 10-7-8. Anti-Monotony Standards

A. **Building Variety Standards.**

1. No new single-~~unit~~ family ~~detached~~ or duplex dwelling units shall be similar in appearance to any other single-~~unit detached~~family or duplex dwelling units within two (2) units on either side of the subject property or on any of the five (5) units across the street from the subject property.

2. On cul-de-sac turnarounds, no single-~~unit~~ family ~~detached~~ or duplex dwelling shall be similar in appearance to another dwelling on the turnaround.

B. **Similarity Standards.** Any two (2) dwelling units shall be considered similar in appearance if they are identical or nearly identical to one another in any three (3) or more of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, or combination);

2. Similar roof pitch at an angle of ten (10) degrees or less;

3. Dimensions (height and/or length) of the front wall closest to the front lot line that are within twenty (20) percent the same as either the height or width shall constitute similarity;

4. Shape of the front elevation silhouette;

5. Relative location and size of windows on the front elevation;

6. Relative location and dimensions of garage door(s), if included on the front elevation; and

7. Type(s) of exterior building cladding materials on the front elevation. The following differences in construction material shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.

    a. Four (4) inch exposure horizontal siding;

b. Eight (8) inch exposure horizontal siding;

c. Brick facing;

d. Vertical siding;

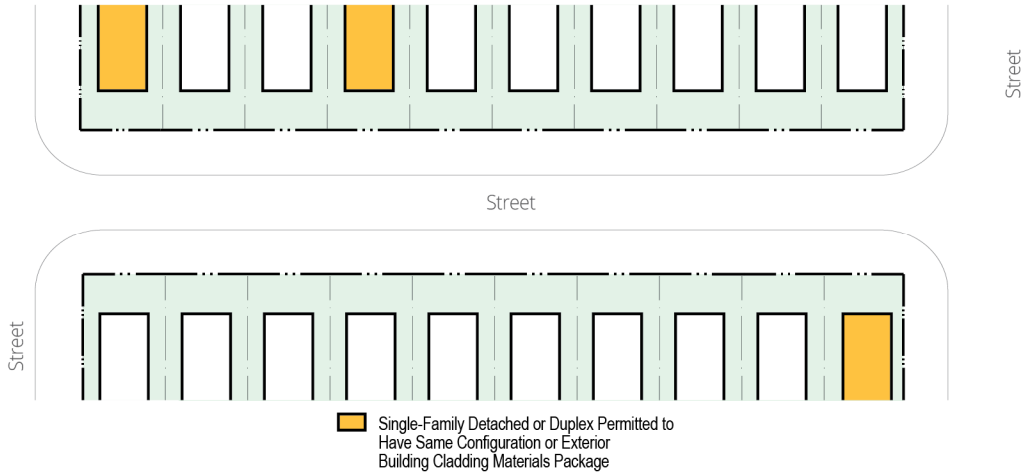
e. Stone facing; and

f. Stucco/staccato board and trim.

g. When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.

h. Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.

***Figure 7.12. Anti-Monotony Standards***



## 10-7-9. Park and Recreation Land and School Site Dedication

As a condition of approval of a final plat of a subdivision, the developer shall dedicate land for park and recreational purposes and for school sites to serve the needs of residents of the development, or a cash contribution in lieu of the land dedication, or a combination of both, at the discretion of the City, in accordance with the criteria and formula below.

A. **Criteria For Requiring Park and Recreation Land Dedication.**

1. **Requirements and Population Ratio.** The quantity of land required for park dedication shall result directly from the total population of the proposed development. The total requirement shall be five and one half (5 ½) acres of land per one thousand (1,000) residents. The required five and one-half (5 ½) acres shall be allocated into different types of recreation areas as shown in Table 10-7-9(A)(1), or as may be required by City Council at its discretion.

**Table 10-7-9(A)(1): Parkland Dedication Requirements**

| Type of Recreation Area | Size Range | Minimum Acres Per 1,000 People |
|---|---|---|
| *Play lot* | Minimum - 8,000 square feet | n/a |
| *School/park (neighborhood playground)* | Minimum - 5 acres | 1.25 |
| *Neighborhood park* | Minimum - 3 1/2 acres | 1 |
| *District-wide park or play field* | Minimum - 4 acres, up to 30 acres | 1.25 |
| *Community-wide recreation park* | Minimum - 12 acres, up to 30 acres | 2 |
| *Total* | | 5.5 |

B. **Criteria For School Site Dedication.**

1. **Requirement and Population Ratio.** The required dedication of land for school sites shall depend on the quantity of students projected to be generated within the subdivision. The land dedication requirement shall be determined by obtaining the ratio of the maximum number of students to be served in each such school classification as defined in Table 10-7-9(B)(1) and the minimum number of acres for a school site of each school classification defined in Table 10-7-9(B)(1). The product shall be the number of acres of land required for sufficient school sites to serve the estimated children in each such school classification.

**Table 10-7-9(B)(1): School Dedication Requirements**

| School Classification Grade | Maximum Number of Students For Each School Classification | Minimum Number of Land Acres For Each School Site For Such Classification |
|---|---|---|
| *Elementary Schools - Grades K-5* | 600 students | 11 acres |
| *Junior High Schools - Grades 6-8* | 900 students | 19 acres |
| *High Schools - Grades 9-12* | 2,300 students | 48 acres |

C. **Contribution in Lieu Procedure.** At the City's discretion, it may require the developer to pay a contribution in lieu of the land dedication required. The cash contribution required in lieu of park and recreation and/or school facilities shall be per the City's adopted ordinances. The cash contributions in lieu of park and recreation land dedication shall be held in trust solely for the acquisition of park and recreation land which will be available to serve the needs of the residents of the subdivision.

D. **Estimated Population Per Dwelling Unit.** Table 10-7-9(D) of population density shall be used to calculate the quantity of dedicated acres of land for parkland or schools or to determine the required cash contribution in lieu of.

| Table 10-7-9(D): Estimated Population Per Dwelling Unit | | | | | | |
|---|---|---|---|---|---|---|
| **Type of Unit** | **Preschool** | **Elementary** | **Junior High** | **High School** | **Adults** | **Total Per Dwelling Unit** |
| | 0-4 Years | 5-10 Years | 11-13 Years | 14-17 Years | 18+ Years | All Ages |
| *Dwelling, Single-Family* | | | | | | |
| *2 Bedroom* | 0.113 | 0.136 | 0.048 | 0.020 | 1.700 | 2.017 |
| *3 Bedroom* | 0.292 | 0.369 | 0.173 | 0.184 | 1.881 | 2.899 |
| *4 Bedroom* | 0.418 | 0.530 | 0.298 | 0.360 | 2.158 | 3.764 |
| *5 Bedroom* | 0.283 | 0.345 | 0.248 | 0.300 | 2.594 | 3.770 |
| *Dwelling Duplex, Dwelling, Townhome* | | | | | | |
| *1 Bedroom* | 0.000 | 0.000 | 0.000 | 0.000 | 1.193 | 1.193 |
| *2 Bedroom* | 0.064 | 0.088 | 0.048 | 0.038 | 1.752 | 1.990 |
| *3 Bedroom* | 0.212 | 0.234 | 0.058 | 0.059 | 1.829 | 2.392 |
| *4 Bedroom* | 0.323 | 0.322 | 0.154 | 0.173 | 2.173 | 3.145 |
| *Dwelling, Multi-Family* | | | | | | |
| *Efficiency* | 0.000 | 0.000 | 0.000 | 0.000 | 1.294 | 1.294 |
| *1 Bedroom* | 0.000 | 0.002 | 0.001 | 0.001 | 1.754 | 1.758 |
| *2 Bedroom* | 0.047 | 0.086 | 0.042 | 0.046 | 1.693 | 1.914 |
| *3 Bedroom* | 0.052 | 0.234 | 0.123 | 0.118 | 2.526 | 3.053 |
| *Note: Estimated population per dwelling unit formula is based on standards in use in the Village of Sleepy Hollow, Illinois* | | | | | | |

City of Yorkville

# Unified Development Ordinance












**DRAFT FOR REVIEW ONLY**

**November 8th, 2023**

# Table of Contents


| | Page |
|---|---|
| Chapter 1. General Provisions | 1 |
| Chapter 2. Definitions | 4 |
| Chapter 3. District Standards | 30 |
| Chapter 4. Use Standards | 123 |
| Chapter 5. Development Standards | 170 |
| Chapter 6. Sign Standards | 213 |
| Chapter 7. Subdivision Standards | 237 |
| Chapter 8. UDO Review and Approval Procedures | 256 |
| Chapter 9. Nonconforming Buildings, Structures, and Uses | 291 |
| Appendix A. Standard Specifications For Improvements | 295 |

# Chapter 1. General Provisions

10-1-1. Title ..... 1
10-1-2. Authority ..... 1
10-1-3. Applicability ..... 1
10-1-4. Intent and Purpose ..... 1
10-1-5. Interpretation and Severability ..... 2
10-1-6. Scope of Regulations ..... 3
10-1-7. Severability ..... 3

## 10-1-1. Title

A. This title, including the zoning district map made a part hereof and all amendments hereto, shall be known, cited and referred to as the United City of Yorkville Unified Development Ordinance.

## 10-1-2. Authority

A. This Unified Development Ordinance is adopted pursuant to the powers granted and the limitations imposed by Illinois State law.

## 10-1-3. Applicability

A. Unless otherwise expressly exempt, the Unified Development Ordinance applies to all land uses, structures, buildings, and development within the City's corporate boundaries and extending beyond the corporate limits as allowed by Illinois State law.

## 10-1-4. Intent and Purpose

A. This title is adopted with the intent to set forth regulations and standards for the following purposes:

1. To promote and protect the public health, safety, morals, comfort and general welfare of the people;
2. To divide the City into zoning districts regulating the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air to protect the public health;
6. To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;

7. To fix reasonable standards to which buildings or structures shall conform therein;

8. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

9. To prevent additions to, or alteration or remodeling of certain existing nonconforming buildings imposed hereunder;

10. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

11. To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

12. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

13. To conserve the taxable value of land and buildings throughout the City;

14. To encourage innovative and low impact development techniques through the reduction of stormwater runoff, minimizing erosion control and preserving existing natural drainage systems in connection with the development of land;

15. To promote pedestrian circulation through a well designed system of shared use trails which allows access to local and regional destinations;

16. To promote, preserve and enhance those buildings and structures within certain areas of the City that are of historical importance;

17. To promote and regulate the use of alternative and renewable energy solutions;

18. To ensure the objectives of the comprehensive plan are considered;

19. To provide for the gradual elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

20. To define and limit the powers and duties of the administrative officers and bodies as provided herein;

21. To prescribe penalties for the violation of the provisions of the zoning ordinance, or of any amendment thereto; and

22. To ensure the provisions of public improvements governing the subdivision and platting of land; street and roadway standards; availability of utilities; and schools and park development are applied to all properties within the city's corporate limits.

## 10-1-5. Interpretation and Severability

A. **Minimum Requirements.** The provisions of this title shall be held to be the minimum requirements for the promotion of public health, safety, morals, and welfare.

B. **Relationship With Other Laws.** Where the conditions imposed by any provisions of this title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title or other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

C. **Existing Agreements.** This title is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this title are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this title shall govern.

## 10-1-6. Scope of Regulations

A. **Changes in Structures or Use.** Except as may otherwise be provided in Chapter 9 of this title, all buildings erected hereinafter, all uses of land or buildings established hereafter, all structural or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such buildings, uses or land shall be located.

B. **Nonconforming Buildings, Structures and Uses.** Any lawful building, structure or use existing at the effective date hereof, January 1, 2024, may be continued, even though such building, structure or use does not conform to the provisions hereof for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Chapter 9 of this title.

C. **Building Permits.** When a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, January 1, 2024, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Chapter 9 of this title.

D. **Existing Special Uses.** Where a use is classified as a Special Use under this title, and exists as a permitted use at the effective date hereof, January 1, 2024, it shall be considered as a legal Special Use without further action of the City Council or the Zoning Administrator.

## 10-1-7. Severability

A. **Severability.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this title, or any amendment hereto, to a particular building, structure or parcel of land, such judgment shall not affect the application of said provision to any other building, structure or parcel of land not specifically included in said judgment.

# Chapter 2. Definitions

10-2-1. “A” Definitions ..... 1
10-2-2. “B” Definitions ..... 4
10-2-3. “C” Definitions ..... 5
10-2-4. “D” Definitions ..... 7
10-2-5. “E” Definitions ..... 9
10-2-6. “F” Definitions ..... 10
10-2-7. “G” Definitions ..... 12
10-2-8. “H” Definitions ..... 12
10-2-9. “I” Definitions ..... 13
10-2-10. “J” Definitions ..... 13
10-2-11. “K” Definitions ..... 13
10-2-12. “L” Definitions ..... 13
10-2-13. “M” Definitions ..... 15
10-2-14. “N” Definitions ..... 16
10-2-15. “O” Definitions ..... 16
10-2-16. “P” Definitions ..... 17
10-2-17. "Q” Definitions ..... 19
10-2-18. “R” Definitions ..... 19
10-2-19. “S” Definitions ..... 20
10-2-20. “T” Definitions ..... 24
10-2-21. “U” Definitions ..... 25
10-2-22. “V” Definitions ..... 25
10-2-23. “W” Definitions ..... 26
10-2-24. "X” Definitions ..... 26
10-2-25. “Y” Definitions ..... 26
10-2-26. “Z” Definitions ..... 26

## 10-2-1. “A” Definitions

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

B. **Accessory Commercial Unit:** Activities that are secondary to a principal use in the residential use category as established in this title. Accessory Commercial Units have use-specific standards that apply to ensure they will not deter from the

character or livability of the surrounding neighborhood, that they remain subordinate to the residential use, and that the residential viability of the dwelling is maintained.

C. **Accessory Building:** A subordinate building attached to or detached from the principal building or use, but located on the same zoning lot. Accessory buildings shall have a permanent foundation and include garages and storage sheds.

D. **Accessory Structure, Permanent:** A subordinate structure located on the same lot as a principal building or use and intended to be permanently affixed to the ground on the property. Permanent accessory structures are structures that do not have permanent foundations and include pools, gazebos, and sheds, and attached accessory structures such as a three-season room, covered porch, or roofed patio.

E. **Accessory Structure, Temporary:** A subordinate structure located on the same lot as a principal building or use and not intended to be permanently affixed to the ground on the property. Temporary accessory structures shall not have permanent foundations and shall include structures used for construction purposes, roadside stands, and other accessory structures established for a limited duration.

F. **Accessory Use:** A use on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

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

H. **Addition:** An expansion of the principal or accessory building that is indistinguishable from the original building and utilizes the heating, cooling, electrical and plumbing systems from the original construction and has been incorporated into the original building thermal envelope. Any attached permanent accessory structure such as a three-season room, covered porch or roofed patio that does not have heating, ventilation or air-conditioned systems or enclosed by glass is not considered a building addition.

I. **Adult Day Care:** A program of services provided for functionally-impaired adults who do not require 24-hour institutional care, and yet who are in need of an adult day care program directed toward maintaining physical and mental health, and should be a structured, comprehensive program providing a variety of health, social, and related support services in a protective setting for a period of time less than twenty-four (24) hours.

J. **Adult Use:** A striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store in which twenty-five (25) percent or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material.

K. **Aggregate Materials Extraction:** A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining.

L. **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.

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

N. **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.

O. **Alley:** A private right-of-way primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on another street.

P. **Alternative Tower Structure:** Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

Q. **Amusement Park:** A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, accessory food service, and similar activities.

R. **Animal Hospital:** Any building, or portion thereof, designed or used for the medical or surgical care, observation or treatment of domestic animals for an overnight duration or longer.

S. **Antenna:** Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services not including small wireless facilities.

T. **Antenna Structures:** Those structures which include the radiating and/or receiving system, its supporting structures (see definition of tower), and any appurtenance mounted thereon as defined by the Federal Communications Commission or any successor agency.

U. **Apiary:** The place where one (1) or more bee colonies are kept.

V. **Artisan Manufacturing:** The production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products, and incidental storage, on-site retail sale, and distribution of the associated goods. Artisan manufacturing may include but is not limited to food and bakery products, non-alcoholic beverages, printmaking, leather products, jewelry and clothing/apparel, metal work, woodwork, furniture and glass or ceramic production.

W. **Art Gallery/Art Studio:** An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macrame, knitted goods, stitchery, or pottery. Art studios are may also be engaged in the creations of such art works and often offer instruction in their creation.

X. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing, Light**: An industrial facility at which all operations (with the exception of loading operations): Are conducted entirely within an enclosed building; not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and do not pose a significant safety hazard (such as danger of explosion).

Y. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing, Heavy:** An industrial facility at which all operations (with the exception of loading operations): Are conducted entirely within an enclosed building and which generate odor, noise, heat, vibration, and radiation which are detectable at the property line; but do not pose a significant safety hazard (such as danger of explosion).

Z. **Attention-Getting Device:** Any flag(s), streamer, spinner, pennant, light, balloon, continuous string of pennants, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

AA. **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.

BB. **Automobile Parts/Accessories Sales:** A retail establishment dedicated to the sale of automobile components, parts, and accessories but not including on-site repair or maintenance of automobiles.

CC. **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.

DD. **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.

EE. **Automobile Sales and Service, Enclosed:** An establishment engaged in the sale of automobiles where all operations take place entirely within an enclosed showroom in a primary building.

FF. **Automobile Sales and Service, Open Sales Lot:** An establishment engaged in the sale of automobiles where some operations, including but not limited the display of vehicles for sale take place outside of an enclosed building.

## 10-2-2. "B" Definitions

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

B. **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.

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

D. **Battery Uses:** A use that enables battery manufacturing, charging, recycling, warehousing, storage, and related uses. This may also include uses that derive energy from renewable sources, such as wind and solar power, to be collected, stored, and then released for later use to an electric grid, power plant or private user.

E. **Bed and Breakfast Inn:** 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.

F. **Blacksmith or Welding Shop:** Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

G. **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.

H. **Boat Sales and Rental:** A marine retail sales and service use in which boats are rented or sold.

I. **Boat Storage:** A facility where boats are stored including indoor and outdoor.

J. **Brewery/Winery/Distillery:** An establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery) but not including on-premises consumption by patrons.

K. **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.

L. **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 and mitigate visual and other off-site impacts.

M. **Building:** Any structure with substantial walls and roof having a permanent foundation on 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.

N. **Building, Detached:** A building surrounded by open space and not sharing a common wall with another building on the same zoning lot.

O. **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.

P. **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.

Q. **Building Mounted Solar Energy System:** A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.

R. **Building Mounted Wind Energy System:** A wind turbine that is structurally mounted to the roof of a principal building, including limited accessory equipment associated with the system which may be ground mounted.

S. **Building, Nonconforming:** Any building which does not conform to the regulations of this title including but not limited to the 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.

T. **Building, Principal:** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

U. **Building Setback Line:** A parallel line across a lot or parcel of land, establishing the minimum open space to be provided between the line of a building or structure, and the lot line of the lot or parcel.

V. **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.

W. **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.

X. **Bumper Overhang:** The part of a motor vehicle which extends beyond the wheelbase in the front and rear of the vehicle.

Y. **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.

## 10-2-3. “C” Definitions

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

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

C. **Car Wash:** The primary or secondary use of a site for washing and cleaning of passenger vehicles, commercial vehicles, recreational vehicles, or other light duty equipment.

D. **Casino and Off-Track Betting Establishment:** An establishment intended to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, parimutuel, or any other form of wagering.

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

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

G. **City Council:** The City Council of the City of Yorkville.

H. **College, University, or Junior 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.

I. **Commercial Entertainment, Indoor:** Commercial indoor recreation facilities are conducted entirely indoors for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including wrestling, gymnastics, basketball, soccer, tennis, volleyball, racquetball, handball, bowling, indoor golf driving ranges, skating, and ice skating.

J. **Commercial Entertainment, Outdoor:** Commercial outdoor recreation facilities are conducted entirely outdoor for commercial purposes, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including wrestling, basketball, soccer, tennis, volleyball, racquetball, handball, outdoor golf driving ranges, skating, and ice skating.

K. **Commercial Feeding of Fish, Poultry, Livestock:** A land use or facility used for the confined feeding operation for fish, poultry, swine, or livestock.

L. **Commercial Laboratory:** A laboratory, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department.

M. **Commercial/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.

N. **Community Garden:** A site on which residents collectively manage a garden for a shared benefit.

O. **Communications Use:** Any principal use that facilitates the origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, optical, or other excluding radio and television towers as defined in this UDO.

P. **Conforming Building or Structure:** A building or structure which:

1. Complies with all the current regulations of this title or of any amendment hereto governing bulk of the district in which the building or structure is located; and

2. Is designed or intended for a permitted or special use as allowed in the district in which it is located.

Q. **Contractor Facility With Outdoor Storage:** A general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction, which include the outdoor storage of equipment on-site.

R. **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.

S. **Crosswalk:** A strip of land ten (10) feet or more in width, dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas, and may include utilities, where necessary.

T. **Cul-De-Sac:** A street having only one (1) outlet, and an appropriate terminal for the reversal of traffic movement, without the need to back up.

U. **Cultivation of Nonfood Crops and Seeds Used of Cellulosic Biofuels Production:** The cultivation of crops and seeds not intended for the eventual consumption of food, but rather for the use of the production of biofuels.

V. **Cannabis Craft Grower:** A facility operated by an organization or business that is licensed by the 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. A craft grower may contain up to five-thousand (5,000) square feet of canopy space on its premises for plants in the flowering state. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than fifty (50) percent of the same ownership as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

W. **Cannabis Cultivation Center:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

X. **Cannabis Dispensing Organization**: A facility operated by an organization or business that is licensed by the department of financial and professional regulation to acquire cannabis from a state-licensed cultivation center, craft grower, processing organization, or another dispensary 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 as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

Y. **Cannabis Infuser Organization:** A facility operated by an organization or business licensed by the state department of agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

Z. **Cannabis Processing Organization:** A facility operated by an organization or business that is licensed by the 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 as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

AA. **Cannabis Transporting Organization:** An organization or business that is licensed by the Department of Agriculture to transport cannabis or cannabis-infused product on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

## 10-2-4. “D” Definitions

A. **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 home, 225 ILCS 10/2.09.

B. **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 home. The term does not include facilities which receive only children from a single household, 225 ILCS 10/2.09.

C. **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.

D. **Data Center:** A facility comprised of networked computers, storage systems, and computing infrastructure which organizations use to assemble, process, store and disseminate data. Cryptocurrency centers, which use networked computers, storage systems, and computing infrastructure to manage the flow of digital or virtual currencies, shall be included in the definition.

E. **Dead End Street:** A street having only one (1) outlet.

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

G. **Development:** Any manmade change to real estate, including:

1. Preparation of a plat of subdivision;
2. Construction, reconstruction, or placement of a building or any addition to a building;
3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
4. Construction of roads, bridges, or similar projects;
5. Redevelopment of a site;
6. Filling, dredging, grading, clearing, excavating, paving, or other nonagricultural alterations of the ground surface;
7. Storage of materials, or deposit of solid or liquid waste;
8. Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

H. **District:** A delineated section or part of the unincorporated portion of the City in which bulk, density, and use specific standards established in Chapter 4 apply.

I. **Domesticated Hens:** All life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this title.

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

K. **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.

L. **Dry Cleaning Plant:** An establishment used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

M. **Dry Cleaning Establishment:** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-clean-ing equipment or machinery on the premises.

N. **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 dwellings, duplex dwellings, townhomes and multi-family dwellings, but not including hotels, motels, boarding or lodging houses.

O. **Dwelling, Accessory:** A dwelling that is an accessory use to a single-unit dwelling and that provides, independent of the principal single-unit dwelling:

1. A separate entrance that allows ingress and egress from the exterior of the property; and

2. Areas used for bathing, cooking, and sleeping.

P. **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.

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

R. **Dwelling, Multi-Family :** A building or portion thereof, designed or altered for occupancy by two (2) or more household 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.

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

T. **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.

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

## 10-2-5. “E” Definitions

A. **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.

B. **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.

C. **Electric Substation:** An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity in amounts of 115,000 volts or more.

D. **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.

E. **Entertainment Production Studios:** A theater, audience area for motion pictures and television studios or other similar uses.

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

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

1. 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.

2. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".

3. There is no direct public access from within such establishment to any other such establishment.

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

## 10-2-6. “F” Definitions

A. **FAA:** The Federal Aviation Administration.

B. **FCC:** The Federal Communications Commission.

C. **Farming/Cultivation:** The cultivation of berries, flowers, fruits, grains, herbs, mushrooms, nuts, ornamental plants, seedlings, or vegetables for use on-site or sale or distribution on-site or off-site.

D. **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.

E. **Fence, Open:** A fence which has over its entirety at least fifty (50) percent 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.

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

G. **Filtration Plant:** A facility that works to filter and purify water by removing chemicals, hazardous materials, and toxic matters from a water source.

H. **Financial Institutions and Services:** A financial institution, or bank, is a structure that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

I. **Fire Station:** A building used for the storage and maintenance of fire-fighting equipment.

J. **Floodplain:** See Title 8, Chapter 7 of this Code.

K. **Floor Area, Gross:** The sum of the gross horizontal areas of the all building floors, including the basement floor, 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:

1. Elevator shafts and stairwells.

2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.

3. Habitable attic space as permitted by the building code.

4. Interior balconies and mezzanines.

5. Enclosed porches.

6. Accessory uses.

7. 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 (10) feet of structure height and if such structure measures less than ten (10) feet but not less than five (5) feet 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".

8. 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.

L. **Floor Area, Net:** The sum of the gross horizontal areas of the all building floors, including the basement floor, measured from the exterior faces of the exterior walls or from the centerlines of walls separating two (2) buildings. The "floor area" shall not include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells.
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.
3. Habitable attic space as permitted by the building code.
4. Interior balconies and mezzanines.
5. Enclosed porches.
6. Accessory uses.
7. 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 (10) feet of structure height and if such structure measures less than ten (10) feet but not less than five (5) feet 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".
8. 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.

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

N. **Forestation:** The cultivation or keeping of existing mature trees as a principal use.

O. **Freestanding Solar Energy System, Accessory Use:** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems, constructed as the accessory use on a parcel, and not intended for the distribution and sale to a third party off-site.

P. **Freestanding Solar Energy System, Principal Use:** A single solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems, constructed as the principal use on an individual parcel, intended to serve consumers located off the parcel.

Q. **Freestanding Wind Energy System, Accessory Use:** A wind turbine that is that is affixed to or placed upon the ground on a parcel with an existing principal use, to which the wind energy system is accessory and provides electricity to and not intended for the sale and distribution off-site.

R. **Freestanding Wind Energy System, Principal Use:** A wind turbine that is that is affixed to or placed upon the ground on a parcel as the parcel's principal use but which does not distribute and sell energy to customers off-site.

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

T. **Frontage:** The property on one (1) side of a street, between two (2) intersecting streets (crossing or terminating), measured along the line of the street; or, with a dead end street, all property abutting one (1) side of such street, measured from the nearest intersecting street and the end of the dead end street.

U. **Frontage Street:** A public or private marginal access roadway, generally paralleling and contiguous to a street or highway, and designed to promote safety by eliminating unlimited ingress and egress to such street or highway by providing points of ingress and egress at relatively uniform spaced intervals.

V. **Funeral Home/Mortuary/Crematorium:** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

## 10-2-7. "G" Definitions

A. **Garage, Bus or Truck:** 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.

B. **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.

C. **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).

D. **Golf Course, Miniature:** 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.

E. **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.

F. **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.

G. **Grain Elevator and Storage:** A building designed to stockpile or store grain. Grain silos, which are vertical buildings, typically circular, used for the storage of grain, as well as grain elevators, which are used to convey grain to the top of a silo or storage building shall be included.

H. **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 Zoning Administrator or their designee, 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 Zoning Administrator or their designee deems necessary.

## 10-2-8. "H" Definitions

A. **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.

B. **Heavy Machinery and Equipment Sales Rental:** An establishment engaged in the sale or rental of equipment, dump trucks, tractor and trailer rigs, and similar vehicles not ordinarily used for personal transportation.

C. **Height:** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and antenna structures.

D. **Home Occupation:** An accessory use of a residential dwelling unit which complies with the requirements of Section 10-4-15(F) of this title.

E. **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.

F. **Hotel:** An establishment containing lodging accommodations designed for use by temporary guests in which access to guest rooms is through a common entryway or lobby. 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.

G. **Household:** All the people that occupy a single dwelling unit regardless of their relationship to one another.

## 10-2-9. "I" Definitions

A. **Improvements:** All facilities constructed or erected by a subdivider within a subdivision, to permit and facilitate the use of lots or blocks for a principal residential, business, or manufacturing purpose.

B. **Interlocking Standard Parking Spaces:** A configuration of off-street parking in columns in which the parking spaces in each individual column are angled to create an interlocking pattern with the angled off-street parking spaces in the adjoining column.

C. **Invasive Species:** An invasive species means any species non-native to the ecosystems of northeast Illinois whose introduction will or may cause economic or environmental harm to the function of the natural ecosystem.

## 10-2-10. "J" Definitions

RESERVE

## 10-2-11. "K" Definitions

A. **Kennel, Commercial or Private Dog Kennel:** 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.

## 10-2-12. "L" Definitions

A. **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.

B. **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.

C. **Land Improvement:** All required on-site and off-site subdivision improvements including, but not limited to, any sanitary sewage system, water distribution system, storm drainage systems, public utility systems, sidewalk systems, public or private streets, street lighting, street signs, grading and drainageway facilities, pedestrian ways, and retention and detention basins.

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

E. **Liquor Store:** A business engaged primarily in the retail sale of beer, wine, spirits or other alcoholic beverages for off-premise consumption.

F. **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 (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

G. **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 grade. A lookout basement shall not be counted as a story for the purposes of height measurement.

H. **Lot:** A portion of a subdivision or other parcel of land, intended for transfer of ownership, or for building developments.

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

J. **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 (135) degrees or less.

K. **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 or asphalt.

L. **Lot Depth:** The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

M. **Lot, Double Frontage:** A lot, two (2) opposite lot lines of which abut upon streets which are more or less parallel.

N. **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.

O. **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.

P. **Lot, Interior:** A lot other than a corner lot or reversed corner lot.

Q. **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.

R. **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.

S. **Lot Line, Interior:** A side lot line common with another lot.

T. **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.

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

V. **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.

W. **Lot, Reversed Corner:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

X. **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.

Y. **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.

Z. **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.

## 10-2-13. "M" Definitions

A. **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.

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

C. **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.

D. **Medical Clinic / Office:** An establishment where patients are admitted for study and treatment by two (2) or more licensed physicians, dentists, psychologists, or similar professional healthcare practitioners and their professional associates. The term shall include but not be limited to offices of physicians, chiropractors, dentists, and acupuncturists.

E. **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 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.

F. **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.

G. **Mobile Food Vendor Vehicles and Retail Vendor Vehicles:** A motorized vehicle used to conduct a mobile food preparer business, a mobile food dispenser, or mobile desserts vendor business.

H. **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.

I. **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 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.

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

K. **Motel:** A building or group of buildings on the same lot containing guest units consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for short-term rental, in which each guest unit is accessed through the building's exterior rather than through a common lobby.

L. **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.

M. **Motor Vehicle:** A passenger automobile/vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

## 10-2-14. "N" Definitions

A. **Native Species:** A plant or animal species that originates from the ecosystems of northeast Illinois. Non-invasive species of ornamental plants shall be included within the definition for the purposes of this UDO.

B. **Newspaper Publishing:** An establishment in which the principal business consists of duplicating and printing services of newspapers using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

C. **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.

D. **No-Impact Antenna and Towers:** A tower or antenna which is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure on which it is: 1) placed, such as a rooftop, lighting standard, or existing tower, or 2) replacing, such as a school athletic field light standard.

E. **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.

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

## 10-2-15. "O" Definitions

A. **Odorous Matter:** Any material that produces an olfactory response among human beings.

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

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

1. Is not devoted to public or private roadways or driveways and off-street parking and loading;
2. Is accessible and available only to occupants of dwelling units on the premises, except balconies;
3. Is not covered by buildings, except not more than five (5) percent 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;
4. Has not less than ten (10) feet its narrowest dimension between either a lot line and an area not qualifying as usable open space; and
5. Is developed, landscaped, and maintained suitable for pedestrian, recreational and leisure use.

D. **Outdoor Displays:** Areas where the majority of items for sale to the general public are displayed outdoors, such as garden nurseries, vehicle and equipment sales lots, mobile home sales, play equipment sales and other similar uses.

E. **Outdoor Music Venue:** A property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls or roof.

F. **Outline Lighting:** An arrangement of incandescent lamps or electric discharge tubing that outlines or calls attention to certain features of a building or sign including but not limited to its shape not to include temporary holiday decor.

## 10-2-16. "P" Definitions

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

B. **Parcel:** Shall refer broadly to a lot, tract, or any other piece of land.

C. **Park:** An area open to the general public and reserved for recreational, educational, or scenic purposes.

D. **Parking Area or Lot:** An open, hard-surfaced area, 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.

E. **Parking Space:** Space within a public or private parking area designed in conformance with Section 10-5-1(E) 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.

F. **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 multi-unit residential uses. Parking structures may either be above or below grade.

G. **Parkway:** A strip of land situated within the dedicated street right-of-way, either located between the roadway and right-of-way line, or a median located between the roadways.

H. **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.

I. **Place of Worship/Assembly:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building and accessory buildings and uses are maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

J. **Plan Council:** The Plan Council of the City of Yorkville.

K. **Planning and Zoning Commission:** The Planning and Zoning Commission of the City of Yorkville.

L. **Plan, Concept:** A tentative map or drawing which indicates the subdivider's proposed layout of a subdivision, including a site plan indicating existing off-site roadway connections.

M. **Plan, Final:** The final engineering plan, map or drawing, plus all accompanying information required by this title.

N. **Plan, Preliminary:** The preliminary engineering plan, map, or drawing, plus all accompanying information required by this title.

O. **Plat:** A subdivision as it is represented as a formal document by drawing and writing.

P. **Plat, Final:** The final map drawing or chart, on which the subdivider's layout of a subdivision is presented to the City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.

Q. **Plat, Preliminary:** A tentative map or drawing, which indicates the subdivider's proposed layout of a subdivision, including all proposed improvements.

R. **Playground**: An area open to the public for recreational use primarily for children.

S. **Police Station:** Protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles, excluding correctional institutions.

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

U. **Portable Outdoor Storage Device:** Any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other nontrash materials, and which the container and its contents are subsequently transported to another location.

V. **Post Office:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

W. **Preexisting Towers or Antennas:** Existing towers and existing antennas which predated this title, shall not be required to meet the requirements of this chapter other than the requirements of Section 10-4-14(A)(2)(f), (A)(2)(h), and (A)(2)(r) of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

X. **Prepared Food Service Establishment:** An establishment that makes prepared food available for sale to the general public for immediate consumption on or off the premises.

Y. **Preschool:** A school for children primarily between the ages of three (3) and five (5), providing preparation for elementary school.

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

AA. **Professional Care Services:** Establishments which provide individual services on a frequent or recurrent basis to the consumer at the site of the business. The term shall include, but shall not be limited to, beauty salons, hair salons, microblading, nail salons, and similar establishments.

BB. **Professional Services/Offices:** A business which is engaged in the processing, manipulation, or application of business information or professional expertise. The use shall include but not be limited to professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate services.

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

DD. **Storage, Indoor Single-Building Climate Controlled:** A facility consisting of a single building where individual self-contained units are leased or rented to the general public for dead storage and where the individual storage units are accessed from the interior of the building.

EE. **Storage, Outdoor Self-Storage:** A facility consisting of a building or group of buildings in which individual self-contained units are leased or rented to the general public for storage and where the individual storage units are accessed from the exterior of the building.

FF. **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.

GG. **Public Utility Facility (other)**: A public utility as defined in this UDO engaged activities other than electric substations or distribution centers, gas regulation centers, and underground gas holder stations.

## 10-2-17. "Q" Definitions

RESERVE

## 10-2-18. "R" Definitions

A. **Railroad Passenger Station:** A facility for the boarding of passengers and related ticketing sales and offices.

B. **Railroad Repair Shop, Maintenance Building, and Switching Yard:** The use of land, buildings and structures for equipment and supplies related to the repair of rail railroad facilities or an area used for the storing and switching of freight and passenger rolling stock.

C. **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.

D. **Radio and Television Towers, Commercial:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for commercial radio or television purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structure and any support thereto.

E. **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.

F. **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.

G. **Recreational Vehicle Sales and Service:** An establishment engaged in the sale of recreational vehicles, including motorhomes and pickup campers, travel trailers, tent trailers, and similar vehicles that are designed and constructed for permit sleeping or housekeeping in an outdoor or an showroom enclosed in a primary building.

H. **Recreational Vehicle, Trailer, and Boat Parking:** A site intended for the semi-permanent parking of recreational vehicles, trailers, or boats.

I. **Refrigerated Warehouse (Cold Storage):** A facility which is artificially or mechanically cooled in order to maintain the integrity and quality of perishable goods.

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

K. **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.

L. **Restaurant:** An establishment whose food is available to the general public typically for consumption on the premises. The term may include fast food restaurants in which food is available through drive-throughs as defined in this UDO, has a limited menu of items consisting of prepackaged or quickly prepared items; where food is ordered and picked up at a counter with no table service provided; where food is served in a limited dine-in area; or which is usually part of a chain or franchise establishment. The term may also include fast casual dining with one or more of the following characteristics; a limited menu items are made to order and are prepared only upon request; food is either ordered and picked up at a counter or served at the patron's table in a limited dine in area; and is usually part of a chain or franchise establishment.

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

N. **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.

O. **Riding Academies With Stables:** An establishment including associated stables where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

P. **Right-of-Way:** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes in the United City of Yorkville shall mean that every right-of-way hereafter established and shown on a final recorded plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Q. **Riding Academy:** An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

R. **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.

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

## 10-2-19. “S” Definitions

A. **Salvage Yard:** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including but not limited to materials such as scrap metals, paper, rags, tires, and bottles.

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

C. **School, Public or Private:** 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.

C. **Senior Housing, Dependent:** A building or collection of buildings, of any building type, containing dwelling units for senior adults or persons with disabilities. Dependent senior housing includes on-site support services and amenities assisted by staff. The daily amenities and services provided in dependent senior housing include meals, day care, personal care, medical support, nursing or therapy, and any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations. Support services may be located either in the same structure as the dwelling units or in a structure physically separated from the dependent living dwelling units.

D. **Senior Housing, Independent:** A building or collection of buildings, of any building type, containing dwelling units for senior adults or persons with disabilities. Independent senior housing may include on-site support services such as meal preparation and service, day care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations. Support services may be located either in the same structure as the dwelling units or in a structure physically separated from the independent living dwelling units.

E. **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.

F. **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.

G. **Service Drive:** A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

H. **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.

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

J. **Setback Line, Building:** See definition of building setback line.

K. **Sewage Disposal System, Central:** A system of sanitary sewers, serving ten (10) or more lots that discharge either into an interceptor sewer or an approved sewage treatment plant.

L. **Sewage Disposal System, Individual:** A sewage disposal system, or any other sewage treatment device approved by the Kendall County Department of Public Health, and servicing only one (1) lot.

M. **Sewage Treatment Plant:** A facility which operates a sewerage system and sewage treatment facilities that collect, treat, and disposal of human waste.

N. **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.

O. **Short-Term Rental:** A home occupation of a single-family dwelling 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.

P. **Sidewalk:** That portion of street or crosswalk way, paved or otherwise surfaced, intended for pedestrian use only.

Q. **Sign:** Any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

R. **Sign Area:** Sign area shall apply to single-tenant monument signs, multi-tenant monument signs, on-site traffic directional signs, a-frame/sandwich board signs, and/or yard signs only. Sign area shall be computed by means of the smallest square, rectangle, circle, triangle or combination thereof that shall encompass the extreme limits of the sign copy area and the sign base area. Sign area shall not include any supporting framework, bracing, decorative fence, or wall when such fence or wall otherwise meets UDO regulations and is clearly incidental to the display itself. A double faced sign shall count as a single sign. Sign area for wall signs on buildings with multiple exterior walls shall be calculated as provided in Section 10-6-3(B).

S. **Sign, Awning/Canopy:** A sign wholly supported by a canopy projecting from a building or an extended roof or pitched roof and which does not extend above the mean height level of the roof of the building.

T. **Sign, A-Frame/Sandwich Board:** An advertising or business ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

U. **Sign, Cold Air Inflatable:** A sign designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable advertising device.

V. **Sign, Feather:** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

W. **Sign, Banner:** A temporary advertising sign which is not attached to a permanently mounted backing. Banner signs may be ground-mounted or wall-mounted.

X. **Sign, Billboard:** Any sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located.

Y. **Sign, Feather:** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

Z. **Sign, Monument:** A freestanding sign in which the entire bottom is in contact with or close to the ground.

AA. **Sign, On-Site Traffic Directional:** A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

BB. **Sign, Post:** A temporary sign, the face of which is affixed to a post installed on the ground.

CC. **Sign, Projecting:** A sign that projects perpendicular from a building more than twelve (12) inches from the building's supporting wall.

DD. **Sign, Roof:** A sign which is affixed to a roof, extended roof, pitched roof or canopy and which extends above the mean height of the roof.

EE. **Sign, Wall:** A sign affixed to a building wall which does not project horizontally more than twelve (12) inches from the wall nor extend above the height of the wall.

FF. **Sign, Window:** A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one (1) foot of the interior of a window, which can be seen through the window from the exterior of the structure.

GG. **Skating Rink:** An establishment that provides facilities for participant skating.

HH. **Small Wireless Facility:** A wireless facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and b) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. Small wireless facilities are permitted uses if they are collocated in right-of-way in any zoning district or outside rights-of-way in property zoned exclusively for commercial or industrial use.

II. **Smoke:** Small gas borne particles other than water that form a visible plume in the air.

JJ. **Solar Farm:** An installation that includes a large number of solar panels arranged contiguously on a parcel for the collection of solar energy and intended for the sale and distribution of electricity to customers located off-site.

KK. **Solid Waste Disposal Site:** A facility for the purpose of treating, compacting, composting, storing, or disposing of solid waste.

LL. **Stable/Paddocks:** 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.

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

NN. **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.

OO. **Storage of Roadway Construction Materials and Equipment:** A facility that stores any equipment which is used in connection with the construction, alteration, excavation or repair of a building or of real property, including, but not limited to front loaders, trailers, cranes, plows, bulldozers and other similar equipment.

PP. **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 (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

QQ. **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 (4½) feet above the finished floor of each story. In the case of single-family dwellings, duplex dwellings and multi-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 multi-family dwellings three (3) or more stories in height, a half story shall be counted as a story.

RR. **Street:** A public or private right-of-way which affords a primary means of access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

SS. **Street, Collector:** A street that collects and distributes traffic, primarily within residential areas. This street carries between two thousand five hundred (2,500) and twelve thousand (12,000) ADT.

TT. **Street, Estate Residential:** A street of limited continuity, used for access to abutting rural residential properties and local needs of a neighborhood. This street carries less than one thousand (1,000) ADT.

UU. **Street or Alley Line:** A line separating an abutting lot, piece or parcel from a street. The street line shall be the back of the curb where curbing exists or the edge of the street pavement if no curb is present.

VV. **Street, Local Residential:** A street of limited continuity, used primarily for access to abutting rural residential properties and local needs of a neighborhood. This street carries less than one thousand (1,000) ADT.

WW. **Street, Major Collector:** A street that serves as a main traffic thoroughfare, both within and outside of the City, carrying heavy volumes of traffic. This street carries more than two thousand five hundred (2,500) ADT.

XX. **Street, Minor Collector:** A street that collects and distributes traffic within intensively developed areas, and is used primarily for internal trips within the planning area. This street carries between one thousand (1,000) and two thousand five hundred (2,500) ADT.

YY. **Street Width:** The shortest distance between the backs of the curb or edge of pavement of a roadway.

ZZ. **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.

AAA. **Structure:** Anything constructed or erected which requires at least semi-permanent location on the ground or is attached to something having location on the ground.

BBB. **Subdivider:** Any person or corporation or duly authorized agent who undertakes the "subdivision" or "development" of land as defined herein. Also referred to as developer.

CCC. **Subdivision:** A described tract of land which is to be or has been divided into two (2) or more lots or parcels. The term subdivision includes resubdivision and, where it is appropriate to the context, relates to the process of subdividing or to the land subdivided.

DDD. **Swimming Pool, Indoor:** A structure, whether designed to hold water more than thirty (30) inches deep to be used for recreational purposes and entirely enclosed within a building.

## 10-2-20. "T" Definitions

A. **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.

B. **Tavern – Nightclub 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.

C. **Tent:** A structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material. The horizontal area covered by the fabric or other pliable material shall be considered building floor area. Tents shall be considered detached accessory structures.

D. **Temporary and Seasonal Uses.** A use intended for a limited duration on a site as allowed through the temporary use permit process in Section 10-8-3 (F) or a use which is associated with a holiday or special event, or which is accessory to a permitted use and transitory in nature.

E. **Temporary Use Permit.** A permit for a Temporary Use designated in this UDO which is to be established for a fixed period of time, with the intent to discontinue such use upon the expiration of that timeframe.

F. **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.

G. **Theater, Live Performance:** A building used for dramatic, operatic, music, or other live performance purposes for which attendees are charged admission an admission fee to view.

H. **Theater, Motion Picture:** A building used for the display of motion pictures for which attendees are charged an admission fee to view.

I. **Title:** Reference to "title" herein shall be construed to be the Yorkville Unified Development Ordinance.

J. **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

K. **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, camping trailer, travel trailer, horse trailer or cargo trailer.

L. **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.

M. **Tree Root Zone:** Area of the ground around the base of the tree measured from the trunk to five (5) feet beyond the outer base of the branching system.

N. **Truck and Trailer Sales/Rental:** Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

O. **Truck, Truck-Tractor, Truck Trailer, Car Trailer or Bus Storage Yard:** A site intended for the semi-permanent storage of trucks, truck-tractors, truck trailers, car trailers, buses, and other similar vehicles. motor freight terminals shall not be included.

P. **Turnaround:** An area at the closed end of a street or parking lot, within which vehicles may reverse their direction.

## 10-2-21. "U" Definitions

A. **Underground Dog Fences:** A fence constructed beneath the site's natural grade constructed solely to prevent household pets from leaving the property.

B. **Unified Development Ordinance, City of Yorkville:** The Unified Development Ordinance of the City of Yorkville as established in this title including the Zoning District Map as amended.

C. **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.

D. **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.

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

F. **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.

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

H. **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.

## 10-2-22. "V" Definitions

A. **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.

B. **Variation:** A limited relief from the requirements of this title granted to a particular property in an instance in which the strict application of the requirements would create a practical difficulty or particular hardship prohibiting the use of the property in a manner otherwise allowed under this title. Such limited relief shall not change the underlying zoning of the subject property.

C. **Vehicle Charging Station:** A permitted accessory use serving another principal use that is located in a parking structure or parking lot and used for the charging of electric motor vehicles. The vehicle charging station shall not result in the reduction of parking spaces to less than what is required to serve the principal use.

D. **Veterinary Clinic:** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded only during their convalescence.

## 10-2-23. “W” Definitions

A. **Wholesaling and Warehousing:** 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.

B. **Wetlands:** As defined by the Illinois Department of Natural Resources.

C. **Wind Farm:** An installation including a cluster of wind turbines on one parcel for the collection of wind energy and sale of electricity to customers located off-site.

## 10-2-24. "X” Definitions

RESERVE

## 10-2-25. “Y” Definitions

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

B. **Yard, Corner Side:** A yard adjoining a street line which is bounded by the front lot line and rear lot line, and is opposite the interior side yard.

C. **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.

D. **Yard, Interior Side:** A side yard which adjoins another lot or an alley separating such side yard from another lot.

E. **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 Section 10-3-11 of this chapter.

F. **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.

G. **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.

## 10-2-26. “Z” Definitions

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

B. **Zoning Administrator:** The designated City of Yorkville staff person(s) in the Community Development Department designated to undertake the administration and interpretation of this UDO, including but not limited to the Community Development Director.

C. **Zoning Officer:** The Building Code Official shall be the Zoning Officer and be responsible for enforcing this Title, including the responsibilities defined in Section 10-8-1(B).

# Chapter 3. District Standards

10-3-1. Establishment of District ..... 1
10-3-2. District Map and Boundaries ..... 2
10-3-3. Zoning of Streets, Alleys, Public Ways, Waterways, and Railroad Rights-of-Way ..... 2
10-3-4. Zoning of Annexed Land ..... 2
10-3-5. Purpose of Residential Districts ..... 3
10-3-6. Purpose of Business and Manufacturing Districts ..... 4
10-3-7. Purpose of Open Space and Institutional Districts ..... 5
10-3-8. Overlay Districts ..... 5
10-3-9. Bulk and Dimensional Standards ..... 6
10-3-10. Calculating Bulk and Dimensional Standards ..... 7
10-3-11. Permitted Yard Setback Obstructions ..... 10
10-3-12. Permitted and Special Uses ..... 11
10-3-13. Downtown Overlay District ..... 17

## 10-3-1. Establishment of District

A. For the purpose and provisions of this title, Yorkville is organized into thirteen (13) base districts and one (1) overlay district.

B. **Residential Districts**.

1. R-1 Single-Family Suburban Residence District
2. R-2 Single-Family Traditional Residence District
3. R-2D Duplex, Two-Family Attached Residence District
4. R-3 Multi-Family Attached Residence District
5. R-4 General Multi-Family Residence District

C. **Business and Manufacturing Districts**.

1. B-1 Local Business District
2. B-2 Mixed Use District
3. B-3 General Business District
4. M-1 Limited Manufacturing District
5. M-2 General Manufacturing District

D. **Institutional and Open Space Districts**.

1. PI Public Institutional District
2. A-1 Agricultural District
3. OS Open Space District

E. **Overlay Districts**.

1. D-O Downtown Overlay District
2. PUD Planned Unit Development

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

A. **Zoning Map**. The boundaries of the zoning districts designated in Section 10-3-1 of this chapter are hereby established as shown on the latest edition of the map entitled "Zoning Map: The United City Of Yorkville", which said map shall have the same force and effect as if the zoning map, together with all notations, references and other information shown on the zoning map, were fully set forth and described in this title.

B. **District Boundaries**. When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:

1. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended or otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter sections or division lines, or centerlines of streets, highways or railroad rights of way unless otherwise indicated.
3. Where a lot held under single ownership and of record on the effective date hereof is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, that this construction shall not apply if it increases the lot width of the lot by more than twenty-five (25) feet.

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

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

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

Any territory or land annexed to the city after the adoption of this title shall automatically, upon such annexation, be classified within the R-1 Single-Family Suburban Residential District and be subject to all conditions and regulations applicable to land in such district until such land is subsequently rezoned.

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

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

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan, as amended; and

2. Ensure adequate light, air, privacy, and open space for residents; and

3. Provide for a variety of neighborhoods with a range of housing types with varying characters and patterns of development; and

4. Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts; and

5. Provide amenities while protecting residents from incompatible uses and activities.

B. **R-1 Single-Family Suburban Residence District**. The R-1, single-family suburban residence zoning designation is intended to create a spacious suburban residential neighborhood. To protect the character of the district, permitted uses are limited to single-family detached housing yet accommodate other compatible and complementary cultural, religious, educational, and public uses.

C. **R-2 Single-Family Unit Traditional Residence District**. The R-2, single-family traditional residence zoning designation is intended to accommodate smaller, more conventional suburban residential neighborhoods. The primary permitted uses are single-family detached housing in addition to compatible and complementary cultural, religious, educational, and public uses.

D. **R-2D Duplex, Two-Family Attached Residence District**. The R-2D, duplex, two-family attached residence zoning designation is intended for moderate density duplex dwelling structures. This district is primarily located off of a major thoroughfare or as a transitional land use adjacent to single-family residences. Therefore, the R-2D, duplex district is intended to accommodate single-family attached dwelling structures of a size and character that are compatible with the surrounding single-family detached residential districts and adjacent to commercial, office and retail space.

E. **R-3 Multi-Family Attached Residence District**. The R-3, multi-family attached residence zoning designation is intended for moderate density residential developments near commercial areas and transportation corridors, and to promote economically mixed housing developments and the provision of a range housing types including multi-family buildings such as duplexes or townhomes.

F. **R-4 General Multi-Family Residence District**. The R-4, general multi-family residence zoning designation is intended for moderate to high density multi-family buildings and complexes. This district may accommodate other compatible and complementary cultural, religious, educational, and public uses.

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

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

1. Accommodate retail, commercial, service, and mixed uses needed by Yorkville residents, businesses, visitors, and workers; and

2. Maintain and enhance the City's economic base and provide employment opportunities, shopping, entertainment, restaurant, service and other nonresidential uses close to where people live and work; and

3. Create suitable environments for various types of business and manufacturing uses and protect them from the adverse effects of incompatible uses; and

4. Allow flexibility to encourage redevelopment and positive improvements to existing uses; and

5. Help ensure that the appearance and operational impacts of business and manufacturing developments do not adversely affect the character of the areas in which they are located.

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

C. **B-2 Mixed-Use Business District**. The B-2, mixed-use business zoning designation is intended to accommodate pedestrian oriented mixed-use corridors and districts with a range of business, service, office, and residential uses including the Downtown.

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

E. **M-1 Limited Manufacturing District**. The M-1 limited manufacturing district zoning designation is intended to provide for the location of a broad range of warehousing, manufacturing, and industrial uses of minimal environmental impact. The intensity and impact of uses shall be controlled through the special use permitting process to ensure compatibility with adjacent land uses through the minimization of off-site impacts. Related uses such as indoor event or recreation conversions or employee supporting educational, service or limited commercial uses may also be appropriate.

F. **M-2 General Manufacturing District.** The M-2 general manufacturing district zoning designation is intended to provide for the location of manufacturing, industrial, and related uses that have greater off-site impacts than those in the M-1 limited manufacturing district. The district is intended to ensure the compatibility of the manufacturing and industrial uses with surrounding residential and commercial uses and to minimize off-site impacts such as noise, traffic, and visual qualities.

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

A. **A-1 Agricultural District**. The A-1, Agricultural district zoning designation is intended to accommodate areas where the conditions are best suited for agricultural pursuits or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property.

B. **OS Open Space District**. The OS, open space district designation is intended to govern the use of city owned green space and park land in the city of Yorkville. This zoning district shall apply to all existing and newly annexed land currently used or intended for use as open space, recreational areas, and parks identified in Yorkville's park and recreation master plan. These regulations are also intended to provide for the protection, conservation and utilization of high quality natural resources; preservation of wildlife habitats; creation of scenic vistas; provision of public gathering areas or facilities for safe and accessible outdoor space; connectivity between other green infrastructure via bike and hiking trails and paths; and to maintain or establish appropriate buffers between differing land use types or intensities.

C. **PI Public Institutional District**. The PI, Public Institutional district zoning designation is intended to provide for the location of properties used or operated by a public entity or private institution. The purpose of the PI District is to recognize that public and institutional facilities provide necessary services to the community.

## 10-3-8. Overlay Districts

A. All provisions of this title, to the extent that they do not conflict with the standards delineated in this section, shall remain in full force and effect for all properties subject to the provisions of this section.

B. The standards found in this section shall be used by property owners, developers, City staff members, the Planning and Zoning Commission and the City Council during the design and review of development and redevelopment proposals within the overlay districts. These standards and criteria complement and add to those contained within the City's Comprehensive Plan, as amended, Yorkville Downtown Overlay District Form-Based Code, this title and other land use regulations.

C. **D-O Downtown Overlay District**. The D-O, Downtown Overlay district designation is intended to guide the development of a mix of uses and a pedestrian oriented environment, to provide for a mix of housing types for people of all ages and lifestyles, and to achieve development that is appropriate in scale and intensity for the overlay district and adjacent neighborhoods.

D. **Planned Unit Development**. The Planned Unit Development designation signifies that a Planned Unit Development has been approved as provided in Section 10-8-8.

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

A. Table 10-3-9(A) Bulk and Dimensional Standards establishes the requirements applicable to the development or use of a lot in a given district.

**Table 10-3-9(A) Bulk and Dimensional Standards**

| Zone | Min. Lot Size | Min. Lot Size per DU (For Single-Unit Attached Uses) | Maximum Density (For Multi-Unit Uses) | Min. Lot Width | Max. Lot Coverage | Setbacks | | | Max. Building Height | Dwelling Unit Max. Height |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Min. Front | Min. Side* [5] | Min. Rear [5] | | |
| A-1 | - | - | - | - | - | 100' [1] | 50' | - | 80' [3] | 30' |
| R-1 | 18,000 sq. ft. | - | - | 100' | 50% | 40' | 15' (40') | 50' | 30' | 30' |
| R-2 | 12,000 sq. ft. | - | - | 80' | 45% | 30' | 10' (30') | 40' | 30' | 30' |
| R-2D | 15,000 sq. ft. | 9,000 sq.ft. | - | 100' | 50% | 30' | 10' (30') | 30' | 30' | 30' |
| R-3 | 9,000 sq. ft. [2] | 7,000 sq.ft. | 5 dwelling units/acre [2] | 70' (90' for attached units) | 70% | 30' | 10' (20') | 30' | 80' | 30' |
| R-4 | 15,000 sq. ft. [2] | 5,000 sq.ft. | 8 dwelling units/acre | 70' (90' for attached units) | 70% | 30' | 12' or 60% of building height (20') | 40' | 80' | 40' |
| B-1 | 8,000 sq. ft. | - | - | - | 80% | 30' | 20' | 20' | 80' | - |
| B-2 | - | - | - | - | 85% | 0' | - | 20' | 80' | - |
| B-3 | 10,000 sq. ft. | - | - | - | 80% | 50' | 20' (30')[4] | 20' | 80' | - |
| M-1 | - | - | - | - | 85% | 25' | Min. 10% of lot and max. 20' | - | - | - |
| M-2 | - | - | - | - | 85% | 25' | Min. 10% of lot and max. 20' | - | - | - |
| PI | - | - | - | - | 85% | 25' | 20' (25') | 20' | 80' | - |
| OS | - | - | - | - | - | 30' | 10' | 20' | 80' | - |

*Notes:*

* Dimensions within ( ) = requirement for side yards adjoining a street.

1. 200 feet along Illinois Routes 34, 47, 71 and 126.

2. Nonresidential principal uses shall have a minimum lot size of 15,000 square feet and 100 foot width. A one-story structure shall have a minimum of 1,200 square feet and a two-story structure shall have a minimum of 1,400 square feet of livable space.

3. 100 foot structure height shall be allowed for silos on sites with agricultural uses.

4. Parking lots in the B-3 district located adjacent to an arterial roadway, as defined in the city's comprehensive plan, must maintain a minimum setback of 20 feet from the property line and 10 feet from nonarterial roadways.

5. The minimum setback required may be less than the width of the transition yard required by use as specified in Section 10-5-3(F)(3), in which instance, the more stringent width required by the transition yard shall apply.

B. Minimum building separations in the R-3 District shall be as detailed in Table 10-3-9(B) below.

| Table 10-3-9(B) Building Separation Requirements in R-3 | |
|---|---|
| **Separation Type** | *Requirement* |
| Side to side | 20 feet |
| Side to rear | 40 feet |
| Rear to rear | 60 feet |
| Front to side | 50 feet |
| Front to front | 50 feet |
| Rear to front | 100 feet |

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

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

***Figure 3.1. Lot Width***

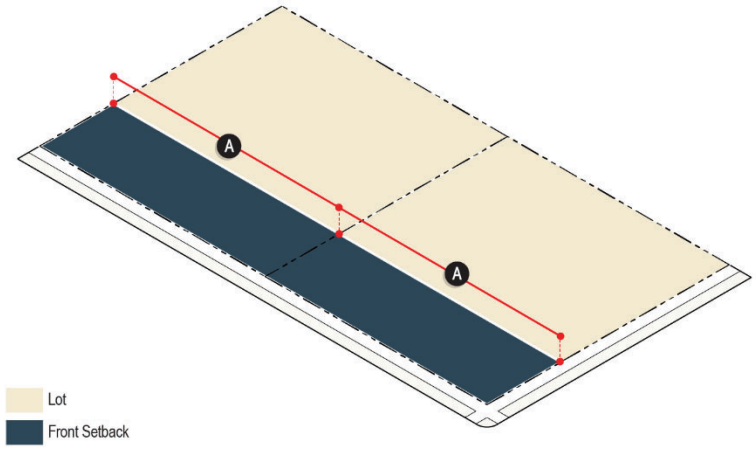
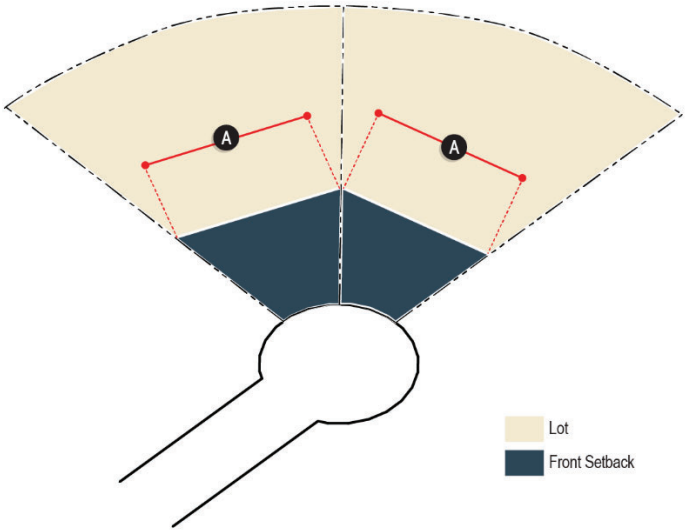
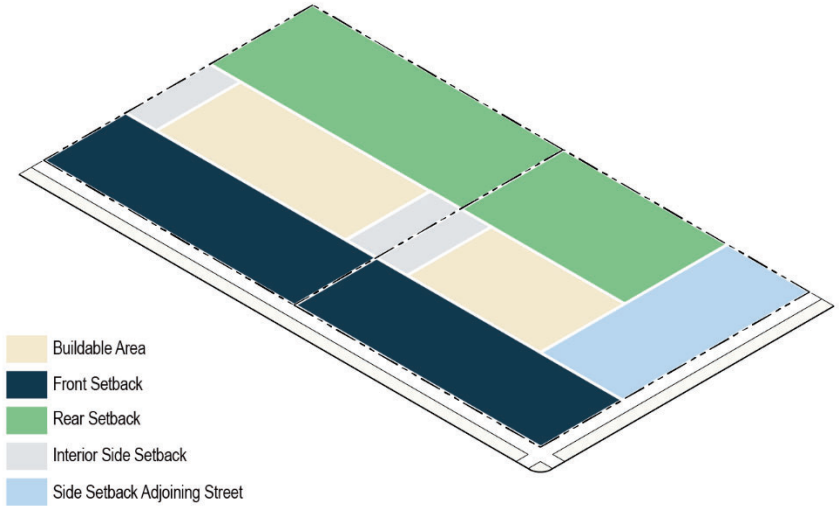



***Figure 3.2. Lot Width For Lots Abutting a Cul-De-Sac***



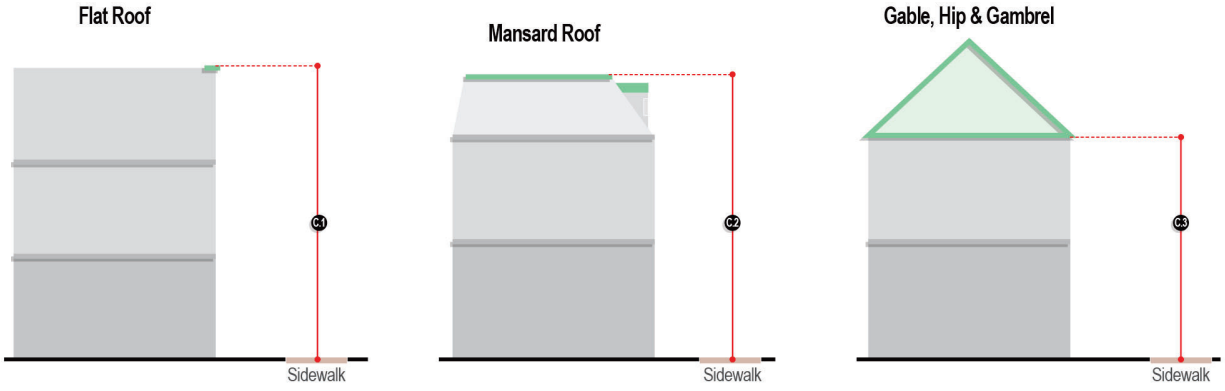
B. **Setbacks**. A required setback shall be measured by the shortest distance between the applicable lot line and nearest point of the principal use or building or any required yards or fences, except any building features specified in section 10-3-11, which shall not be subject to required setbacks.

***Figure 3.3. Setbacks***



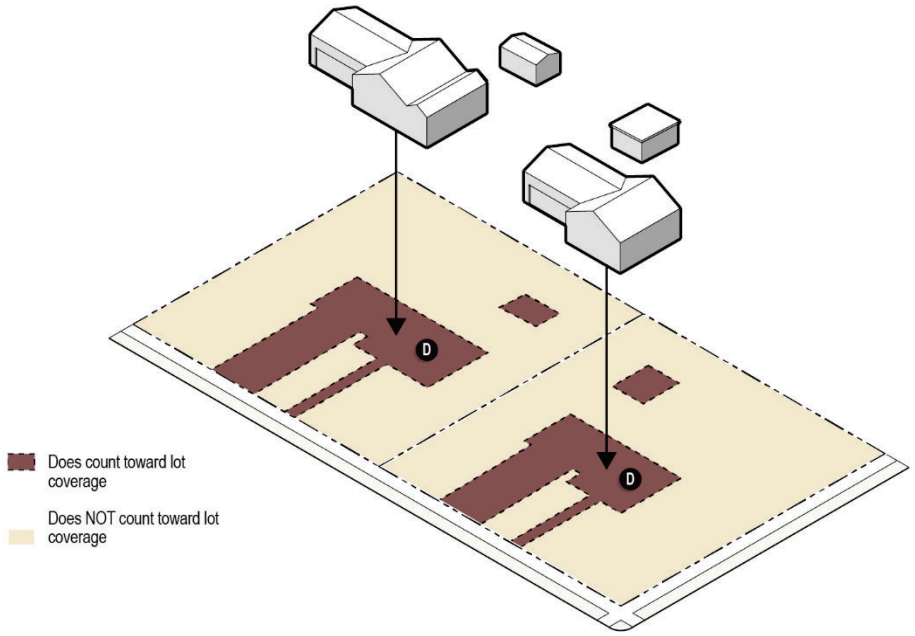

C. **Height**. Building and dwelling unit height shall be the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the:
1. *Flat Roof*: highest point of the roof,
2. *Mansard Roof*: deck line of roof, or
3. *Gable, Hip, or Gambrel Roof*: lowest point at which the rafters meet the top of the exterior wall.

***Figure 3.4. Height***



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

***Figure 3.5. Lot Coverage***



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

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

| Table 10-3-11 Permitted Yard Setback Obstructions | | | | | |
|---|---|---|---|---|---|
| **Permitted Obstruction** | **Required Yards** | | | | |
| | *All* | *Front* | *Side* | *Rear* | *Regulation* |
| *Permanent Structures* | | | | | |
| Accessory Structures | P | P | P | P | *Shall maintain a minimum distance of 5 feet from* |
| Arbors and trellises | P | P | P | P | - |
| Awnings and canopies | P | P | P | P | *Must adjoin a principal structure and may project 3 feet into required yard.* |
| Balconies and breezeways | - | - | - | P | *May proejct 3 feet into the required yard.* |
| Chimneys | P | P | P | P | *May project 18 inches into the required yard.* |
| Enclosed, attached or detached off-street parking | - | - | - | P | - |
| Flagpoles | P | P | P | P | - |
| Landscaping | P | P | P | P | Landscaping obstructions within dedicated stormwater overflow routes may be limited or restricted, per the approval of the City Engineer. |
| One-story bay windows | P | P | P | P | *May project 3 feet or less into the required yard.* |
| Open porches | P | - | - | - | *May project 5 feet into the yard.* |
| Open terraces and decks | P | P | P | P | *Shall not project over 4 feet above the average level of the adjoining ground but not including a permanently roofed over terrace or porch.* |
| Ornamental light standards | - | P | P | - | - |
| Overhanging eaves and gutters | - | P | P | P | *May project 3 feet or less into the yard. May project into a required side yard for a distance not exceeding 40 percent of the required yard width.* |
| Steps | P | P | P | P | *Steps 4 feet or less above grade which are necessary for access to zoning lot from a street or alley.* |
| *Temporary Structures* | | | | | |
| Air conditioning units | - | - | P | P | *May project for a distance not exceeding 10 percent of the required yard width, but in no case exceeding 12 inches.* |
| Recreational equipment | - | - | - | P | - |
| Temporary accessory structures | P | P | P | P | - |

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

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

1. **Permitted Uses**. Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this title.

2. **Special Uses**. Uses which are marked as "S" in the tables shall be allowed upon the approval of a special use permit, as detailed in Section 10-8-5 of this title.

3. **Temporary Uses**. Uses which are marked as "T" in the tables shall be allowed upon the approval of a temporary use permit, as detailed in Section 10-8-3(F) of this title.

4. **Prohibited Uses**. Uses which are marked as "-" shall be prohibited in the respective district unless it is otherwise expressly allowed by other regulations of this title.

5. **Uses Not Listed**. If a proposed use is not listed in the tables, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the tables. If it is, the use shall be treated in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.

6. **Additional Regulation**. If a use has use specific standards, they are referenced in this column. Use specific standards shall apply to permitted and special uses.

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

**Table 10-3-12(B) Permitted and Special Uses**

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

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Dwelling, townhouse | 10-4-2(C) | - | - | - | - | - | P | P | - | - | - | - | - | - |
| Mobile home park | 10-4-2(D) | - | - | - | - | - | S | S | - | - | - | - | - | - |
| Senior housing, dependent | | S | - | S | S | S | S | S | P | P | - | - | - | P |
| Senior housing, independent | | S | - | P | P | P | P | P | P | P | - | - | - | P |
| *Lodging Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Bed and breakfast inn | | S | - | S | - | - | - | - | S | P | P | - | - | - |
| Hotel/Motel | | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Short-term rental | 10-4-3(A) | - | - | P | P | P | P | P | - | - | - | - | - | - |
| *Commercial Retail Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Adult uses | 10-4-4(A) | - | - | - | - | - | - | - | - | - | - | S | S | S |
| Building material sales | | - | - | - | - | - | - | - | - | P | P | P | P | - |
| Liquor store | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Pawnbrokers/pawnshops | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Retail store, general - less than one (1) acre | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Retail store, general greater than one (1) acre | | - | - | - | - | - | - | - | - | - | P | - | - | - |
| *Commercial Service Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Adult daycare facility | | - | - | S | S | S | S | - | P | P | P | S | S | S |
| Animal hospital | | S | - | - | - | - | - | - | - | - | P | S | - | - |
| Art galleries/art studio | | - | - | - | - | - | - | - | - | P | P | P | - | P |
| Auction house | | P | - | - | - | - | - | - | - | - | - | - | - | - |
| Bank | | - | - | - | - | - | - | - | P | P | P | - | - | S |
| Campground | | S | S | - | - | - | - | - | - | S | S | - | - | - |
| Commercial laboratory | | - | - | - | - | - | - | - | P | P | P | P | - | - |
| Commercial/trade school | | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Daycare facility | | - | - | S | S | S | S | - | P | P | P | S | S | S |
| Dry Cleaning Establishment | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Entertainment production studios | | - | - | - | - | - | - | - | P | P | P | P | - | - |
| Financial institutions and services | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Funeral home/mortuary/crematorium | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Health and fitness club/center | | - | - | - | - | - | - | - | - | P | P | P | - | - |
| Indoor shooting gallery/range | 10-4-5(A) | - | - | - | - | - | - | - | S | S | S | S | S | - |
| Kennel, commercial or private dog kennels | | S | - | - | - | - | - | - | - | - | P | S | - | - |
| Massage establishment | 3-9 | - | - | - | - | - | - | - | S | S | S | - | - | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Casino and Off track betting (OTB) establishments | | - | - | - | - | - | - | - | - | S | S | - | - | - |
| Professional care services | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Professional services/offices | | - | - | - | - | - | - | - | P | P | P | - | - | P |
| Storage, single-building climate controlled | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Storage, outdoor self-storage | 10-4-5(B) | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Tattoo and body piercing establishment | 3-10 | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Veterinary clinic | | - | - | - | - | - | - | - | - | P | P | S | S | - |
| *Commercial Entertainment Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Amusement park | | S | S | - | - | - | - | - | - | - | S | S | S | S |
| Commercial entertainment, indoor | | - | - | - | - | - | - | - | T | P | P | S | S | P |
| Commercial entertainment, outdoor | 10-4-6(A) | - | - | - | - | - | - | - | S | S | S | S | S | P |
| Community / Recreation center | | - | - | - | S | S | S | S | P | P | P | S | S | P |
| Golf course, miniature | | S | - | - | - | - | - | - | - | - | P | - | - | - |
| Golf course | 10-4-6(B) | S | - | P | P | P | P | P | - | - | - | - | - | - |
| Golf driving range | | S | - | - | - | - | - | - | - | P | P | S | - | - |
| Indoor Event/Recreation Conversion | | - | - | - | - | - | - | - | - | - | P | P | P | P |
| Outdoor music venues | | - | - | - | - | - | - | - | S | S | S | S | - | - |
| Skating rink | | - | - | - | - | - | - | - | - | P | P | S | S | - |
| Stadium | | - | - | - | - | - | - | - | - | - | S | S | - | P |
| Swimming pool - indoor | | - | P | - | - | - | - | - | P | P | P | S | - | P |
| Theater, live performance | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Theater, motion picture | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Eating and Drinking Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Brewery/Winery/Distillery tasting room | | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Brewpub | 10-4-7(A) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Microbrewery | 10-4-7(B)(1) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Microdistillery/Microwinery | 10-4-7(B)(2) | - | - | - | - | - | - | - | P | P | P | P | P | - |
| Prepared Food Service Establishment | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Restaurant | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Tavern - nightclub or lounge | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Medical Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Hospital | | S | - | S | S | S | S | S | P | P | P | - | - | P |
| Medical clinic / office | | - | - | - | - | - | - | - | P | P | P | - | - | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Treatment center | | - | - | - | - | - | - | - | P | P | P | - | - | - |
| *Vehicle Related Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Automobile parts/accessories sales | | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Automobile rental | 10-4-9(A) | - | - | - | - | - | - | - | - | P | P | - | - | - |
| Automobile repair | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Automobile sales and service, enclosed | 10-4-9(A) | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Automobile sales and service, open sales lot | 10-4-9(A) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Boat sales and rental | 10-4-9(A) | - | S | - | - | - | - | - | P | P | P | P | - | P |
| Boat storage | 10-4-9(B) | - | S | - | - | - | - | - | S | S | S | P | P | P |
| Car wash | | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Gasoline service station | | - | - | - | - | - | - | - | - | S | S | S | S | - |
| Heavy machinery and equipment rental | | - | - | - | - | - | - | - | - | S | P | P | P | - |
| Recreational vehicle sales and service | 10-4-9(A) | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Semi-truck repair | | - | - | - | - | - | - | - | - | - | S | P | P | - |
| Truck and trailer sales/rental | 10-4-9(A) | - | - | - | - | - | - | - | - | - | S | P | P | - |
| Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal | | - | - | - | - | - | - | - | - | - | S | P | P | - |
| *Energy Industrial Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Battery Uses | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Data Center | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Refrigerated Warehouse (Cold Storage) | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| *Industrial Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Aggregate materials extraction, processing and site reclamation (stone and gravel quarries) | | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Artisan manufacturing | 10-4-11(A) | - | - | - | - | - | - | - | P | P | P | S | - | - |
| Assembly, production, manufacturing, testing, repairing, or processing, light | 10-4-11(B) | - | - | - | - | - | - | - | - | - | S | P | - | - |
| Assembly, production, manufacturing, testing, repairing, or processing, heavy | 10-4-11(B) | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Bakery (wholesale) | | - | - | - | - | - | - | - | S | S | S | P | P | - |
| Blacksmith or welding shop | | S | - | - | - | - | - | - | - | - | P | P | P | - |
| Brewery/winery/distillery | | - | - | - | - | - | - | - | S | S | P | P | P | - |
| Contractor facilities with outdoor storage | | - | - | - | - | - | - | - | - | - | S | P | P | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Dry cleaning plant | | - | - | - | - | - | - | - | - | - | - | S | S | - |
| Manufacturer / sales of firearms and ammunition | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Newspaper publishing | | - | - | - | - | - | - | - | - | P | P | P | P | P |
| Research laboratories | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Salvage Yards | | - | - | - | - | - | - | - | - | - | - | - | S | - |
| Wholesaling and warehousing - local cartage express facilities - including motor freight terminal | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| *Transportation Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Airport | | S | - | - | - | - | - | - | - | - | - | S | S | S |
| Bus or truck garage | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Bus or truck storage yard | | - | - | - | - | - | - | - | - | - | - | P | P | - |
| Motor freight terminals | | - | - | - | - | - | - | - | - | - | - | S | S | S |
| Railroad passenger station | | S | - | S | S | S | S | S | S | S | S | S | S | S |
| Railroad repair shops, maintenance buildings and switching yards | | S | - | S | S | S | S | S | S | S | S | S | S | S |
| *Alternative Energy Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Solar farm | 10-4-13(B) | S | S | - | - | - | - | - | - | - | - | S | S | S |
| Building mounted solar energy systems | 10-4-13(C) | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding solar energy systems - accessory use | 10-4-13(D) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding solar energy systems - principal use | 10-4-13(E) | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Wind farm | 10-4-13(F) | S | - | - | - | - | - | - | - | - | - | S | S | S |
| Building mounted wind energy system | 10-4-13(G) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding wind energy system - accessory use | 10-4-13(H) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Freestanding wind energy system - principal use | 10-4-13(I) | S | S | S | S | - | - | - | - | - | - | S | S | S |
| *Medical and Adult Use Cannabis Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Cannabis Craft Grower | 10-4-14(B) | S | - | - | - | - | - | - | - | - | - | S | S | - |
| Cannabis Cultivation Center | 10-4-14(C) | S | - | - | - | - | - | - | - | - | - | S | S | - |
| Cannabis Dispensing Organization | 10-4-14(D) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Cannabis Infuser Organization | 10-4-14(E) | - | - | - | - | - | - | - | - | - | S | S | S | - |
| Cannabis Processing Organization | 10-4-14(F) | - | - | - | - | - | - | - | - | - | - | S | S | - |

**Table 10-3-12(B) Permitted and Special Uses**

| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Cannabis Transporting Organization | 10-4-14(G) | - | - | - | - | - | - | - | - | - | - | S | S | - |
| *Institutional, Public, and Utility Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Antennae and Antennae Structures (other) | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Antennae and Antennae Structures (For Radio or Television Transmission) | | S | S | S | S | S | S | S | S | S | S | S | S | S |
| Cemetery | | S | S | S | S | S | S | S | - | - | - | - | - | P |
| College, university or junior college | | S | - | S | S | S | S | S | P | P | P | - | - | P |
| Communications use | | S | - | - | - | - | - | - | - | - | - | - | - | P |
| Electric substation | | S | S | S | S | S | S | S | P | P | P | P | P | P |
| Filtration plant | | S | - | S | S | S | S | S | - | - | - | P | P | P |
| Fire station | | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Library | | - | - | P | P | P | P | P | P | P | P | - | - | P |
| Parks | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Place of worship/assembly | | S | - | S | S | S | S | S | P | P | P | S | S | P |
| Playground | | - | P | P | P | P | P | P | P | P | P | - | - | P |
| Police station | | P | - | P | P | P | P | P | P | P | P | P | P | P |
| Post office | | - | - | - | - | - | - | - | P | P | P | - | - | P |
| Preschool | | - | - | P | P | P | P | P | - | - | - | - | - | P |
| Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations | | S | S | - | - | - | - | - | - | - | - | P | P | P |
| Public utility facilities (other) | | S | - | P | P | P | P | P | - | - | - | P | P | P |
| Radio and television towers - commercial | 10-4-15(A) | P | - | - | - | - | - | - | P | P | P | P | P | S |
| Sanitary landfill | | S | - | - | - | - | - | - | - | - | - | S | S | S |
| School, public or private | | - | - | P | P | P | P | P | - | - | - | S | S | P |
| Sewage treatment plant | | - | - | S | S | S | S | S | - | - | - | P | P | P |
| Solid waste disposal site | | - | - | - | - | - | - | - | S | S | S | P | P | P |
| Towers | | P | - | - | - | - | - | - | P | P | P | P | P | - |
| Utility company maintenance yard | | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Utility service yard or garage | | - | - | - | - | - | - | - | - | - | - | P | P | P |
| *Accessory Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Accessory Building | 10-4-16(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Accessory Commercial Unit | 10-4-16(B) | S | - | S | S | S | S | - | - | - | - | - | - | - |
| Accessory Structures, Permanent | 10-4-16(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |

| Table 10-3-12(B) Permitted and Special Uses | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Use Category | Additional Regulation | Zoning Districts | | | | | | | | | | | | |
| | | Ag | Open Space | Residential | | | | | Business | | | Mfg. | | Inst. |
| | | A-1 | OS | R-1 | R-2 | R-2D | R-3 | R-4 | B-1 | B-2 | B-3 | M-1 | M-2 | PI |
| Antennae and Antennae Structures (other) | 10-4-15(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Antennae and Antennae Structures (For Radio or Television Transmission) | 10-4-15(A) | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Community Garden | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Daycare Facility, Part-Day | | - | - | P | P | P | P | - | P | P | P | P | P | P |
| Domesticated Hens | 8-19 | - | - | P | P | - | - | - | - | - | - | - | - | - |
| Drive Throughs | 10-4-16(D) | - | - | - | - | - | - | - | P | P | P | - | - | - |
| Dwelling, accessory | 10-4-16(E) | P | - | P | P | P | P | - | - | - | - | - | - | - |
| Recreational vehicle, trailer, and boat parking | 10-4-16(F) | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Home occupations | 10-4-16(G) | P | - | P | P | P | P | P | - | P | - | - | - | - |
| Outdoor displays | 10-4-16(H) | P | P | - | - | - | - | - | P | P | P | P | P | - |
| Towers | 10-4-15(A) | P | - | P | P | - | - | - | P | P | P | P | P | - |
| Vehicle Charging Stations | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| *Temporary Uses* | | *A-1* | *OS* | *R-1* | *R-2* | *R-2D* | *R-3* | *R-4* | *B-1* | *B-2* | *B-3* | *M-1* | *M-2* | *PI* |
| Accessory Structures, Temporary | 10-4-17(A) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Mobile food vendor vehicles and retail vendor vehicles | 10-4-17(B) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Storage of roadway construction materials and equipment | 10-4-17(C) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Portable Outdoor Storage Device | 10-4-17(D) | T | T | T | T | T | T | T | T | T | T | T | T | T |
| Temporary and seasonal uses | 10-4-17(E) | - | - | - | - | - | - | - | T | T | T | - | - | - |
| Tents | | T | T | T | T | T | T | T | T | T | T | T | T | T |

## 10-3-13. Downtown Overlay District

A. **Introduction.**

1. **Title.** This Section shall be known, cited, and referred to as the United City of Yorkville Downtown Overlay District Code. Any reference to this chapter following its effective date shall mean this entire chapter as it may hereafter be amended.

2. **Intent.** It is the intent of this chapter to provide development standards to the United City of Yorkville for downtown and adjacent redevelopment areas that promote public health, safety, and general welfare of the community, including, but not limited to the specific purposes set forth below.

   a. To guide the development of a mix of uses and a pedestrian-oriented environment as established in the United City of Yorkville 2016 Comprehensive Plan, adopted September 2016, and the 2019 Yorkville Downtown Overlay District Streetscape Master Plan.

b. To provide for a mix of housing types within the downtown overlay district and adjacent areas for people of all ages and lifestyles.

c. To achieve development that is appropriate in scale and intensity for the downtown overlay district and adjacent neighborhoods.

3. **Overview of the code.**

a. **Districts.** These regulations are organized within street types for adoption into the City's existing code. These zoning districts shall be mapped on the City's zoning map; however, the primary streets designation shall be referenced from Figure 10-21-2G (4). The following districts are established for mixed use, commercial, and residential development within downtown and adjacent redevelopment areas. Figure 10-21-1B (1) illustrates the locations for the districts.

(1) Bridge Street District

(2) S2: Hydraulic Street District

(3) S3: Van Emmon Street District

(4) S4: "B" Street District

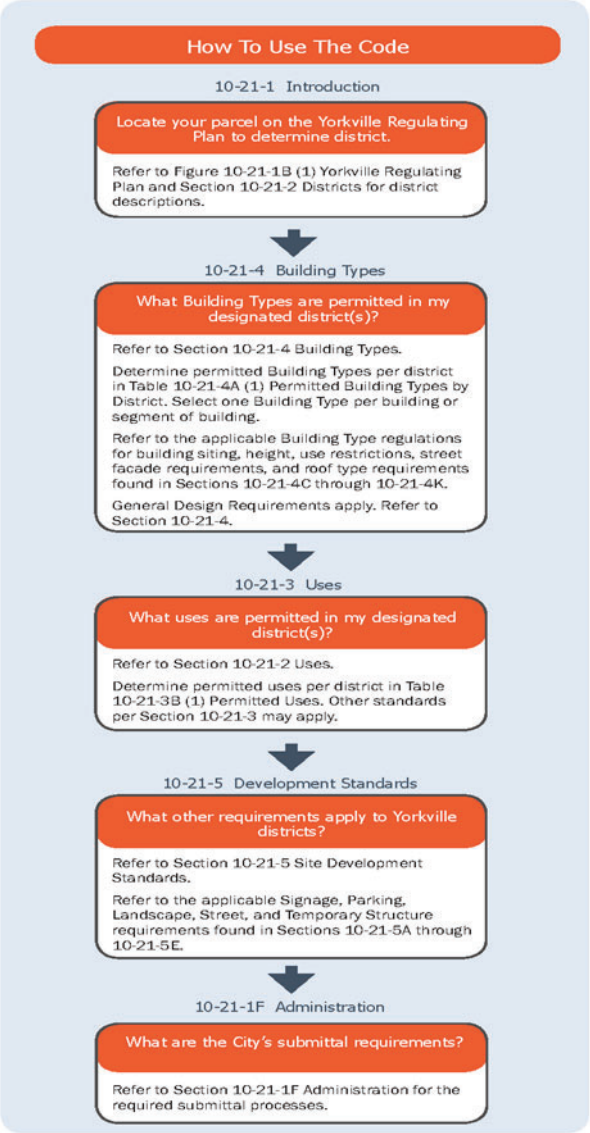
(5) S5: "B" Street-Residential District

b. **Building Types.** Six (6) building types are defined for use in the street districts. A mix of building types are typically permitted per district. These building types outline the desired building forms for the new construction and renovation of structures and contain regulations that determine physical building elements such as build-to-zones, transparency levels, entrance location, and parking location. Refer to Figure 10-21-4A (1) for a typical building type page layout.

c. **Site Development Standards**. The site development standards provide references to other City ordinances or parts of the zoning ordinance and may include additional information or revision to those ordinances applicable only to the street districts. These include signage, parking, and landscape.

4. **Applicability.** These regulations apply to the downtown and adjacent redevelopment areas within the City as mapped on the City's zoning map. Refer to Figure 10-21-1B (1) for affected parcels.

5. **Conflicting Provisions.** In any instance in which the provisions of this section overlap or conflict with other areas of the UDO, the requirements of this section shall govern.




6. **How to use the code**. Refer to Figure 10-21-1D (1) for a step by step illustration about applying the code to a parcel. Throughout this section, call out boxes titled "How to Use the Code" appear with code application instructions.

7. **Development approval process.**

   a. **Site plan review.** An approved site plan is required for the development or redevelopment of all parcels in any district (refer to 10-4 of the zoning ordinance) with the following revisions:

      (1) The Zoning Administrator may approve a major site plan if the site plan complies with all requirements of the City's zoning ordinance. If the Zoning Administrator denies approval of a major site plan, including the provision of written comments as to the reason for such denial, the denial may be appealed by the applicant to the Planning and Zoning Commission for review. The Planning and Zoning Commission shall then recommend approval to City Council the major site plan, recommend approval to City Council of the major site plan with conditions, or recommend denial of the site plan to City Council.

b. **Deviations.** The applicant shall submit requested deviations to the Zoning Administrator with the site plan application. The Zoning Administrator may approve deviations to a site plan for the following:

(1) **Minor deviations.** The Zoning Administrator may approve minor deviations to any dimension or percentage as follows:

(a) The location of the building within up to one (1) foot from any minimum yard requirement or build-to zone width/location.

(b) Up to five percent (5%) increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage.

(c) Up to five percent (5%) decrease in front property line coverage.

(d) Additional height of any story up to two (2) feet, as long as the overall building height does not exceed the allowable height of all floors at their maximum permitted height.

(2) **Design deviations.** The Zoning Administrator shall review and make a recommendation for the following deviations:

(a) **Alternative building materials.** The Zoning Administrator may approve alternative building materials from the requirements of section 10-21-5, with the exception of the prohibited materials. For approval, the applicant shall submit samples and local examples of the material a minimum of four (4) weeks prior to the review, to allow site visits to the location.

(b) **Facade variety alternative.** The Zoning Administrator may approve a reprieve from the facade variety requirements in section 10-21-4. The applicant shall submit fully rendered elevations and three (3) dimensional drawings of all street facades with materials samples for all surfaces to prove a higher quality building design with variation and relief from monotony.

(3) **Existing building deviations.** The Planning and Zoning Commission shall review and make a recommendation to City Council for the following deviations, when applied to the renovation of an existing building(s):

(a) For renovation of existing buildings, the maximum front property line coverage may be waived with an existing coverage of sixty percent (60%); however, any expansion on the ground story shall contribute to the extension of the front property line coverage.

(b) For renovation of existing buildings, the location of the building within up to five (5) feet from any minimum yard requirement or build-to zone width/location.

(c) For renovation of existing buildings, the minimum height of the ground story and upper story may be increased or decreased by up to two (2) feet for existing stories.

(d) For renovation of existing buildings, other required dimensions may be modified up to five (5) feet or ten percent (10%), whichever is less, unless otherwise modified by this section.

(4) **Nonconforming structures.**

(a) Nonconforming uses. Refer to chapter 10-15 of this title for nonconforming uses requirements with the following exception and addition.

(b) Nonconforming structures. The following regulations allow for the continuation of occupation of a structure that was legally constructed prior to the adoption or amendment to this chapter, but that could not occur under the provisions of this chapter.

(i) All building type standards apply to all new construction and renovation of existing structures, where the renovation includes an addition of more than sixty percent (60%) in gross building square footage.

(ii) When the existing front or corner facade is located within the build-to zone and a renovation of the front facade occurs with or without any added building square footage, the street facade requirements and entrance type requirements of any permitted building type shall be met when the renovation includes any of the following:

1. Installation of additional doors or a change in location of a door;

2. Expansion or change in location of thirty percent (30%) of windows on any street façade; or

3. Replacement of thirty percent (30%) or more of facade materials on any street facade with a different facade material.

(iii) When the existing building front or corner facade is located within the build-to zone and a renovation of the shape or style of the roof occurs with or without added building square footage, the roof type requirements of any permitted building type shall be met.

(iv) Under all circumstances, no portion of the building type standards must be met in the case of normal repairs required for safety and continued use of the structure, such as replacement of window or door glass.

(5) **Definitions.** For the purposes of this chapter, the following terms shall have the following meanings:

(a) **Applicant.** The owner of a subject property or the authorized representative of the owner on which a land development application is being made.

(b) **Block.** Refer to section 10-2-3 for definition.

(c) **Block depth**. A block measurement that is the horizontal distance between the front lot line on a block face and the front lot line of the parallel or approximately parallel block face.

(d) **Block ends.** The lots located on the end of a block; these Lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.

(e) **Block face.** The aggregate of all the building facades on one (1) side of a block.

(f) **Block length.** A block measurement that is the horizontal distance along the front lot lines of the lots comprising the block.

(g) **Building type.** The facade of a structure defined by the combination of configuration, form, and function as it relates to the adjacent street. Refer to 10-21-4.B building type standards for more information and the list of permitted building types.

(h) **Build-to zone**. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure 10-21-1H (3).

(i) **Courtyard.** An outdoor area enclosed by a building on at least three (3) sides and is open to the sky.

(j) **Coverage, building.** The percentage of a lot developed with a principal or accessory structure.

(k) **Coverage, impervious site**. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios. Refer to "lot coverage" in section 10-2.

(l) **Eave.** The edge of a pitched roof, typically overhangs beyond the side of a building.

(m) **Entrance type.** The permitted treatment types of the ground floor facade of a building type. Refer to section 10-21-41 for more information and a list of permitted entrance types.

(n) **Expression line.** An architectural feature consisting of a decorative, three (3) dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building.

(o) **Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front lot line.

(p) **Frontage district.** A type of zoning district specific to this article, where the location, height and bulk of structures is defined by building types. Refer to section 10-21-4.

(q) **Landscape area**. Area on a Lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping. Landscape areas may include landscape, sidewalks, patios, or other pedestrian amenities.

(r) **Lot, flag.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(s) **Lot, interior.** For the purposes of this chapter, a parcel of land abutting a vehicular right-of-way, excluding an alley, along one (1) lot line; surrounded by lots along the remaining lot lines.

(t) **Lot, through.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(u) **Lot area.** Refer to section 10-2-3 for definition; it is typically denoted in square feet or acres.

(v) **Lot depth.** For the purposes of this chapter, the smallest horizontal distance between the front and rear lot lines measured approximately parallel to the corner and/or side lot line. Refer to Figure 10-21-1H (2).

(w) **Lot frontage.** Refer to section 10-2-3 for definition.

(x) **Lot line, corner.** for the purposes of this chapter, a boundary of a lot that is approximately perpendicular to the front lot line and is directly adjacent to a public right-of-way, other than an alley or railroad. Refer to Figure 10-21-1H (2).

(y) **Lot line, front.** For the purposes of this chapter, the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions:

  (i) Corner and through lots that abut a primary street (refer to Figure 10-21-2G (4)) shall have the front lot line on that primary street.

  (ii) Corner and through lots that abut two (2) primary streets or do not abut a primary street shall utilize the orientation of the two (2) directly adjacent lots, or shall have the front lot line determined by the Zoning Administrator.

(z) **Lot line, rear.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (2).

(aa) **Occupied space.** Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

(bb) **Open space**. Refer to section 10-2-3 (Public open space and usable open space) for definitions. Open space may also be utilized to host temporary private or community events, such as a farmer's market or art fair.

(cc) **Pedestrianway.** A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

(dd) **Pervious surface.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

(ee) **Primary street.** A street that receives priority over other streets in terms of setting front lot lines and locating building entrances. Refer to Figure 10-21-2G (4) for mapped primary streets.

(ff) **Roof type.** The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to 10-21-41 for more information and a list of the permitted roof types.

(gg) **Scale.** The relative size of a building, street, sign, or other element of the built environment.

(hh) **Semi-pervious surface.** Also referred to as semi-pervious material. A material that allows for at least forty percent (40%) absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

(ii) **Setback.** For the purposes of this chapter, the horizontal distance from a lot line inward, beyond which a structure may be placed. For the purposes of this chapter, structures and parking lots are not permitted within a setback, unless specifically stated otherwise in this chapter. Refer to Figure 10.21.1H (1).

(jj) **Solar reflectance index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100) and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

(kk) **Story.** For the purposes of this chapter, a habitable level within a building measured from finished floor to finished floor. Refer to section 10-21-4 for dimensions.

(ll) **Story, ground.** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

(mm) **Story, half.** For the purposes of this chapter, a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

(nn) **Story, upper.** Also referred to as upper floor. The floors located above the ground story of a building.

(oo) **Street face.** The facade of a building that faces a public right-of-way.

(pp) **Street frontage.** Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.

(qq) **Street termini.** At a three-way or "T" intersection, it is the location where one (1) street terminates at the other street.

(rr) **Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

(ss) **Transparency.** The measurement of the percentage of a facade that has highly transparent, low reflectance windows. Mirrored glass is not permitted.

(tt) **Visible basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.

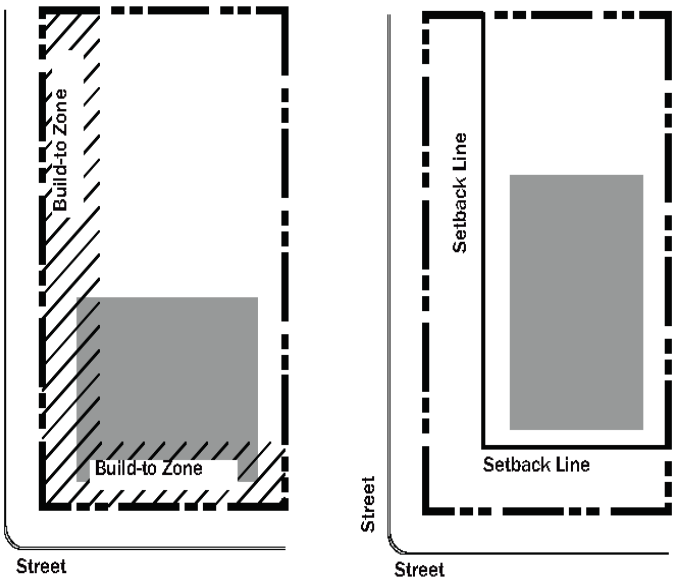
(uu) **Yard.** Refer to section 10-2-3 for definition. Refer to Figure 10-21-1H (3) Illustration of Yards. Note that the rear yard is fully screened from the street by the structure.

(i) **Yard, corner side.** A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.

(ii) **Yard, front.** Refer to section 10-2-3 for definition.

(iii) **Yard, rear.** Refer to section 10-2-3 for definition.

(iv) **Yard, side.** Refer to section 10-2-3 for definition.



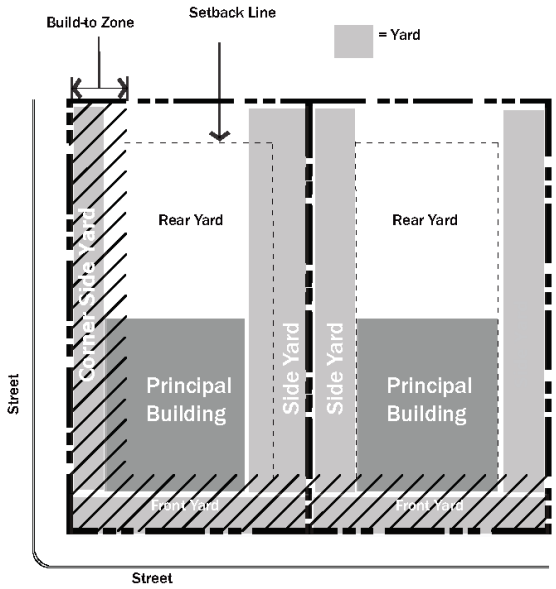



Figure 10-21-1H (3). Illustration of Yards.

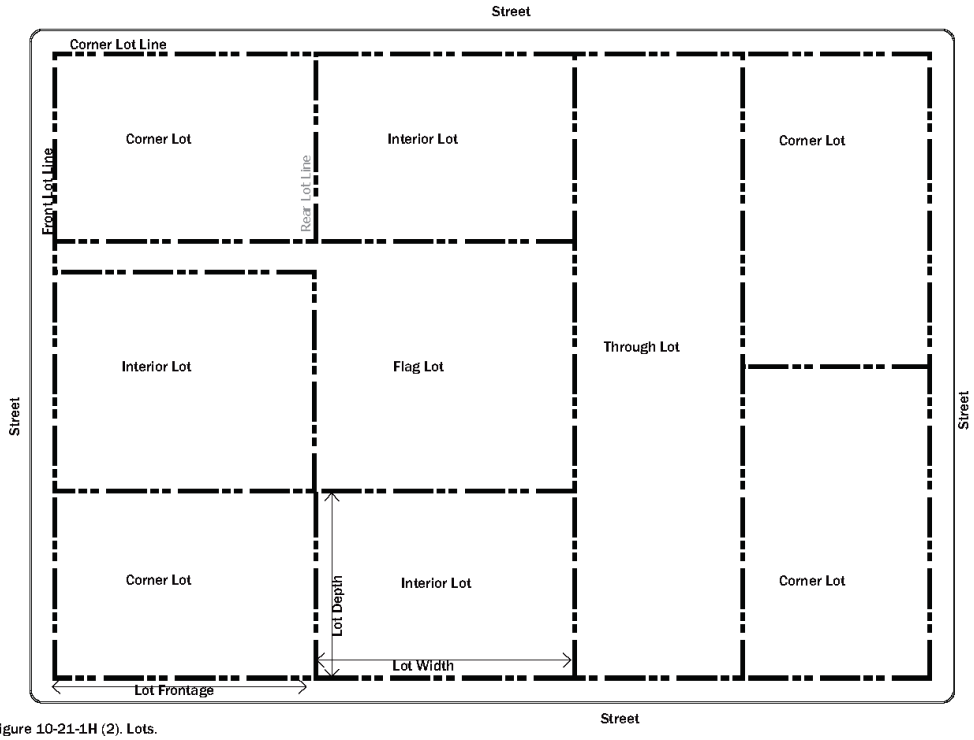



Figure 10-21-1H (2). Lots.

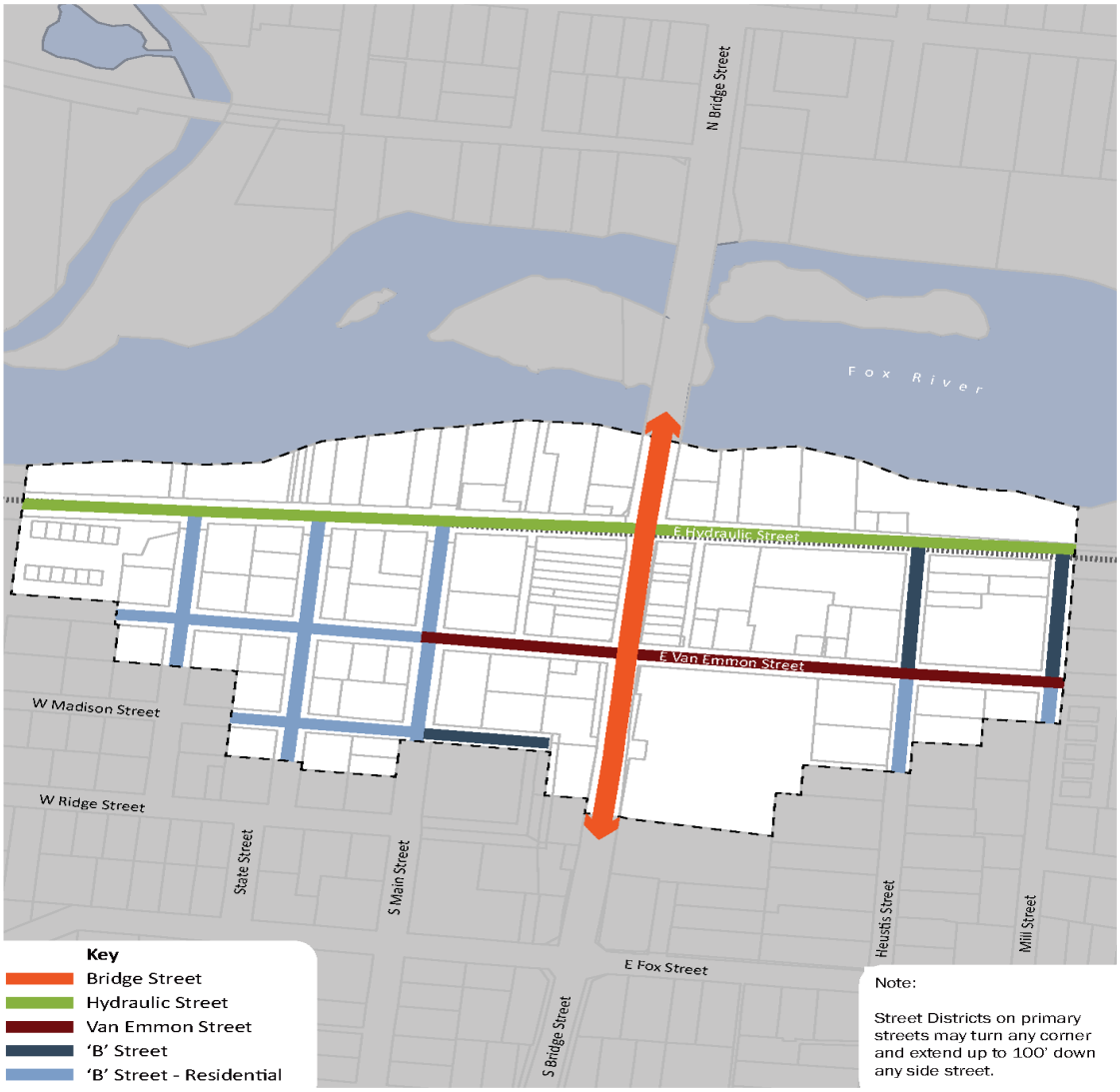



Figure 10-21-1B (1). Yorkville Form-Based Districts Regulating Plan.

8. **Districts**

a. The following districts are established for mixed use, commercial, and residential development within downtown and adjacent redevelopment areas. Figure 10-21-1B (1) illustrates the locations for the districts.

(1) S1: Bridge Street District

(2) S2: Hydraulic Street District

(3) S3: Van Emmon Street District

(4) S4: "B" Street District

(5) S5: "B" Street - Residential District

| Bridge Street | |
|---|---|
| **Building Placement** | |
| Build-to Zone | 0' to 10' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 5' to 10' |
| **Building Volume** | |
| Maximum Building Height | 80' |
| Maximum Stories | 6 |
| Minimum Ground Floor Height | 14' |
| **Typical Street Attributes** | |
| Typical ROW Width | 72' |
| Number of Travel Lanes | 4 |
| Lane Width | 10' to 13' |
| Dedicated Turn Lanes | 1 |
| Parking Lanes | none |
| Pavement Width | 60' |
| Dedicated Bicycle Facilities | none |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 6' wide sidewalk |
| Street Buffer | concrete barrier |

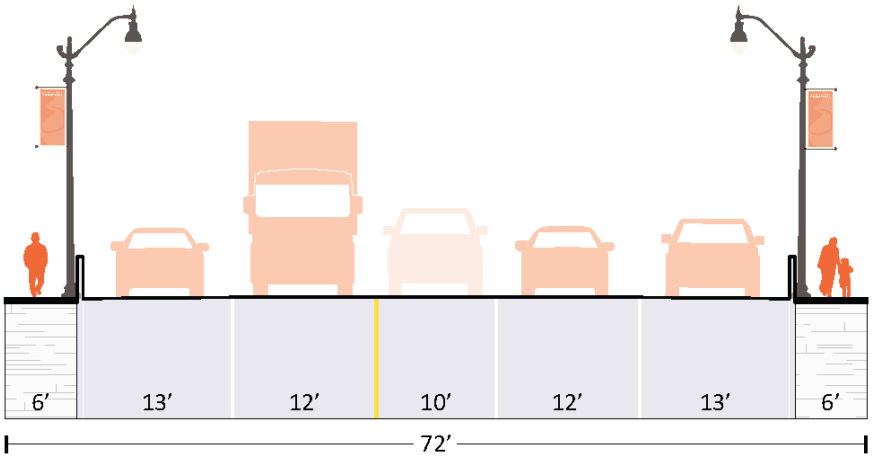



Figure 10-21-2A (1). Bridge Street (Long-term).

b. **S1: Bridge Street District.** The Bridge Street District may be considered the gateway into downtown Yorkville and retains potential to become the iconic stretch that helps draw people into local businesses and displays an attractive image that represents the people of Yorkville. The form of this retail and service-centered area establishes a street wall of storefront style-building facades with shallow build-to-zones along the sidewalk and parking in the rear or off-site. It focuses pedestrian-friendly retail and service uses on the ground story with office uses in upper stories.

| Hydraulic Street | |
|---|---|
| **Building Placement** | |
| **Build-to Zone** | 0' to 15' |
| **Space Between Buildings** | |
| **Attached** | 0' |
| **Detached** | 10' |
| **Building Volume** | |
| **Maximum Building Height** | 60' |
| **Maximum Stories** | 5 |
| **Minimum Ground Floor Height** | 14' |
| **Typical Street Attributes**[1] | |
| **Typical ROW Width** | 48' to 66' |
| **Number of Travel Lanes** | 2 |
| **Lane Width** | 10' to 12' |
| **Dedicated Turn Lanes** | none |
| **Parking Lanes** | 1 lane of parallel parking on south side of street |
| **Pavement Width** | 22' |
| **Dedicated Bicycle Facilities** | Multi-purpose lane on north side of street |
| **Pedestrian Realm** | |
| **Pedestrian Facilities** | 6' to 8' wide sidewalk |
| **Street Buffer** | 1 lane of parallel parking on south side of street; 4' planter on north side of multi-purpose street |

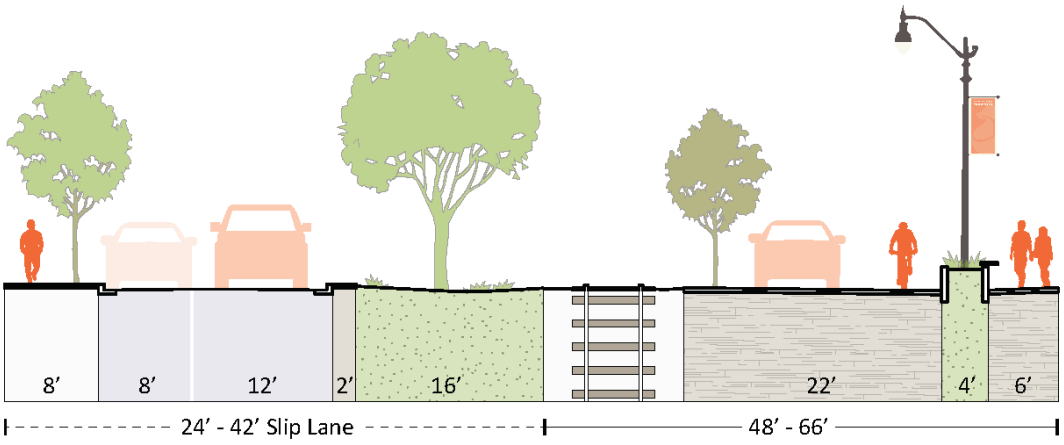



Figure 10-21-2B (1). Hydraulic Street (Long-term).

c. **S2: Hydraulic Street District:** The Hydraulic Street District includes complex conditions, including a tapering right-of-way that narrows from west to east and an active freight rail line that runs parallel to the street surface within the right-of-way. Hydraulic Street features short, utilitarian buildings, as well as an inoperable grain elevator, that create an eclectic mix of land uses and character. The form of this area remains pedestrian-centered but storefront-style buildings focus a broader spectrum of retail and service uses on the ground story with residential and/or office uses in upper stories.

(1) Notes: The streetscape master plan includes a proposed slip lane on the south side of Hydraulic Street between Bridge Street and Heustis Street. This table includes dimensions for the public right-of-way section of the street.

| Van Emmon Street | |
|---|---|
| **Building Placement** | |
| Build-to Zone | 0' to 20' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| **Building Volume** | |
| Maximum Building Height | 60' |
| Maximum Stories | 5 |
| Minimum Ground Floor Height | 12' |
| **Typical Street Attributes** | |
| Typical ROW Width | 60' |
| Number of Travel Lanes | 2 |
| Lane Width | 12' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking on each side of street; permeable paving 1 lane of parallel parking each side of street (intermittent planting on south side to accommodate parking) |
| Pavement Width | 24' to 40' |
| Dedicated Bicycle Facilities | none |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 8' to 12' wide sidewalk |
| Street Buffer | 1 lane of parallel parking on north side of street; street trees or 1 lane of parallel parking on south side of street |

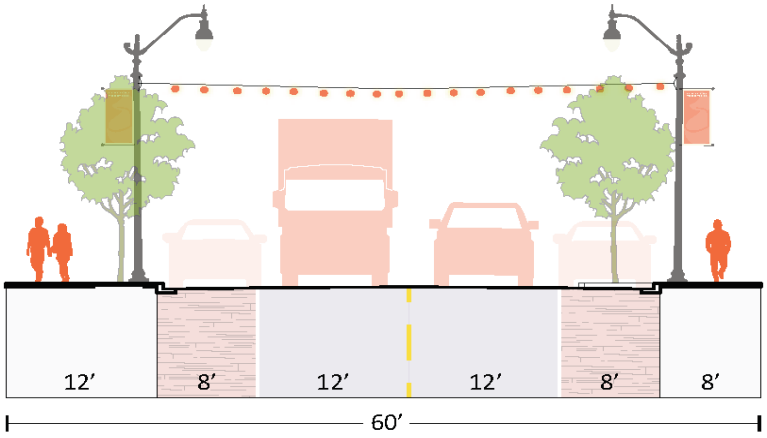



**Figure 10-21-2C (1). Van Emmon Street (Long-term).**

d. **S3: Van Emmon Street District.** The Van Emmon Street District is a lower scale district. Commercial, residential, and mixed use buildings make up this district in variety of building types. A broader spectrum of retail, service, and office uses support the Bridge Street and Hydraulic Street Districts and ground floor residential is permitted. The form of this area is pedestrian-centered, but allows for more vehicular access and off-street parking options.

| 'B' Street | |
|---|---|
| Building Placement | |
| Build-to-line Location | 0' to 20' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| Building Volume | |
| Maximum Building Height | 60' |
| Maximum Stories | 5 |
| Minimum Ground Floor Height | 9' |
| Typical Street Attributes | |
| Typical ROW Width | 50'-60' |
| Number of Travel Lanes | 2 |
| Lane Width | 11' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking each side of street (reduce planting where appropriate to accommodate parking) |
| Pavement Width | 26' |
| Dedicated Bicycle Facilities | none |
| Pedestrian Realm | |
| Pedestrian Facilities | 5' wide sidewalk |
| Street Buffer | 13' swale and/or stormwater buffer; optional parking |

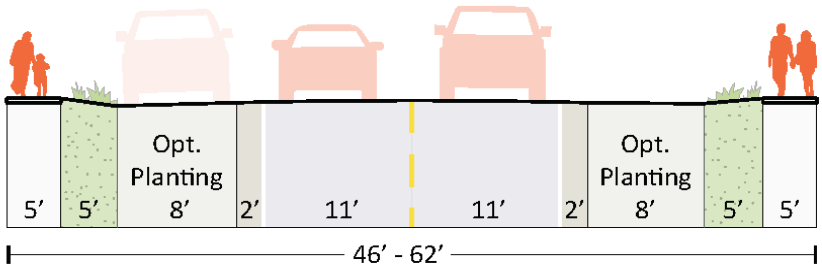



**Figure 10-21-2D (1). 'B' Street (Long-term).**

e. **S4: "B" Street District.** The "B" Street District is a lower scale commercial district designed to serve adjacent neighborhoods and the greater community. Flanked by the Hydraulic and Van Emmon Districts, a wider range of residential uses is permitted. As one of the main street types between primary thoroughfares, pedestrian access and safety remains a priority.

| 'B' Street - Residential | |
|---|---|
| **Building Placement** | |
| Build-to-line Location | 0' to 15' |
| Space Between Buildings | |
| Attached | 0' |
| Detached | 10' |
| **Building Volume** | |
| Maximum Building Height | 40' |
| Maximum Stories | 3.0 |
| Minimum Ground Floor Height | 9' |
| **Typical Street Attributes** | |
| Typical ROW Width | 50' to 60' |
| Number of Travel Lanes | 2 |
| Lane Width | 11' |
| Dedicated Turn Lanes | none |
| Parking Lanes | 1 lane of parallel parking each side of street (reduce planting where appropriate to accommodate parking) |
| Pavement Width | 26' |
| Dedicated Bicycle Facilities | none |
| **Pedestrian Realm** | |
| Pedestrian Facilities | 4' wide sidewalk |
| Street Buffer | 13' swale and/or stormwater buffer; optional parking |

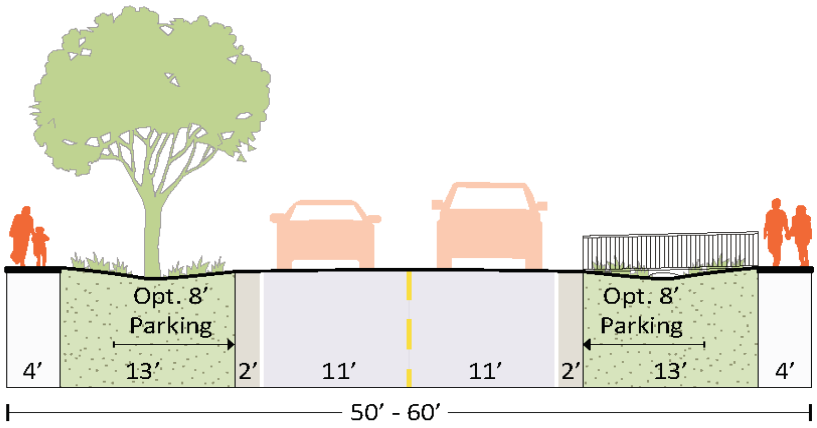



**Figure 10-21-2E (1). 'B' Street - Residential (Long-term).**

f. **S5: "B" Street - Residential District.** The "B" Street Residential District is a lower-scale residential district with a mix of townhouses and yard buildings. With a maximum height of six (6) stories under the general provision of the zoning code, this area provides for a mix of housing types adjacent to downtown for people of all ages and lifestyles.

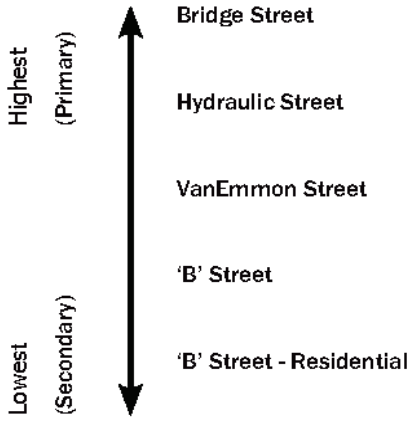



**Figure 10-21-2G (1). Hierarchy of Street Types.**

g. **Hierarchy of districts.** Development under this code is regulated by street type. The various street types are related to each other in a hierarchical manner. When these streets intersect, the primary street frontage is determined by its higher order in the hierarchy. The front of a building and its main entrance must face the primary street. Figure 10.21.2G (1) illustrates the hierarchy of street types.

h. **Primary streets.** The primary streets map designates primary, secondary, and tertiary streets within the downtown overlay district. These designations prioritize the street frontages for locating the front lot line for required amounts building frontage and allowable amounts of parking frontage. Refer to Figure 10.21.2G (4).

(1) **Vehicular access.** Vehicular access is also managed through this street prioritization within the building type requirements (refer to section 10-21-4). See Figure 10.21.2G (2) and Figure 10.21.2G (3) for illustration of permitted vehicular access locations.

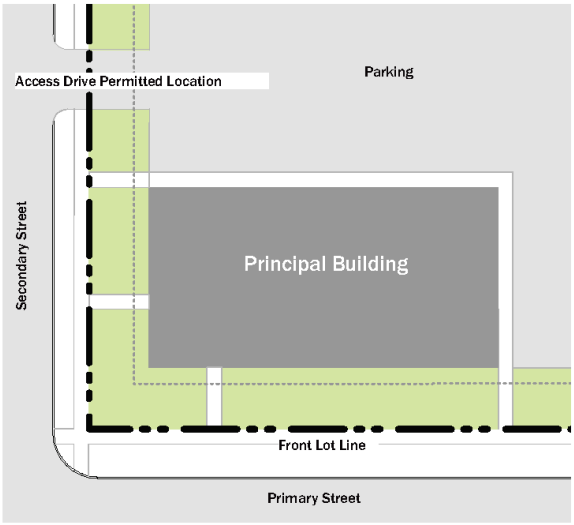



Figure 10-21-2G (2). Secondary Street Frontage: Access Drive Permitted Location

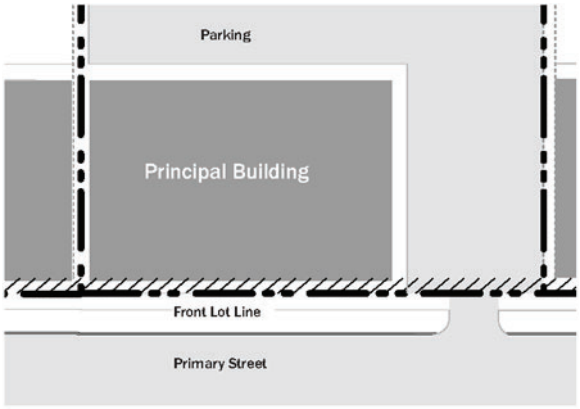



Figure 10-21-2G (3). Primary Street Frontage Only: Access Drive Permitted Location

(a) The order of access is typically as follows, unless otherwise permitted by building type:

(i) Lane (Tertiary Street) or alley (un-mapped) permits unlimited access.

(ii) If no lane or alley exists, one (1) driveway per secondary street frontage is permitted.

(iii) If no tertiary or secondary street abuts the parcel, one (1) driveway is permitted off the primary street and shared access with adjacent properties is encouraged.

(b) Refer to the subdivision control ordinance for additional requirements of vehicular access off adjacent streets. Interparcel access requirements shall be met.

(2) **Primary, secondary, and tertiary street designations.**

(a) **Primary streets.** Primary streets require the most intact and continuous streetwall with few, if any, driveway access. The front lot line shall always be located on the primary street. When a parcel is fronted by more than two (2) primary streets, the Zoning Administrator shall determine which is the appropriate street for the front lot line. The determination should be based on locations of existing and other proposed development front lot lines.

(i) Vehicular access should not be located off a primary street, unless no other options exists. Refer to section 10-21-4 Building type requirements for allowances of vehicular access, if applicable.

(b) **Secondary streets.** Secondary streets are intended to have a fairly continuous streetwall, but will likely have a driveway for each parcel. If no tertiary street exists, access will likely be off the secondary street.

(c) **Tertiary streets.** Tertiary streets typically have no streetwall requirements and could be fronted by parking structures and parking lots with multiple drives and/or vehicular access points.

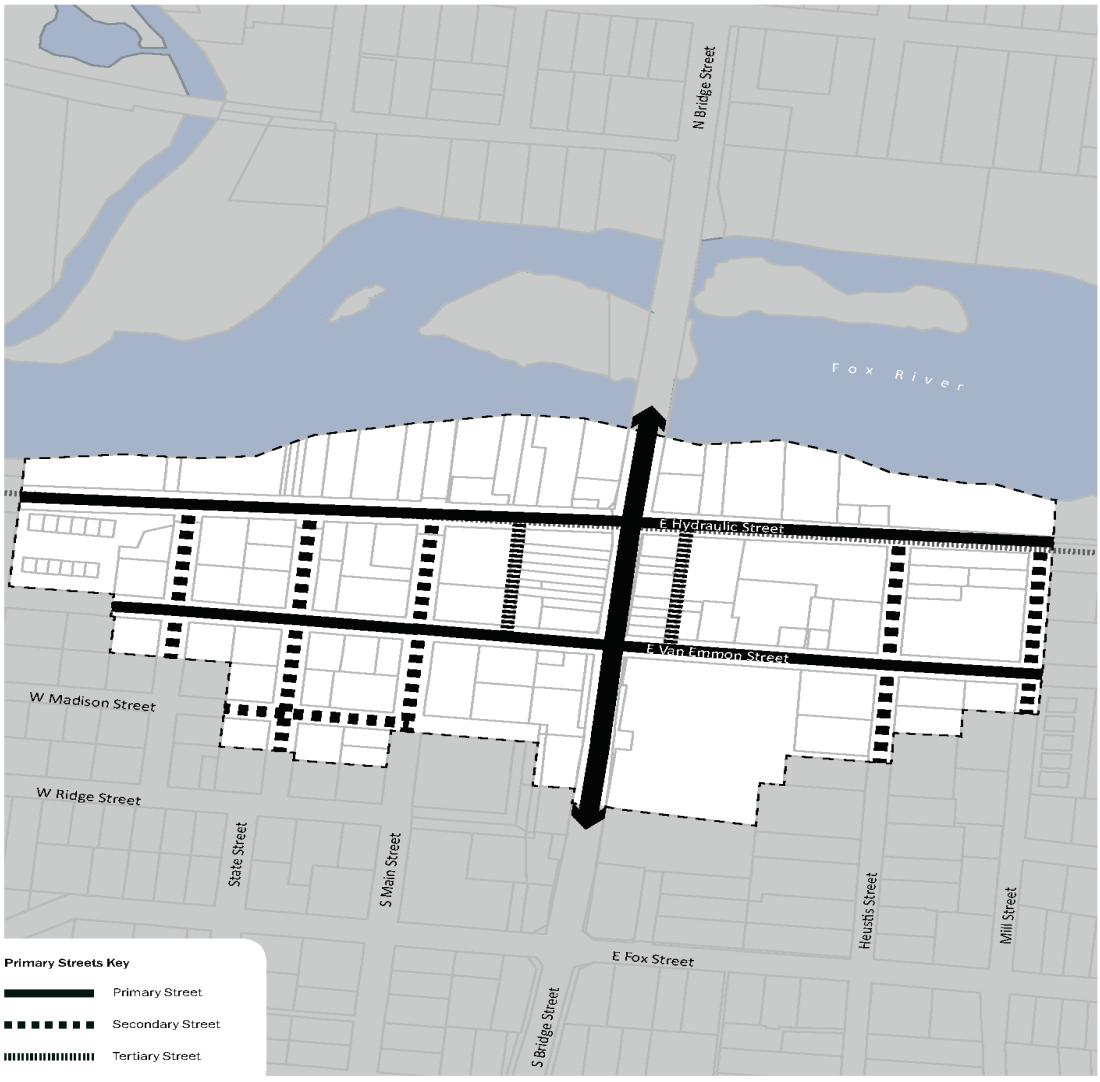



Figure 10-21-2G (4). Primary Streets Map.

9. **Building Types**

a. **Introduction to building type standards.** The buildings detailed in this section outline the building types permitted for new construction and renovated structures within the districts defined in section 10-21-2.

(1) **General.** All building types shall meet the following requirements to achieve the intents defined for the districts.

(a) **Zoning districts.** Each building type shall be constructed only within its designated districts. Refer to Table 10-21-4A (1) Permitted Building Types by Districts.

(i) **Uses.** Each building type can house a variety of uses depending on the district in which it is located. Refer to 15.3 for uses permitted per district. Some building types have additional limitations on permitted uses.

(ii) **No other building types.** All buildings constructed shall meet the standards of one (1) of the building types within the zoning district of the lot.

(iii) **Permanent structures.** All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

1. **Accessory structures.**

a. Attached accessory structures are considered part of the principal structure.

b. Detached accessory structures are allowed per each building type and shall comply with all setbacks except the following:

i. Detached accessory structures are not permitted in the front yard.

ii. Detached accessory structures shall be located behind the principal structure in the rear yard.

iii. Detached accessory structures shall not exceed the height or size (area) of the principal structure.

(b) **Page layout.** Document pages are laid out to provide the maximum amount of information for each building type on one (1) spread of two (2) pages. Refer to Figure 10-21-4A (1) for a typical building type layout page.

(i) Tables. Refer to section 10-21-4.B for further information on each table.

(ii) Graphics typically represent one (1) example of a building that could be developed utilizing the standards for that building type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

10. **Explanation of building type table standards.** The following explains and further defines the standards outlined on the tables for each building type, refer to sections 10-21-4.C through 10-21-4.H.

a. **Building siting.** The following explains the line item requirements for each building type table within the first section entitled "building siting". Table 10-21-4B (1) illustrates an example of a building siting table from a typical building type.

(1) **Multiple principal structures.** The allowance of more than one (1) principal structure on a lot.

(2) **Minimum front lot line coverage.** Refer to Figure 10-21-4B (1). Measurement defining the minimum percentage of street wall or building facade along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

(a) Certain buildings have this number set to also allow the development of a courtyard along the front lot line.

(b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one (1) double-loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a set maximum in feet.

(c) When driveway is located at the front lot line (Figure 10-21-4B (1)) and a side yard parking is not utilized, a driveway width of twenty (20) feet may be deducted from the width of the BTZ and is not included in the calculation of the minimum front lot line.

(3) **Occupation of corner**. Occupying the intersection of the front and corner build-to zones with a principal structure.

(4) **Front build-to zone.** The build-to zone or setback parallel to the front lot line. Building components, such as awnings or signage, are permitted to encroach beyond the build-to zone.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(5) **Corner build-to zone.** The build-to zone or setback parallel to the corner side property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(6) **Minimum side yard setback.** The minimum required setback along a side property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(7) **Minimum rear yard setback.** The minimum required setback along a rear property line.

(a) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(8) **Minimum lot width.** The minimum width of a lot, measured at the build-to zone.

(9) **Maximum building width.** The maximum width of a building, measured across the front facade.

(10) **Maximum impervious coverage.** (Refer to Figure 10-21-4B (2).) The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces.

(11) **Additional semi-pervious coverage.** The additional percentage of a lot beyond the maximum impervious coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.

(12) **Parking and loading location.** The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.

(13) **Entry for parking within building.** Permitted garage door location for parking entrance when parking is located within building.

(14) **Vehicular access.** The permitted means of vehicular ingress and egress to the lot.

(a) Alleys, when present, shall always be the primary means of access.

(b) When alleys are not present, a driveway may be permitted per building type and, if an alternative is available, shall not be located off a primary street.

b. **Height.** The following explains the line item requirements for each building type table within the second section entitled "height". Table 10-21-4B (2), illustrates an example of a height requirements table from a typical building type.

## B. Uses

### How To Use The Code

#### Permitted Use Table

The Permitted Use Table contains all the uses permitted in the Downtown Overlay District. It is organized by district, so only the information in a parcel's district is applicable to that parcel. The other columns do not apply.

For example, a parcel in CC1 only applies the standards from that column, illustrated below.

**Key**

- ● Permitted
- ◓ Permitted in Upper Stories Only
- ◐ Permitted with Development Standards
- ◌ Requires Special Use Permit

| | Districts | | | | |
|---|---|---|---|---|---|
| | CC1: Core | CC2: Shopping | CC3: Core Support | CC4: Residential / Office | CC5: Gateway |
| **Residential & Lodging Uses** | | | | | |
| Residential | ◓ | ◓ | ● | ● | ◓ |
| Bed & Breakfast | | | | ◌ | |
| Hotel/Motel | ◐ | ● | ● | ● | ● |
| Care Facilities | ◓ | ◓ | ● | ◌ | ● |
| Senior Housing | ◐ | ◐ | ◐ | ◐ | ◐ |
| **Civic / Institutional Uses** | | | | | |
| Assembly Uses | | | ● | ● | ● |
| Civic Offices & Services | ● | ● | ● | ● | |
| Library/Museum | ● | ● | ● | ● | ● |
| School: Elementary, Secondary | | | ● | ● | ● |
| School: High School | | | | ● | ● |
| School, Private or Special | | | | ◌ | ◌ |
| **Retail Uses** | | | | | |
| Neighborhood Retail | ● | ● | ● | ◐ | ● |
| General Retail | | ● | | | ● |
| Adult Establishments | | ◐ | ◐ | | ◐ |
| **Service Uses** | | | | | |
| Neighborhood Service | ● | ● | ● | ◐ | ● |
| General Service | | ● | | | ● |
| Automotive Specialty Shop | | | | | ◐ |
| Service Station | | | | | ◐ |
| Commercial Amusement, Outdoor | | | | | ◌ |
| Daycare Facility | | | ● | ● | ● |
| Hospital | | | ● | | ● |
| Veterinary Clinic/Hospital or Kennel (Enclosed) | | ◐ | ◐ | | ◐ |

EXAMPLE

Figure 10-21-3A (1). Yorkville Code Permitted Uses How-To.

1. ***General provisions.*** The following establishes a simplified set of uses permitted within the building forms of each downtown form-based zoning district.

   a. ***Uses by district.*** Permitted and special uses available in each form-based district are shown in Table 10-21-3B (1).

   b. ***Use definitions.*** Uses listed in Tables 10-21-3C (1)—10-21-3C (4) are defined in section 10-2-3 of the zoning ordinance. Further definitions applicable only to the Yorkville Form-Based Districts are located in subsection 10-21-3.C.

   c. ***Permitted use*** *("●").* These uses are permitted by-right in the form districts in which they are listed.

   d. ***Permitted in upper stories only*** *("◓").* These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least twenty feet (20') from the front primary facade.

   e. ***Requires a special use permit*** *("○").* These uses require a special use permit (refer to chapter 10-6 Special Use Regulations) in order to occur in the districts in which they are listed and must follow any applicable development standards associated with the use as well as meet the requirements of the special use.

   f. ***Permitted with development standards*** *("◐").* These uses are permitted in the districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards, combined with the building type requirements, are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.

   g. ***Prohibited use.*** A blank cell or an unlisted use in the use table indicates that the land use is prohibited in that district.

   h. ***City determination.*** When a proposed land use is not explicitly listed in Table 10-21-3B (1), the Zoning Administrator shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such determination may be appealed to the Planning and Zoning Commission.

   i. ***Temporary accessory uses.*** Temporary accessory uses are permitted in all downtown overlay districts, including outdoor displays, seasonal displays and sales, festivals, and vendors. The following requirements apply:

   j. Outdoor displays are permitted up to eight (8) hours per day, no more than three (3) consecutive days in any one (1) month.

   k. **Build-to zone.** Temporary outdoor displays of merchandise are permitted in the build-to zone without a permit, subject to all other requirements of section 10-21-3.

   l. **Right-of-way.** Any temporary outdoor display or occupation in the right-of-way requires a review approval by the Zoning Administrator.

| | Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street - Residential |
| **Residential & Lodging Uses Category** | | | | | |
| Residential Dwelling | ◓ | ● | ● | ● | ● |
| Hotel/Motel | ◐ | ◐ | ◐ | ● | |
| Bed & Breakfast Inn | ◓ | ◓ | ○ | ○ | ○ |
| Residential Care Facility | | | | ○ | ○ |
| Senior Housing | | ◐ | ◐ | ◐ | ○ |
| **Civic & Institutional Uses Category** | | | | | |
| Civic Offices & Services | ● | ● | ● | ● | ● |
| Library/Museum | ● | ● | ● | ○ | ○ |
| Police & Fire | ◐ | ◐ | ◐ | | |
| Post Office (no distribution) | ● | ● | ● | | |
| Religious & Organization Assembly | ● | ● | ● | ● | ● |
| School: Public or Private | ○ | ○ | ○ | ○ | ○ |
| School: College | ○ | ○ | ○ | ○ | ○ |
| **Retail & Service Uses Category** | | | | | |
| Neighborhood Retail (<8,000 sf) | ● | ● | ● | ● | ○ |
| General Retail | ◐ | ◐ | ◐ | | |
| Neighborhood Service | ● | ● | ● | ○ | ○ |
| General Service | ◐ | ◐ | ◐ | | |
| Recreation/Entertainment | ● | ● | ◐ | ○ | |
| Automotive Services | | ○ | ○ | ○ | |
| Food Services & Drinking Places | ● | ● | ● | ● | ○ |
| **Office & Industrial Uses Category** | | | | | |
| Office | ◓ | ● | ● | ● | |
| Small-Scale Industry | ◐ | ◐ | ◐ | ● | |
| **Infrastructure Uses Category** | | | | | |
| Communication Antennae & Towers | ○ | ○ | ○ | ○ | ○ |
| Parking Lot | ◐ | ◐ | ◐ | ◐ | ◐ |
| Parking Structure | ◐ | ◐ | ◐ | ◐ | ◐ |
| Public Utility & Infrastructure | ● | ● | ● | ● | ● |
| **Open Space Uses Category** | | | | | |
| Open Space | ◐ | ◐ | ◐ | ◐ | ◐ |

| | Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street - Residential |
| **Accessory Uses** | | | | | |
| Alternative Energy Generation | ◐ | ◐ | ◐ | ◐ | ◐ |
| Amphitheater | | ○ | | ○ | |
| Car Washes, Detail Shops, and/or Service Stations | | ○ | ○ | ○ | |
| Drive Through Facility | | ○ | ○ | ○ | |
| Home Occupation | ● | ● | ● | ● | ● |
| Outdoor Storage of Goods | | ◐ | ◐ | ◐ | |
| Outdoor Restaurant Dining | ● | ● | ● | ● | |
| Parking Lot (Accessory) | ◐ | ◐ | ◐ | ○ | |
| Parking Structure (Accessory) | ◐ | ◐ | ◐ | | |
| Roadside Produce Stand/Vending | | ◐ | | ◐ | |
| Sidewalk Sales | ◐ | ◐ | ◐ | ○ | ○ |
| Temporary Storage Containers | | ◐ | ◐ | ◐ | ◐ |
| Mobile Food Vendors | ◐ | ◐ | ◐ | ◐ | ◐ |
| Temporary Structures | ◐ | ◐ | ◐ | ◐ | ◐ |

**Key**

- ● Permitted
- ◓ Permitted in Upper Stories Only
- ◐ Permitted with Development Standards
- ○ Requires Special Use Permit

C. **Permitted use table.** See Table 10-21-3B (1) for a list of permitted and special uses.

D. **Use requirements.**

1. **Residential and lodging uses.** A category of uses that include several residence types.

   a. Refer to 10-2-3 for the following definitions.

      (1) Residential.

      (2) Bed and breakfast inn.

   b. **Hotel/motel.** Refer to 10-2-3 for definition. In the districts where a hotel/motel requires development standards ("◐"), rooms shall be located in the upper stories. Lobbies and eating facilities shall be located on the ground floor.

   c. **Residential care facility.** A facility offering temporary or permanent lodging to the public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Includes such uses as independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities.

Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as dining and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where this use requires a special use permit "○", refer to section 10-21-1.F for procedure and development standards.

d. **Senior housing.** In the districts where senior housing requires development standards ("◐"), the following shall apply:

(1) Housing shall be designed, constructed and operated in accordance with the Fair Housing Amendments Act.

(2) The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the department prior to the issuance of a certificate of occupancy.

e. **Use permits**. When a use is listed as permitted with a use permit "○," refer to section 10-21-1.F for procedure and development standards.

2. **Civic and institutional uses**. A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

a. **Civic offices and services.** Any use that involves transactions between the City government and residents, property owners, or others doing business with the City or other activities related to the function of the municipality.

b. **Library/museum.** A structure open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.

c. **Police and fire**. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included. The facilities shall be housed in a permitted building, but shall have the following additional allowances:

(1) Garage doors are permitted on the front facade.

(2) Exempt from maximum driveway widths.

d. **Post office.** A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.

e. **Religious and organization assembly.** Assembly uses include assembly hall; church, temple, or other place of worship; and clubs.

f. **Use permits.** When a use is listed as permitted with a special use permit "○," refer to section 10-21-1.F for procedure and development standards.

3. **Retail and service uses.** A category of uses that include several retail and service types. Refer to section 10-2-3 for definitions.

a. **Neighborhood retail. A** use in this category occupies a space of less than eight thousand (8,000) square feet. Neighborhood retail includes such uses as those listed in Table 10-21-3C (1).

(1) When neighborhood retail is permitted with development standards "◐", it is limited to eight thousand (8,000) square feet.

b. **General retail.** A use in this category includes all neighborhood retail uses occupying a space of greater than eight thousand (8,000) square feet and such uses as those listed in Table 10-21-3C (1).

c. **Service uses.** A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

d. **Neighborhood service.** A use in this category occupies a space of less than eight thousand (8,000) square feet. Neighborhood service includes such uses as those listed in Table 10-21-3C (2).

(1) When neighborhood service is permitted with development standards "◐", it is limited to six thousand (6,000) square feet.

e. **General service.** A use in this category includes all neighborhood service uses occupying a space of greater than eight thousand (8,000) square feet and such uses as those listed in Table 10-21-3C (2).

f. **Recreation/entertainment.** Refer to Table 10-21-3C (3).

g. **Automotive services.** Refer to section 10-2-3 for definition. In the districts where this use requires a special use permit ("○"), the following applies:

(1) The use shall meet all of the requirements of the building type, refer to section 10-21-4.

(2) Service doors shall all be located on the rear or interior side facade of the building.

(3) The showroom or retail space shall be located in the front storefront of the building and shall occupy a minimum of twenty percent (20%) of the gross floor area.

h. **Food services and drinking places.** Food services and drinking places include only the following:

(1) Full-service restaurants.

(2) Carry-out food service stores.

(3) Quick service restaurants.

(4) Banquet centers and caterers.

(5) Drinking places (alcoholic beverages).

(6) Brewpubs. A microbrewery that brews beer for both on- and off-premises consumption, and may include a bar and/or restaurant.

(7) Wine establishments. A properly licensed business which sells wine only (not liquor or beer) for both on- and off-premises consumption, as well as wine accessories and/or merchandise.

4. **Office and industrial uses.** A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office uses include those listed in Table 10-21-3C (4), List of Typical Uses in Office Category.

5. Office uses include those listed in Table 10-21-3C (4), List of Typical Uses in Office Category.

6. **Small-scale industry.** A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom or small retail outlet. Small-scale industry includes such uses as those found in Table 10-21-3C (5), List of Typical Uses in Cottage Industry Category. The following development standards apply:

a. This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.

b. The maximum overall gross floor area is limited to ten thousand (10,000) square feet, unless otherwise noted.

c. The showroom or retail outlet shall be located in the front storefront of the building and shall occupy a minimum of twenty-five percent (25%) of the gross floor area.

7. **Infrastructure and open space uses.**

a. **Communication antennae and towers.** Refer to chapter 10-18. Communication antennae and towers located within the right-of-way or on utility poles are premitted.

b. **Parking lot.** A lot that does not contain a permitted building and is solely used for the parking of vehicles. In the districts where a parking lot requires a special use permit ("○"), the following applies:

(1) **Corner lots**. A corner lot shall not be used as a parking lot.

(2) **Adjacent parking lots.** Two (2) parking lots cannot be located directly adjacent to one another.

(3) **Single-family.** Parking lot cannot be associated with a single-family use.

(4) **Distance.** Parking lot must be within one thousand three hundred feet (1,300') of the principal entrance to the associated use unless:

(a) At least seventy-five percent (75%) of the spaces are dedicated for public use.

(b) An approved joint parking agreement is in place.

(5) **Pedestrian access**. Must be connected to associated use by a dedicated, public pedestrian pathway.

(6) **Commercial vehicles.** Parking lots for commercial vehicles are not permitted in downtown overlay districts.

c. **Parking structure**. A parking structure on a lot that does not contain a permitted building type and is solely used for the parking of vehicles. In the districts where a parking lot requires a special use permit ("○"), the following applies:

(1) **Corner lots**. A corner lot shall not be used for a parking structure.

(2) **Adjacent parking lots.** Two (2) parking facilities (lots or structures) cannot be located directly adjacent to one another.

(3) **Primary street.** No facade of the parking structure shall be located on a primary street. Refer to Figure 10-21-2G (4). For parking structures located on a primary street, the main street building type shall be utilized, requiring occupation of the building in the front thirty (30) feet of the facade on any primary street.

(4) **Distance.** Parking lot must be within one thousand three hundred feet (1,300') feet of the principal entrance to the associated use unless:

(a) At least seventy-five percent (75%) of the spaces are dedicated for public use.

(b) An approved parking agreement is in place (refer to chapter 10-16).

(5) **Pedestrian access.** Must be connected to associated use by a dedicated, public pedestrian way.

(6) **Commercial vehicles.** Parking structures for commercial vehicles are not permitted in these districts.

d. **Utility and infrastructure.** A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems.

e. **Open space uses.**

(1) A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Open space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. In the districts where open space is permitted with development standards ("◐"), the following apply:

(a) Stormwater accommodations. Open space that incorporates stormwater management on a site or district scale is encouraged.

(i) Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.

(ii) Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.

(b) This use may involve small scale food and beverage service, no more than two hundred (200) square feet in space, located in a kiosk, with no service access.

(c) Buildings located directly adjacent to an open space use shall treat facades facing this use with street facade requirements.

f. **Accessory uses.** A category of uses that are not permitted to serve as the principal use on a zoning lot. These uses are incidental to and customary in connection with the principal building or use and located on the same lot with such principal building or use.

(1) **Alternative energy generation**. Refer to chapter 10-19. Alternative energy generation includes structures for solar, wind, and geothermal. The following development standards apply:

(a) Roof or building-mounted solar panels are permitted with the following requirements:

(i) Panels mounted at the same angle of the roof or flush on the building facade are permitted on any roof or building face.

(ii) Panels projecting off the roof or building at a different angle are limited to the rear and side facing roofs, unless solar access is limited in these locations.

(iii) Panels shall not extend more than ten (10) feet at maximum pitch/tilt above the surface of the roof to which they are attached. On pitched roofs, panels shall not extend more than three (3) feet.

(b) Roof-mounted small wind energy systems are permitted with the following requirements:

(i) Maximum rated capacity of five (5) kW is permitted per turbine.

(ii) One (1) turbine is permitted for each seven hundred and fifty (750) square feet of roof area.

(iii) Maximum height is fifteen (15) feet above the surface of the roof.

(c) Geothermal energy is permitted in any yard with the following requirements:

(i) Any related above ground structure shall be located in a side or rear yard with a maximum height of ten (10) feet, subject to all requirements of the building type.

(d) **Amphitheater.** Refer to section 10-2-3 for definition. In the districts where an amphitheater is permitted with a special use permit "○," the following apply:

(i) Location. The amphitheater shall be located within an open space district (refer to chapter 10-10).

(ii) The hours of operation shall be posted and limited to the hours of 8:00 a.m. to 11:00 p.m.

(e) **Car washes, detail shops and/or service stations.** Refer to section 10-2-3 for definitions. In the districts where car washes, detail shops and/or service stations are permitted with a special use permit ("○"), the following apply:

(i) **Location.** Use must be located inside a parking garage and not visible from the exterior of the parking garage.

(f) **Drive-through facility.** In the districts where drive-through structures are permitted with development standards ("◐"), the following applies. Refer to Figure 10-21-3C (1) for one (1) illustration of the following requirements:

(i) **Structure/canopy.** Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any primary street.

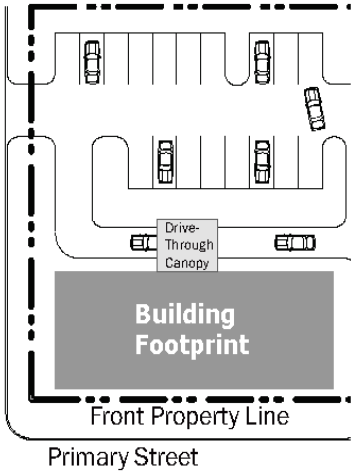



Figure 10-21-3C (1). Recommended drive-through Facility layout.

(ii) **Stacking lanes.** Stacking lanes shall be located perpendicular to the primary street or behind the building.

(iii) The canopy and structure shall be constructed of the same materials utilized on the building.

(g) **Home occupation.** An occupational use that is clearly subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.

(h) **Outdoor storage of goods.**

1. **Commercial uses.** This use includes outdoor storage of goods not typically housed or sold indoors, such as large scale materials and building and landscape supplies. In the districts where outdoor storage of goods is permitted with development standards ("◐"), the following apply:

   a. Loose materials shall not be stacked higher than six (6) feet.

   b. Loose materials shall at a minimum be stored in a three-sided shelter and shall be covered.

   c. Materials shall be set back a minimum of ten (10) feet from any property line.

   d. Materials shall not be located on required parking spaces or associated drive aisles.

   e. All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the side or rear buffer.

2. **Residential uses.** This use includes temporary storage of personal or household goods in personal on demand storage (PODS) containers. In the districts where outdoor storage of goods is permitted with development standards ("◐"), the following development standards apply:

   a. One (1) storage container can be located on a lot at a time.

   b. On-site storage of a container is permitted for up to two (2) months per year.

c. Containers shall not be located in the front yard, but permitted on a driveway.

(i) **Outdoor restaurant dining.** Commercial outdoor dining, serviced by an adjacent service use, and permitted in any yard. When in a side yard along the front lot line, the patio frontage buffer is required.

(j) **Parking lot.** An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by building type. Refer to section 10-21-4.

(k) **Parking structure.** A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking structures within the buildings are regulated per building type. Refer to section 10-21-4.

(l) Roadside produce stand or vending. Refer to section 10-21-1 for definition.

(m) **Sidewalk sales.** A temporary outdoor sale of merchandise by retail businesses, typically occurring on the sidewalk within the public right-of-way for a limited period of time. In the districts where a sidewalk sale is permitted with development standards "◐," the following apply:

(i) A minimum of four (4) feet of the sidewalk must remain available for passing pedestrians.

(ii) Sidewalk sales are permitted for up to three (3) days no more than six (6) times per calendar year.

(iii) Merchandise must be stored inside the building during non-business hours.

(iv) Merchandise sold shall either be regularly carried within the store, or have been regularly carried within the store in the past year.

(n) **Temporary storage containers.** Outdoor storage of personal or retail stock materials on a temporary basis within a portable storage container. When a temporary outdoor storage use is permitted with development standards "◐," the following apply.

(i) One (1) storage container may be located on a lot at a time.

(ii) On-site storage of a container is permitted for up to two (2) weeks; up to four (4) weeks is permitted with approval of the Zoning Administrator.

(iii) The container shall be located in the rear yard, screened by the building from any primary or secondary street.

(o) **Mobile food vendors**. A motorized or towed wheeled vehicle that is designed and equipped to sell food. Shall include both "hot trucks" upon which food is cooked and prepared for vending, and "cold trucks" from which only ready to eat or packaged foods are handled. Refer to section 10-3-14.

**Table 10-21-3C (1). List of Typical Uses in Retail Category**

| **Neighborhood Retail** (less than 8,000 square feet) | **General Retail** |
|---|---|
| Antique Shop | All Neighborhood Retail (over 8,000 square feet) |
| Art & Education Supplies | Appliance Sales & Service |
| Art Gallery | Department Store |
| Bakery, Retail | Drug Store/Pharmacy |
| Bicycle Sales & Repair | Furniture & Home Furnishings |
| Book, Magazine, & Newspaper Store | General Merchandise Stores |
| Camera & Photo Supply Store | Grocery Store |
| Candy Store | Medical Supply Store |
| China & Glassware Shop | Used Merchandise Stores (not including books, clothing & antiques) |
| Clothing & Clothing Accessories | |

| | |
|---|---|
| Coffee Shop<br>Computer Software Sales<br>Delicatessen<br>Electronic Sales & Service<br>Fabric & Craft Store<br>Florist<br>Garden Center/Plant Nursery<br>Gift, Novelty, & Souvenir Shop<br>Hardware Store<br>Hobby Shop<br>Jewelry Sales & Repair<br>Luggage & Leather Goods<br>Microbreweries, Microwineries<br>Music Store & Instruction<br>Musical Instrument Repair & Sales<br>Office Supply<br>Optical Goods<br>Paint & Wallpaper<br>Party Supply Shop<br>Pet & Pet Supply<br>Specialty Food Market (Butcher, Fish Market, Produce, etc.), with no alcohol sales<br>Sporting Goods Sales & Rental<br>Stationary & Paper Store<br>Toy Shop<br>Video/Game Sales<br>Wine Establishment (no liquor/beer) | |

| Table 10-21-3C (2). List of Typical Uses in Service Category | |
|---|---|
| **Neighborhood Service (less than 8,000 square feet)** | **General Service** |
| Amusement Arcade<br>Barber Shop & Beauty Salon<br>Catering/Carry-Out & Delivery<br>Communication Service<br>Childcare Centers<br>Dance/Fitness Studio<br>Dry Cleaning & Laundry<br>Emergency Care Clinic<br>Framing<br>Health & Fitness Center<br>Home Furniture & Equipment Repair<br>Locksmith<br>Mailing Services<br>Massage Establishments<br>Nail Salon & Specialty Body<br>Pet Grooming<br>Photocopying & Printing<br>Photography Studio & Supplies<br>Physical Therapy/Physical Rehabilitation<br>Repair of Small Goods & Electronics<br>Restaurant/Bar<br>Services (Spa)<br>Shoe Repair<br>Tailor & Seamstress<br>Theater<br>Travel Agency, Ticketing & Tour Operator<br>Veterinarian (no outdoor training, boarding or kennels) | All Neighborhood Services (over 8,000 square feet)<br>Bowling Alley |

| Table 10-21-3C (3). List of Typical Uses in Recreation/Entertainment Category |
|---|
| **Recreation/Entertainment** |
| Billiard Parlor<br>Boat Sales & Rental<br>Boat Storage<br>Indoor Playground<br>Indoor Shooting Gallery/Gun Range<br>Marina<br>Outdoor Music Venue<br>Railroad Passenger Station<br>Skating Rink<br>Stadium<br>Swimming Pool |

| Table 10-21-3C (4). List of Typical Uses in Office Category | |
|---|---|
| **Office** | |
| Architecture/Engineering/Design | PR & Advertising |
| Broadcasting & Telecommunications Studio | Professional Services |
| Building Contractor (office only) | Property Development |
| Business Consulting | Real Estate |
| Charitable Institutions | Research & Development |
| Clinic | Research Agency |
| Computer Programming & Support | Surveying |
| Detective Services | Tax Services |
| Educational Services (tutor & testing) | |
| Employment Agency | |
| Financial & Insurance | |
| Government Offices | |
| Legal Services | |
| Management Services | |
| Medical & Dental with Laboratory | |
| Motion Picture & Sound Recording Studio | |

| Table 10-21-3C (5). List of Typical Uses in Small-Scale Industry Category | |
|---|---|
| **Small-Scale Industry** | |
| Apparel & Finished Fabric Products | Products |
| Bakery & Confections | Research Laboratory |
| Beverages, including Beer, Wine, Coffee | Shoes & Boots |
| Botanical Products | Signs & Advertising |
| Brooms & Brushes | Smithing |
| Canning & Preserving Food | Taxidermy |
| Dairy Products | Toys & Athletic Goods |
| Electrical Fixtures | Upholstery |
| Engraving | Woodworking |
| Fabricated Metal Products | |
| Film Making | |
| Furniture & Fixtures | |
| Glass | |
| Jewelry, Watches, Clocks, & Silverware | |
| Leather Products | |
| Microbreweries, Microwineries | |
| Musical Instruments & Parts | |
| Pottery, Ceramics, & Related | |

C. **Building types:**

3. **Introduction to building type standards.** The buildings detailed in this section outline the building types permitted for new construction and renovated structures within the districts defined in section 10-21-2.

   a. **General.** All building types shall meet the following requirements to achieve the intents defined for the districts.

   b. **Zoning districts.** Each building type shall be constructed only within its designated districts. Refer to Table 10-21-4A (1) Permitted Building Types by Districts.

   c. **Uses**. Each building type can house a variety of uses depending on the district in which it is located. Refer to 15.3 for uses permitted per district. Some building types have additional limitations on permitted uses.

   d. **No other building types.** All buildings constructed shall meet the standards of one (1) of the building types within the zoning district of the lot.

   e. **Permanent structures.** All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

   f. **Accessory structures.**

      (1) Attached accessory structures are considered part of the principal structure.

      (2) Detached accessory structures are allowed per each building type and shall comply with all setbacks except the following:

         (g) Detached accessory structures are not permitted in the front yard.

         (h) Detached accessory structures shall be located behind the principal structure in the rear yard.

         (i) Detached accessory structures shall not exceed the height or size (area) of the principal structure.

4. **Page layout.** Document pages are laid out to provide the maximum amount of information for each building type on one (1) spread of two (2) pages. Refer to Figure 10-21-4A (1) for a typical building type layout page.

**Building Types by Districts**

| Building Types | Districts | | | | |
|---|---|---|---|---|---|
| | S1: Bridge Street | S2: Hydraulic Street | S3: Van Emmon Street | S4: 'B' Street | S5: 'B' Street - Residential |
| Downtown Commercial | ● | ● | ● | ● | |
| Downtown Living | | ● | ● | ● | |
| Cottage Commercial | ● | ● | ● | ● | |
| Civic Building | ● | ● | ● | ● | ● |
| Attached Building | | | ● | ● | ○ |
| Yard Building | | | | ○ | ● |

● Permitted ○ Requires Permit / Review

Table 10-21-4A (1). Permitted Building Types by District

3. **Tables**. Refer to section 10-21-4.B for further information on each table.

4. Graphics typically represent one (1) example of a building that could be developed utilizing the standards for that building type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

## How To Use The Code

### Page Layout

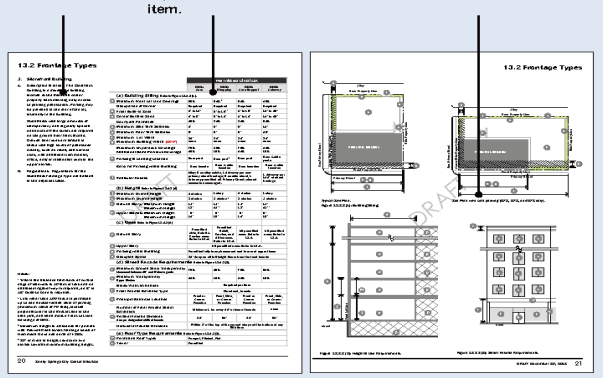
Building Type pages are laid out to provide the maximum amount of information for each Building Type on one spread of two pages.

Graphics typically represent one example of a building that could be developed utilizing the standards for that Building Type. Graphics are provided to illustrate general intent. In all cases, tables and text supercede graphic representations.

Intent of the Building Type.

Tables define the regulations for each Building Type. Refer to 10-21-4B Explanation of Building Type Table Standards for narrative explanation of each line item.

Graphics related to the tables on the left. Graphics typically represent one example of Building Type standards



One Building Type per Spread of Two Pages

Figure 10-21-4A (1). Representative Building Types Spread.

### Building Type Tables

Refer to 10-21-4B for an explanation of each line item on the tables. Building Type tables contain all the standards for that Building Type. They are organized by district, so only the information in a parcel's district is applicable to that parcel. The other columns do not apply.

For example, a parcel in CC1 only applies the standards from that column, illustrated below.

| | | Permitted Districts | | |
|---|---|---|---|---|
| | | CC1: Core | CC2: Shopping | CC3: Core Support |
| | **(a) Building Siting** Refer to Figure 13.2.2 (1). | | | |
| a | Minimum Front Lot Line Coverage | 95% | 90% [2] | 90% |
| | Occupation of Corner | Required | Required | Required |
| b | Front Build-to Zone | 0' to 10' | 5' to 15' [1] | 0' to 15' |
| c | Corner Build-to Zone | 0' to 5' | 5' to 10' | 0' to 10' |
| | Courtyard Permitted | 25% | 30% | 30% |
| d | Minimum Side Yard Setback | 0' | 5' | 5' |
| e | Minimum Rear Yard Setback | 5' | 5' | 5' |
| f | Minimum Lot Width | 30' | 30' | 30' |
| g | Maximum Building Width | none | none | none |
| | Maximum Impervious Coverage | 75% | 85% | 75% |
| | Additional Semi-Pervious Coverage | 25% | 15% | 20% |
| h | Parking & Loading Location | Rear yard | Rear yard [2] | Rear yard |
| | Entry for Parking within Building | Rear facade | Rear & side facades | Rear facades |
| i | Vehicular Access | Alley; if no alley exists, 1 driveway per non-primary street frontage; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| | **(b) Height** Refer to Figure 13.2.2 (2) | | | |
| j | Minimum Overall Height | 2 stories | 1 story | 2 stories |
| k | Maximum Overall Height | 8 stories | 8 stories [3] | 8 stories |
| l | Ground Story: Minimum Height | 14' | 14' | 14' |
| | Maximum Height | 18' | 24' [4] | 18' |
| m | Upper Stories: Minimum Height | 9' | 9' | 9' |
| | Maximum Height | 12' | 15' | 12' |
| | **(c) Uses** Refer to Figure 13.2.2 (2) | | | |
| n | Ground Story | Permitted Civic, Retail & Service uses. Refer to 13.6. | Permitted Retail, Service, and Office uses. Refer to 13.6. | All permitted uses. Refer to 13.6. |
| o | Upper Story | All permitted uses. Refer to 13.6. | | |
| p | Parking within Building | Permitted fully in any basement and in rear of upper floors | | |
| q | Occupied Space | 30' deep on all full height floors from the front facade | | |
| | **(d) Street Facade Requirements** Refer to Figure 13.2.2 (3). | | | |
| r | Minimum Ground Story Transparency Measured between 18" and 8' above grade | 75% | 65% | 75% |
| s | Minimum Transparency Upper Stories | 20% | 15% | 20% |
| | Blank Wall Limitations | Required per floor | | |
| t | Front Facade Entrance Type | Storefront, Arcade | | |
| u | Principal Entrance Location | Front or Corner Facades | Front, Side, or Corner Facades | Front or Corner Facades |
| | Number of Front Facade Entrances | Minimum 1 for every 60' or less of facade | | |
| v | Vertical Facade Divisions One per designated width of facade | 30' | 50' | 30' |
| | Horizontal Facade Divisions | Within 3' of the top of the ground story and the bottom of any fifth floor | | |
| | **(e) Roof Type Requirements** Refer to Figure 13.2.2 (3). | | | |
| w | Permitted Roof Types | Parapet, Pitched, Flat | | |
| x | Tower | Permitted | | |

Figure 10-21-4A (2). Building Type Table Example.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(a) Building Siting** | | |
| Multiple Principal Buildings | Not permitted | Not permitted |
| Minimum Front Lot Line Coverage | 95% | 65% |
| Occupation of Corner | Required | Required |
| Front Build-to Zone | 0' to 20' [1] | 5' to 20' [1] |
| Corner Build-to Zone | 0' to 5' | 0' to 10' |
| Minimum Side Yard Setback | 0' | 5' |
| Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential | |
| Minimum Lot Width<br>Maximum Building Width | 30'<br>none | 30'<br>none |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 75% [3]<br>25% | 65% [3]<br>15% |
| Parking & Loading Location | Rear yard | Rear yard |
| Entry for Parking within Building | Rear & Side Facades | |
| Vehicular Access | Alley; if no alley exists, 1 driveway per street frontage | |

EXAMPLE

**Table 10-21-4B (1). Example Building Siting Requirements Table from a Typical Building Type.**

5. **Explanation of building type table standards**. The following explains and further defines the standards outlined on the tables for each building type, refer to sections 10-21-4.C through 10-21-4.H.

   a. **Building siting.** The following explains the line item requirements for each building type table within the first section entitled "building siting". Table 10-21-4B (1) illustrates an example of a building siting table from a typical building type.

      (1) **Multiple principal structures.** The allowance of more than one (1) principal structure on a lot.

      (2) **Minimum front lot line coverage.** Refer to Figure 10-21-4B (1). Measurement defining the minimum percentage of street wall or building facade along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

         (a) Certain buildings have this number set to also allow the development of a courtyard along the front lot line.

         (b) Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If such an exemption is permitted, the width of up to one (1) double-loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a set maximum in feet.

         (c) When driveway is located at the front lot line (Figure 10-21-4B (1)) and a side yard parking is not utilized, a driveway width of twenty (20) feet may be deducted from the width of the BTZ and is not included in the calculation of the minimum front lot line.

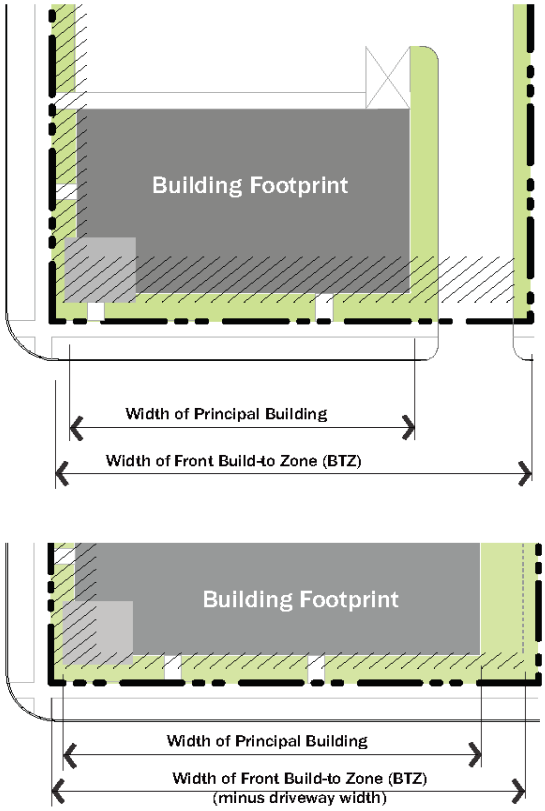



Figure 10-21-4B (1). Measuring Front Lot Line Coverage

c. **Occupation of corner.** Occupying the intersection of the front and corner build-to zones with a principal structure.

d. **Front build-to zone.** The build-to zone or setback parallel to the front lot line. Building components, such as awnings or signage, are permitted to encroach beyond the build-to zone.

(1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

e. **Corner build-to zone.** The build-to zone or setback parallel to the corner side property line.

(1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

f. **Minimum side yard setback.** The minimum required setback along a side property line.

(1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

g. **Minimum rear yard setback.** The minimum required setback along a rear property line.

(1) All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

h. **Minimum lot width.** The minimum width of a lot, measured at the build-to zone.

i. **Maximum building width.** The maximum width of a building, measured across the front facade.

j. **Maximum impervious coverage.** (Refer to Figure 10-21-4B (2).) The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces.

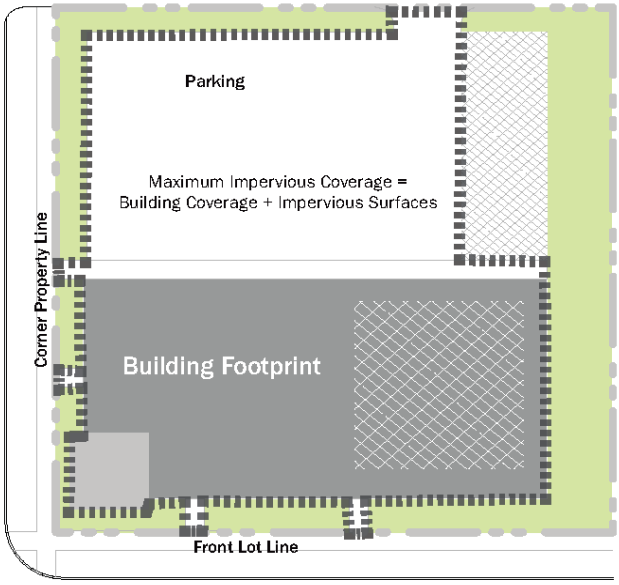



**Figure 10-21-4B (2). Maximum Impervious & Additional Semi-Pervious Coverage.**

k. **Additional semi-pervious coverage.** The additional percentage of a lot beyond the maximum impervious coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.

l. **Parking and loading location.** The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.

m. **Entry for parking within building.** Permitted garage door location for parking entrance when parking is located within building.

n. **Vehicular access.** The permitted means of vehicular ingress and egress to the lot.

(1) Alleys, when present, shall always be the primary means of access.

(2) When alleys are not present, a driveway may be permitted per building type and, if an alternative is available, shall not be located off a primary street.

2. **Height.** The following explains the line item requirements for each building type table within the second section entitled "height". Table 10-21-4B (2), illustrates an example of a height requirements table from a typical building type.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(b) Height** | | |
| Minimum Overall Height | 2 stories | 2 story |
| Maximum Overall Height | 5 stories | 5 stories |
| Ground Story: Minimum Height | 14' | 14' |
| Maximum Height | 18' | 18' |
| Upper Stories: Minimum Height | 9' | 9' |
| Maximum Height | 12' | 12' |

EXAMPLE

Table 10-21-4B (2). Example Height Requirements Table from a Typical Building Type.

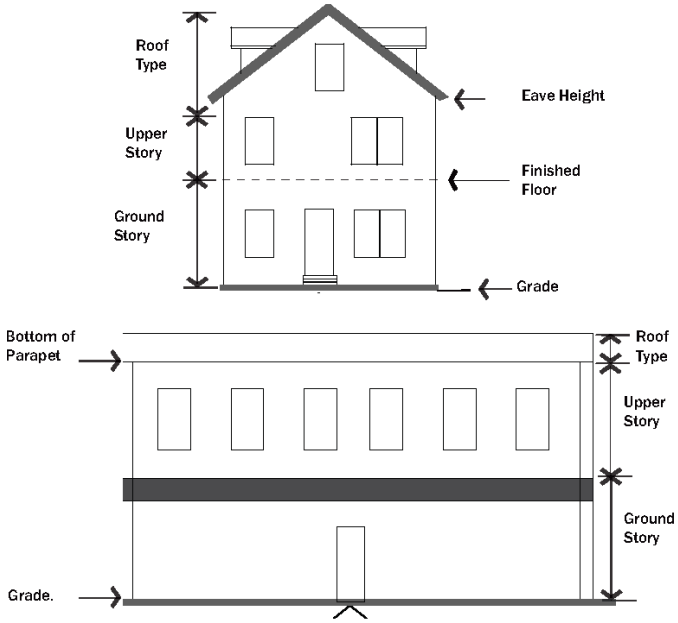



Figure 10-21-4B (3). Measuring Height

a. **Minimum height (in stories).** The minimum overall height for the building shall be located within the build-to zone; stories above the minimum height may be stepped back from the facade.

b. **Maximum height (in stories).** The sum of a building's total number of stories.

(1) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one-half story above grade.

(2) A building incorporating both a half story within the roof and a visible basement shall count the height of the two (2) half stories as one (1) full story.

(3) Some building types require a building facade to step back as its height increases. The upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.

(4) Floors within the building shall be visibly designated on the street facades by the use of expression lines or the layout of the windows.

c. **Ground story and upper story, minimum and maximum height.** (Refer to Figure 10-21-4B (3)). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:

(1) Floor height is measured in feet between the floor of a story to the floor of the story above it.

(2) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

(3) Double height spaces may be located along any non-street facade or in the entrance way to the building. The entrance way shall not exceed fifty percent (50%) of the street facade.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(c) Uses** | | |
| Ground Story | Per Section 15.3 Uses | |
| Upper Story | Per Section 15.3 Uses | |
| Parking within Building | Permitted fully in any basement and in rear of upper floors | |
| Occupied Space | 20' deep on all full height floors from the front facade | |

EXAMPLE

**Table 10-21-4B (3). Example Uses Table from a Typical Building Type.**

3. **Uses.** The following explains the line item requirements for each building type table within the third section entitled "uses." Refer to section 10-21-3 for uses permitted within each district. The requirements in this section of the building type tables may limit those uses within a specific building type. Table 10-21-4B (3) illustrates an example of the uses table from a typical building type.

a. **Ground and upper story.** The uses or category of uses which may occupy the ground and/or upper story of a building.

b. **Parking within building.** The area(s) of a building in which parking is permitted within the structure.

c. **Occupied space.** The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(d) Street Facade Requirements** | | |
| Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 65% | 65% |
| Minimum Transparency<br>Upper Stories | 20% | 20% |
| Blank Wall Limitations | Required per floor | |
| Front Facade Entrance Type | Storefront, Arcade | |
| Principal Entrance Location | Front or Corner Facades | |
| Number of Street Entrances | Minimum 1 for every 50' or less of facade | |
| Ground Story Vertical Divisions | One per every 30' of facade width | |
| Horizontal Facade Divisions | Within 3' of the top of the ground story and the bottom of any fifth floor | |
| Facade Variety Required<br>Refer to 15.4B.4(h) for requirements. | Every 80' of facade width | |

EXAMPLE

**Table 10-21-4B (4). Example Street Facade Requirements Table from a Typical Building Type.**

4. **Street facade requirements.** The following explains the line item requirements for each building type table within the fourth section entitled "street facade requirements." These requirements apply only to facades facing a public or private street right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated. Table 10-21-4B (4) illustrates an example of a street facade requirements table from a typical building type.

    a. **Minimum ground story and upper floor transparency. (Refer to Figure 10-21-4B (5)).** The minimum amount of transparency on street facades with street frontage.

        (1) Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.

            (a) Ground story transparency, when defined separately from the overall minimum transparency, shall be measured between two (2) feet and eight (8) feet from the base of the front facade.

            (b) A general minimum transparency requirement shall be measured from floor to floor of each story.

    b. **Blank wall limitations.** A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:

        (1) No rectangular area greater than thirty percent (30%) of a story's facade, as measured from floor to floor, may be windowless; and

        (2) No horizontal segment of a story's facade greater than fifteen (15) feet in width may be windowless.

5. **Entrance type.**

    a. **Front facade entrance type.** The entrance type(s) permitted for the entrance(s) of a given building type. A mix of permitted entrance types may be utilized. Refer to section 10-21-41 Entrance Types for definition of and additional requirements for each.

    b. **Principal entrance location.** The facade on which the primary building entrance is to be located.

    c. **Number of street entrances.** The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.

    d. **Ground story vertical divisions.** The use of a vertically oriented expression line or form to divide the ground floor facade into increments no greater than the dimension shown in Figure 10-21-41 (1), as measured along the base of the facade, and extending a minimum of eighty percent (80%) from the average grade of the facade elevation to the interior ceiling. Elements may include a column, pilaster, or other continuous vertical ornamentation.



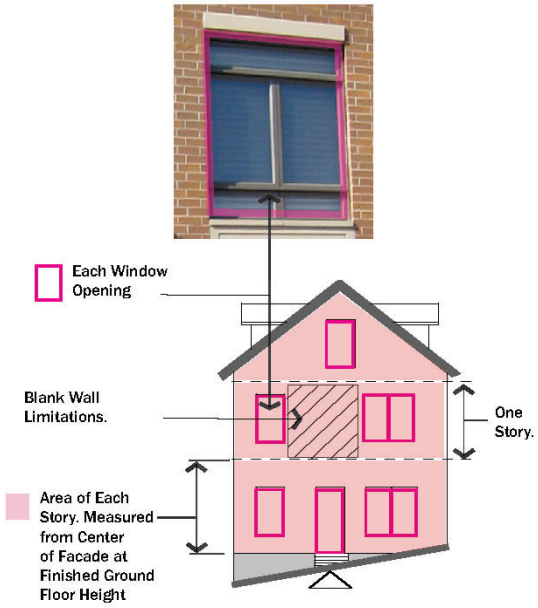

*Measuring Ground Floor Transparency on a Storefront Base.*

    e. **Horizontal facade divisions.** The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions, extending a minimum of ninety percent (90%) of the full width of the facade. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch (1½") depth.

f. **Facade variety requirements.** Building design shall vary between designated vertical facade divisions, where required per the building type, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two (2) of the following. Refer to Figure 10-21-4B (5) for one (1) illustration of this requirement.



Figure 10-21-4B (4). Building Variety.




*Measuring Transparency on Each Story with Slope.*

Figure 10-21-4B (5). Measuring Transparency.

Z.

(1) The proportion of recesses and projections.

(2) The location of the entrance and window placement, unless storefronts are utilized.

(3) Roof type, plane, or material, unless otherwise stated in the building type requirements.

6. **Roof type.** The following explains the line item requirements for each building type table in sections 10-21-4.C through 10-21-4.H, within the fifth section entitled "roof types." Table 10-21-4B (5) illustrates an example of a roof type requirements table from a typical building type.

| | Permitted Districts | |
|---|---|---|
| | District A | District B |
| **(e) Roof Type Requirements** | | |
| Permitted Roof Types | Parapet, Pitched, Flat | |
| Tower | Permitted | |

EXAMPLE

Table 10-21-4B (5). Example Roof Type Requirements Table from a Typical Building Type.

e. **Permitted roof type.** The roof type(s) permitted for a given building type. Refer to section 10-21-4.J for more specific requirements.

7. **Tower.** A vertical building extension that may be permitted in conjunction with another roof type on certain building types. Refer to section 10-21-4.J.

| | | Permitted Districts | | | |
|---|---|---|---|---|---|
| | | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| | **(a) Building Siting** Refer to Figures 10-21-4C (1) and 10-21-4C-(2) | | | | |
| | Multiple Principal Buildings | Permitted [1] | | | |
| a | Minimum Front Lot Line Coverage | 100% [2] | 75% | 90% [2] | 65% |
| | Occupation of Corner | Required [7] | | | |
| b | Front Build-to Zone | 0' to 5' | | | 0' to 10' |
| c | Corner Build-to Zone | 0' to 5' | 0' to 10' | | |
| d | Minimum Side Yard Setback | 0'; 5' if adjacent to other Building Type | | 5' | |
| e | Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [3] | | | |
| f | Minimum Lot Width | none | 16' | | |
| g | Maximum Building Width | none | none | | |
| | Maximum Impervious Coverage | 95% [4] | 80% [4] | | |
| | Additional Semi-Pervious Coverage | 5% | 20% | | |
| h | Parking & Loading Location | Rear yard; existing developed sites require no add'l parking and/or loading facilities | Rear Yard & Side Yard [5] | | |
| | Entry for Parking within Building | Rear & Side Facades | | | All Sides |
| i | Vehicular Access | none | Alley; if no alley exists, 1 driveway per every 80' of frontage is permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| | **(b) Height** Refer to Figure 10-21-4C (3) | | | | |
| j | Minimum Overall Height | 2 stories | 1 story | | |
| k | Maximum Overall Height | 6 stories (with min. 3' setback at 3 stories) | 4 stories | | |
| l | Ground Story: Minimum Height | 14' | 12' | 14' | 12' |
| | Maximum Height | 24' [6] | 24' [6] | 24' [6] | 24' [6] |
| m | Upper Stories: Minimum Height | 9' | | | |
| | Maximum Height | 14' | | | |
| | **(c) Uses** Refer to Figure 10-21-4C (3) | | | | |
| n | Ground Story | Per Section 10-21-3 Uses; residential permitted provided that it is located at least 20' from the front primary facade | | | |
| o | Upper Story | Per Section 10-21-3 Uses | | | |
| p | Parking within Building | Permitted fully in any basement and in rear of all floors | | | |
| q | Occupied Space | 20' deep on all full height floors from the front facade | | | |
| | **(d) Street Facade Requirements** Refer to Figure 15.4C (4) | | | | |
| r | Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 50% | | | 30% |
| s | Minimum Upper Story Transparency<br>Street-Facing Stories | 20% | | 15% | |
| t | Front Facade Entrance Type | Storefront, Elevated Storefront (permitted only on parcels in flood hazard areas per Section 18 of the City's Code of Ordinances) | | | |
| u | Principal Entrance Location | Front or Corner Facades | | | |
| | Number of Street Entrances | Minimum 1 for every 30' or less of facade | Minimum 1 for every 50' or less of facade | | Minimum 1 for every 80' or less of facade |
| | Ground Story Vertical Divisions | One per every 20-40' of facade width | | | |
| | Horizontal Facade Divisions | Within 3' of top of ground story and the bottom of any fifth floor | | Within 3' of top of ground story | |
| | Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Every 40' of facade width | | Every 50' of facade width | |
| | **(e) Roof Type Requirements** Refer to Figure 10-21-4C (4) | | | | |
| v | Permitted Roof Types | Parapet, Pitched, Flat | | | |
| | Tower | Permitted | | | |

**6. Downtown commercial building.**

a. **Description and intent.** The downtown commercial building is a building located at the front and corner property lines allowing easy access to passing pedestrians. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, no off-street parking is required.

b. Storefronts with large amounts of transparency and regularly spaced entrances off the street are utilized on the ground floor front facade. Ground floor uses are limited to those with high levels of pedestrian activity, such as retail, service, and office uses, with additional commercial, office, and/or residential uses in the upper stories.

c. **Regulations.** Regulations for the downtown commercial building type are defined in the adjacent table.

d. **Table Notes:**

(1) Each building shall meet all requirements of the Building Type.

(2) A max. six (6) foot gap is allowed if it serves as a walkable passage.

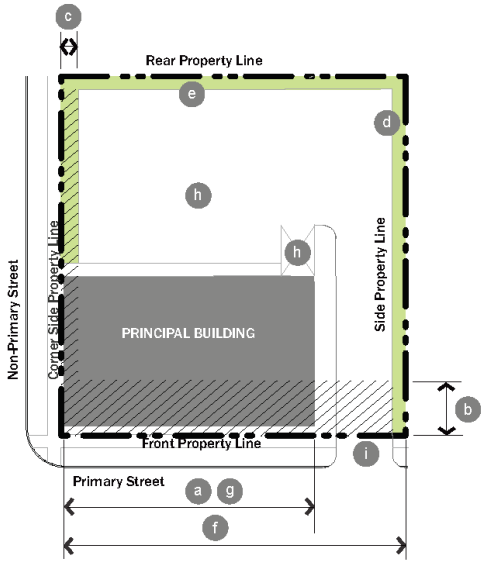
(3) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

e. Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

f. Lots wider than one hundred (100) feet are permitted one double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line and shall meet a Front Lot Line Coverage of sixty percent (60%).

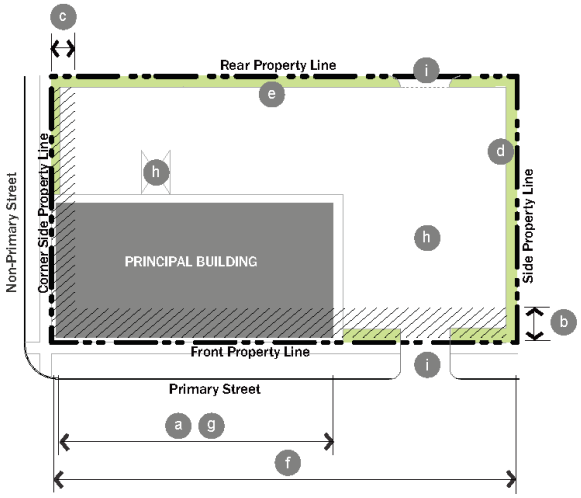
g. Eighteen (18) feet or more in height counts as two (2) stories towards maximum building height.

h. Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Typical Site Plan.*

Figure 10-21-4C (1): Building Siting.




*Site Plan with side parking (S 2 and S4 only).*

Figure 10-21-4C (2): Building Siting.

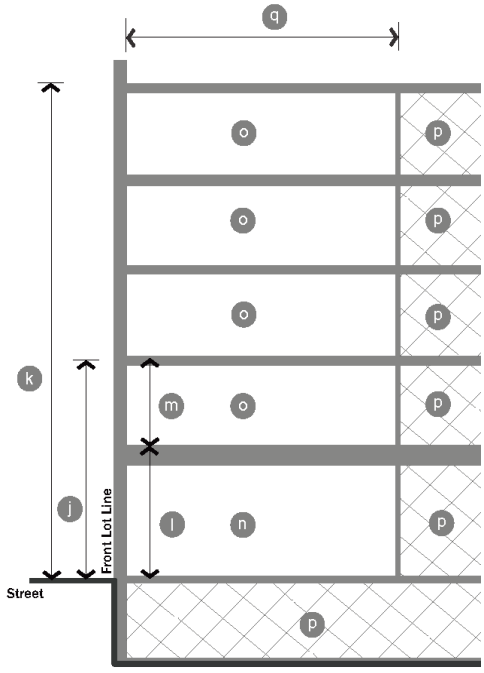



Figure 10-21-4C (3): Height & Use Requirements.

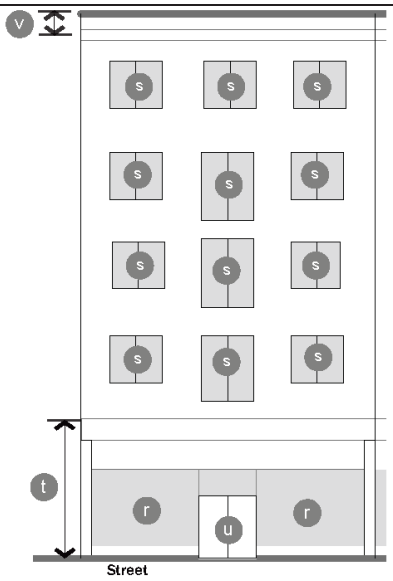



Figure 10-21-4C (4): Street Facade Requirements.

| | | Permitted Districts | | |
|---|---|---|---|---|
| | | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| | **(a) Building Siting** Refer to Figures 10-21-4D (1) and 10-21-4D (2) | | | |
| | Multiple Principal Buildings | Permitted [1] | | |
| a | Minimum Front Lot Line Coverage | 75% | | 50% |
| | Occupation of Corner | Required [5] | | |
| b | Front Build-to Zone | 5' to 15' | | 5' to 20' |
| c | Corner Build-to Zone | 0' to 10' | | 5' to 20' |
| d | Minimum Side Yard Setback | 5' | | 10' |
| e | Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [2] | | |
| f<br>g | Minimum Lot Width<br>Maximum Building Width | 16'<br>none | | |
| | Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 65% [3]<br>20% | 75% [3]<br>20% | 65% [3]<br>20% |
| h | Parking & Loading Location | Rear yard [4], Side Yard | | |
| | Entry for Parking within Building | Rear & Side Facades | | |
| i | Vehicular Access | Alley; if no alley exists, 1 driveway per every 80' of frontage is permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | |
| | **(b) Height** Refer to Figure 10-21-4D (3) | | | |
| j | Minimum Overall Height | 1 story | | |
| k | Maximum Overall Height | 4 stories | | |
| l | All Stories: Minimum Height<br>Maximum Height | 9'<br>14' | | |
| | **(c) Uses** Refer to Figure 10-21-4D (3). | | | |
| m | All Stories | Per Section 10-21-3 Uses; residential dwelling allowed provided that it is located at least 20' from the front primary facade | | |
| n | Parking within Building | Permitted fully in any basement and in rear of all floors | | |
| o | Occupied Space | 20' deep on all full height floors from the front facade | | |
| | **(d) Street Facade Requirements** Refer to Figure 10-21-4D (4). | | | |
| p | Minimum Transparency<br>Per each Story | 20% | | |
| q | Front Facade Entrance Type | Stoop, Porch | | |
| r | Principal Entrance Location | Front facade or corner facade | | |
| | Number of Street Entrances | Minimum 1 for every 100' or less of facade | | |
| | Ground Story Vertical Divisions | Every 60' of facade width | | |
| | Horizontal Facade Divisions | Within 3' of the top of the ground story and any visible basement | | |
| | Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Every 50' of facade width | | |
| | **(e) Roof Type Requirements** Refer to Figure 10-21-4D (4) | | | |
| s | Permitted Roof Types | Parapet, pitched, flat | | |
| t | Tower | Permitted | | |

4. **Downtown living building.**

   a. **Description and intent.** The downtown living building type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to the downtown commercial building, the downtown living building is intended to be built close to the front and corner property lines, but generally allows for more landscape space between the building and the street. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one (1) double-loaded aisle of parking is permitted in the interior or the side yard at the front lot line.

   b. **Regulations.** Regulations for the downtown living building type are defined in the adjacent table.

   c. **Table Notes:**

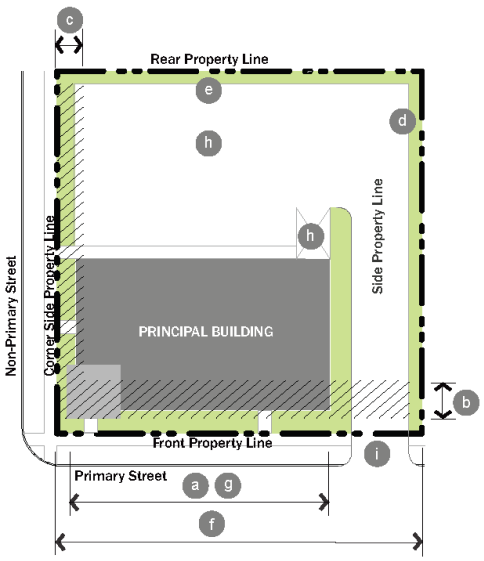
      (1) Each building shall meet all requirements of the Building Type.

      (2) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

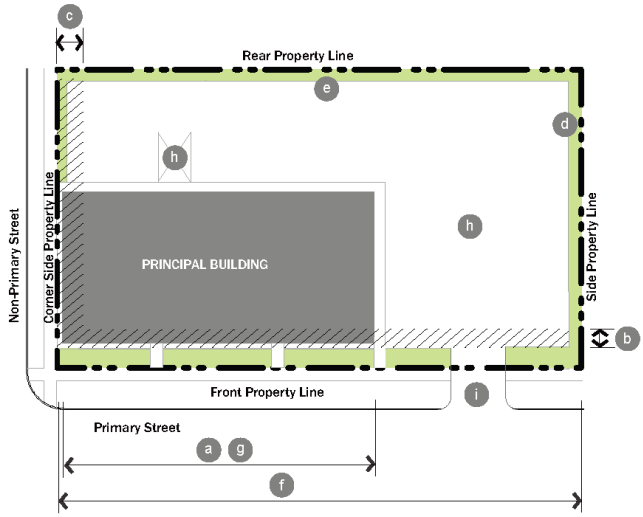
(3) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(4) Lots wider than one hundred (100) feet are permitted one (1) double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line and shall meet a Front Lot Line Coverage of sixty percent (60%).

(5) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Typical Site Plan.*
Figure 10-21-4D (1): Building Siting.




*Site Plan with side parking (S 3 and S 4 only).*
Figure 10-21-4D (2): Building Siting.

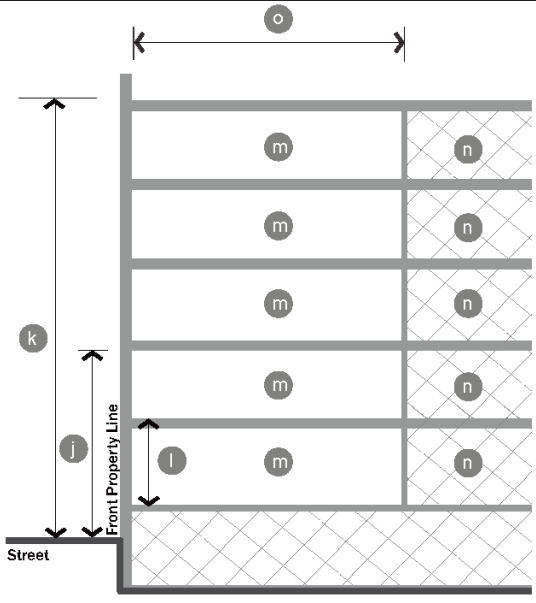



Figure 10-21-4D (3): Height & Use Requirements.

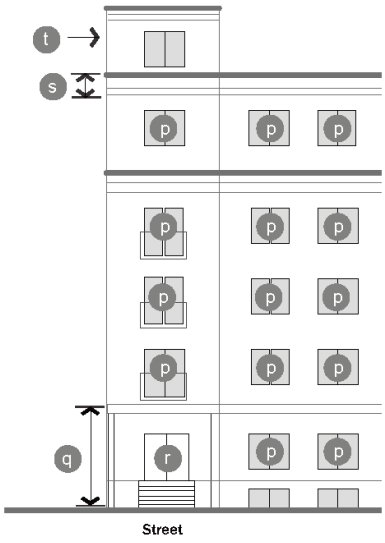



Figure 10-21-4D (4): Street Facade Requirements.

| | Permitted Districts | | | |
|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street |
| **(a) Building Siting** Refer to Figure 10-21-4E (1) | | | | |
| Multiple Principal Buildings | Refer to District Street Details | | | |
| a Minimum Front Lot Line Coverage | 60% | 50% | | 40% |
| Occupation of Corner | Required [6] | | | |
| b Front Build-to Zone | 5' to 10' | 5' to 20' | | |
| c Corner Build-to Zone | 5' to 10' | 5' to 25' | | 5' to 15' |
| d Minimum Side Yard Setback | 10' | 15' | | |
| e Minimum Rear Yard Setback | 25' [2] | | | |
| f Minimum Lot Width<br>g Maximum Building Width | 25'<br>50' | | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 70% [3]<br>15% | | 60% [3]<br>15% | |
| h Parking & Loading Location | Rear yard; attached garages access off rear facade only. [4,5] | | | |
| Entry for Parking within Building | Not Permitted on Primary Street | | | |
| i Vehicular Access | Alley; if no alley exists, 1 driveway permitted off non-Primary street; if no side street, 1 driveway permitted off Primary Street; shared access is encouraged. | | | |
| **(b) Height** Refer to Figure 10-21-4E (2) | | | | |
| j Minimum Overall Height | none | | | |
| k Maximum Overall Height | 3.5 stories | | | |
| l Minimum Ground Story Height | 10' | | | |
| **(c) Uses** Refer to Figure 10-21-4E (2) | | | | |
| m Ground Story | Per Section 10-21-3 Uses | | | |
| n Upper Stories | Per Section 10-21-3 Uses | | | |
| o Parking within Building | Not Permitted on Primary Street | | | |
| p Occupied Space | 20' deep on all full height floors from the front facade | | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21-4E (3) | | | | |
| q Minimum Ground Story Transparency<br>Measured between 2' and 8' above grade | 40% | 30% | | |
| r Minimum Transparency<br>Upper Stories | 15% | | | |
| Blank Wall Limitations | Required per floor | | | |
| s Front Facade Entrance Type | Porch (Storefront, Elevated Storefront permitted only on parcels in flood hazard areas per Section 18 of the City's Code of Ordinances; Stoop permitted with design review | | | |
| t Principal Entrance Location | Front or corner side facade | | | |
| Number of Street Entrances | Minimum 1 per Building | | | |
| Ground Story Vertical Divisions | Not required | | | |
| Horizontal Facade Divisions | Within 3' of the top of any visible basement | | | |
| Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Between adjacent buildings | | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21-4E (3) | | | | |
| u Permitted Roof Types | Pitched | | | |
| Tower | Permitted | | | |

**5. Cottage commercial building.**

a. **Description and intent.** The cottage commercial building combines characteristics of the downtown commercial building type with physical characteristics of a residential cottage, such as a pitched roof and a front stoop or porch.

b. This lower-scale building has a pedestrian-friendly storefront, stoop, or porch entrance type with moderate transparency and a primary entrance that faces the street. Constructed with setbacks similar to a residential cottage, this building typically has more landscape area than the downtown commercial building types. Parking is permitted in the rear of the lot or a side aisle (with conditions).

c. The cottage commercial building may contain a mix of uses, including retail, service, and office uses on the ground floor, with residential uses on upper floors.

d. **Regulations.** Regulations for the cottage commercial building type are defined in the adjacent table.

(1) **Table Notes:**

(a) Each building shall meet all requirements of the Building Type.

(b) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(d) Lots wider than eighty (80) feet are permitted one (1) single-loaded aisle of parking (maximum width of forty (40) feet), located perpendicular to the front lot line, and shall meet a Front Lot Line Coverage of fifty percent (50%).

(e) Attached garages are considered part of the principal building and shall meet all setbacks Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

(f) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.

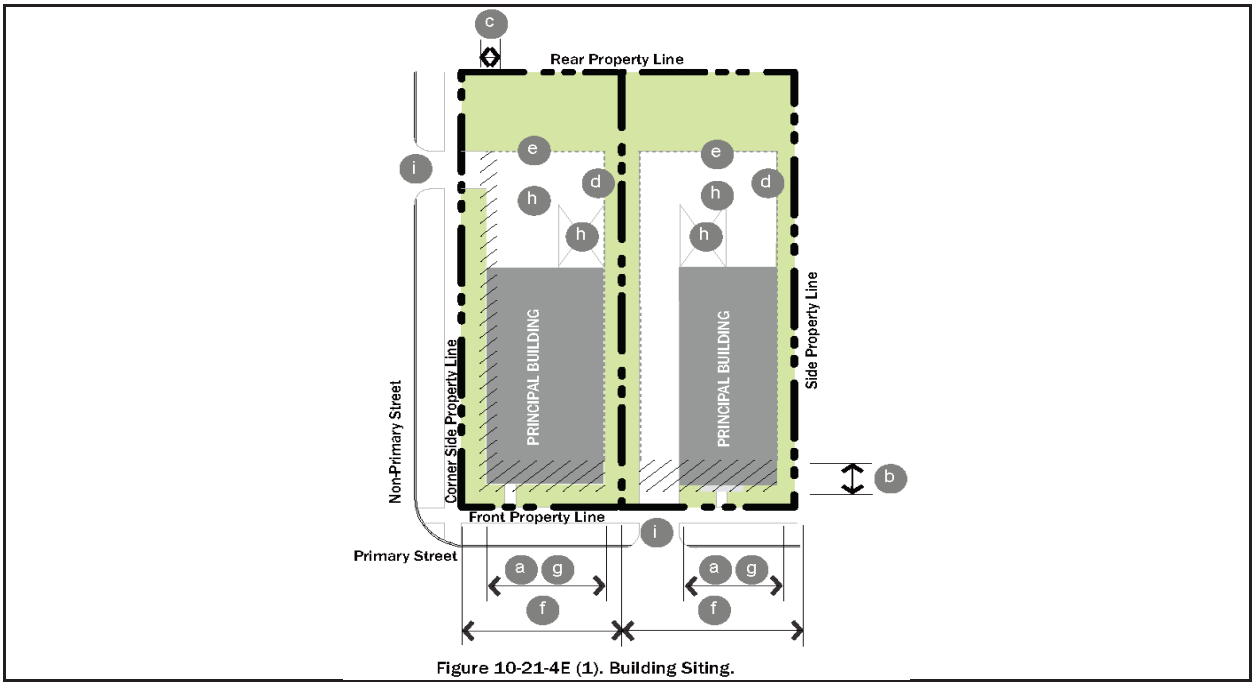



Figure 10-21-4E (1). Building Siting.

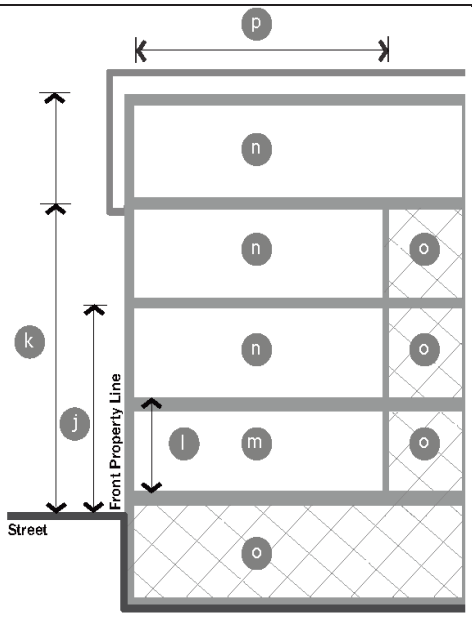



Figure 10-21-4E (2) Height & Use Requirements.

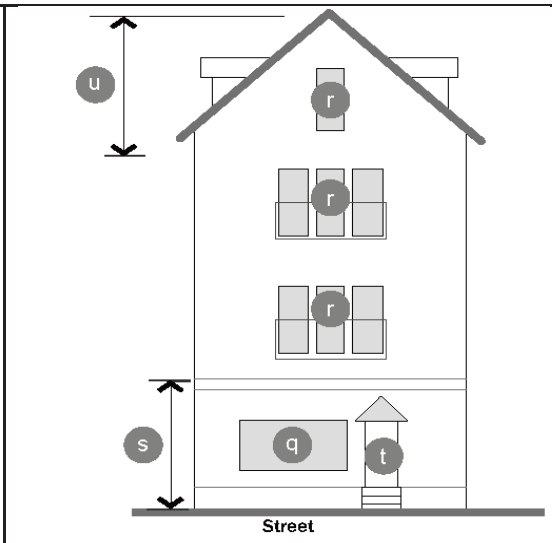



Figure 10-21-4E (3). Street Facade Requirements.

| | Permitted Districts | | | | |
|---|---|---|---|---|---|
| | S 1: Bridge Street | S 2: Hydraulic Street | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street Residential |
| **(a) Building Siting** Refer to Figure 10-21-4F (1) | | | | | |
| Multiple Principal Buildings | Refer to District Street Details | | | | |
| Minimum Front Lot Line Coverage | Refer to District Street Details | | | | |
| Occupation of Corner | Required [5] | | | | |
| (a) Front Build-to Zone | 0' to 10' | 0' to 15' | | | |
| (b) Corner Build-to Zone | | | | | |
| (c) Minimum Side Yard Setback | 5' | | 10' | | |
| (d) Minimum Rear Yard Setback | 5'; 25' if located adjacent to residential [1] | | | | |
| (e) Minimum Lot Width<br>Maximum Building Width | 16'<br>none | 30'<br>none | | | |
| Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 70% [2]<br>20% | | 70% [2]<br>10% | | 50% [2]<br>20% |
| (f) Parking & Loading Location | Rear yard [3] | | | | |
| Entry for Parking within Building | Rear & Side Facades | | | | |
| (g) Vehicular Access | Alley | Alley; if no alley exists, 1 driveway is permitted per street frontage | | | |
| **(b) Height** Refer to Figure 10-21-4F (2) | | | | | |
| (h) Minimum Overall Height | 1 story | | | | |
| (i) Maximum Overall Height | 6 stories (with min. 3' setback at 3 stories) | 4 stories | | | 3 stories |
| (j) Ground Story: Minimum Height<br>Maximum Height | 14'<br>24' [4] | 12'<br>24' [4] | 14'<br>24' [4] | 12'<br>24' [4] | 12'<br>18' [4] |
| (k) Upper Stories: Minimum Height<br>Maximum Height | 9'<br>14' | | | | 9'<br>12' |
| **(c) Uses** Refer to Figure 10-21-4F(2) | | | | | |
| (l) All Stories | Limited to uses in the Civic category and Entertainment Uses by Special Use. Refer to 15.3 Uses. | | | | |
| (m) Parking within Building | Permitted fully in any basement and in rear of all floors | | | | |
| (n) Occupied Space | 30' deep on all full height floors from the front facade | | | | |
| **(d) Street Facade Requirements** Refer to Figure 10-21-4F (3) | | | | | |
| (o) Minimum Transparency<br>Per each Story | 12% | | | | |
| Blank Wall Limitations | None | | | | |
| (p) Front Facade Entrance Type | None required | | | | |
| (q) Principal Entrance Location | Front or corner Facade | | | | |
| Number of Street Entrances | 1 per each 150' of front facade | | | | |
| Ground Story Vertical Divisions | none required | | | | |
| Horizontal Facade Divisions | none required | | | | |
| Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | none required | | | | |
| **(e) Roof Type Requirements** Refer to Figure 10-21-4F (3) | | | | | |
| (r) Permitted Roof Types | Parapet, Pitched, Flat, Other Roofs with approval per 10-21-4J | | | | Pitched |
| (s) Tower | Permitted | | | | |

6. **Civic building.**

a. **Description and intent**. The civic building type is a more flexible building type intended only for civic and institutional types of uses. These buildings are distinctive within the community fabric created by the other building types. Parking is limited to the rear in most cases. The maximum heights of this building type depend on the district within which it is located.

b. **Regulations.** Regulations for the civic building type are defined in the adjacent table.

(1) **Table Notes:**

(a) If located adjacent to flood hazard area, refer to requirements of the Yorkville Stormwater Ordinance No. 2012-56. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(b) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

(c) Lots wider than one hundred (100) feet are permitted one (1) double-loaded aisle of parking (maximum width of seventy (70) feet), located perpendicular to the front lot line.

(d) Eighteen (18) feet or more in height counts as two (2) stories towards maximum building height.

(e) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.

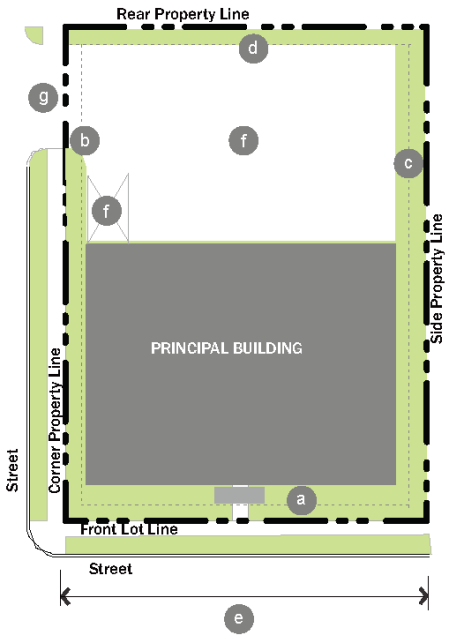



Figure 10-21-4F (1). Building Siting.

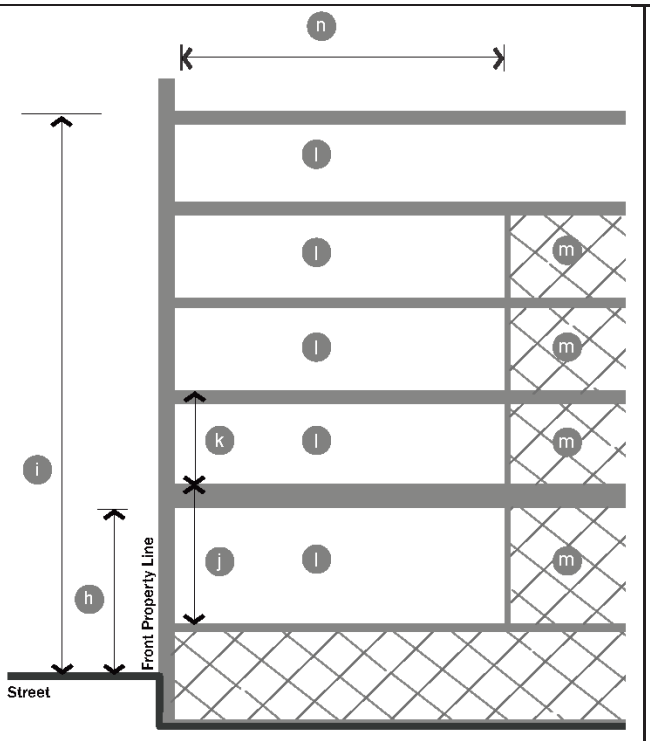



Figure 10-21-4F (2). Height & Use Requirements.

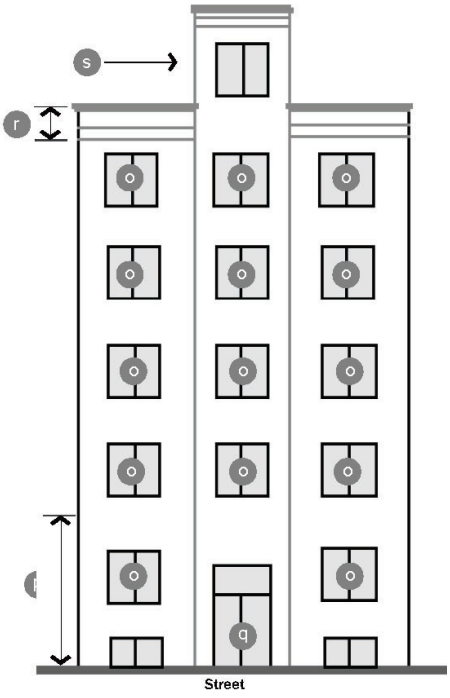



Figure 10-21-4F (3). Street Facade Requirements.

| | | Permitted Districts | | |
|---|---|---|---|---|
| | | S 3: Van Emmon Street | S 4: 'B' Street | S 5: 'B' Street Residential |
| | **(a) Building Siting** Refer to Figures 10-21-4G (1) and 10-21-4G (2) | | | |
| | Multiple Principal Buildings | Permitted [1] | | |
| a | Minimum Front Lot Line Coverage | 75% [2] | 70% [2] | 65% [2] |
| | Occupation of Corner | Required [5] | | |
| b | Front Build-to Zone | 5' to 20' | 10' to 20' | 10' to 25' |
| c | Corner Build-to Zone | 5' to 10' | 10' to 15' | |
| d | Minimum Side Yard Setback | 0' per unit; 10' between buildings' | | 0' per unit; 15' between buildings' |
| e | Minimum Rear Yard Setback | 15', if alley present 5' | | 20', if alley present 5' |
| f | Minimum Unit Width | 16' per unit | 16' per unit | 18' per unit |
| g | Maximum Building Width | Maximum 8 units per building | Maximum 6 units per building; maximum 120' width | Maximum 6 units per building; maximum 120' width |
| | Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 65% [3]<br>20% | 60% [3]<br>20% | 50% [3]<br>20% |
| h | Parking & Garage Location | Rear yard; attached garages access off rear facade only. [4] | | |
| i | Vehicular Access | Alley; if no alley exists, one driveway is permitted per building | | |
| | **(b) Height** Refer to Figure 10-21-4G (3) | | | |
| j | Minimum Overall Height | 1 story | | |
| k | Maximum Overall Height | 4 stories | 3.5 stories | 3 stories |
| l | Minimum Ground Floor Height: | 12' | | |
| | **(c) Uses** Refer to Figure 10-21-4G (3) | | | |
| m | All Stories | Residential only | | |
| n | Parking within Building | Permitted fully in any basement and in rear of all floors | | |
| o | Occupied Space | 30' deep on all full height floors from the front facade | | |
| | **(d) Street Facade Requirements** Refer to Figure 10-21-4G (4) | | | |
| p | Minimum Transparency per each Story | 15% | 12% | |
| q | Front Facade Entrance Type | Stoop, Porch | | |
| | Principal Entrance Location | Front or Corner Side Facade | | |
| r | Number of Street Entrances | 1 per unit | | |
| | Ground Story Vertical Divisions | none required | | |
| | Horizontal Facade Divisions | none required | | |
| | Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Between adjacent buildings | | |
| | **(e) Roof Type Requirements** Refer to Figure 10-21-4G (4) | | | |
| s | Permitted Roof Types | Parapet, Pitched, Flat | | |
| | Tower | Permitted | | |

**7. Attached building.**

a. **Description and intent.** The attached building is a building comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or rowhouses.

b. Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

c. **Regulations.** Regulations for the attached building type are defined in the adjacent table.

**(1) Table Notes:**

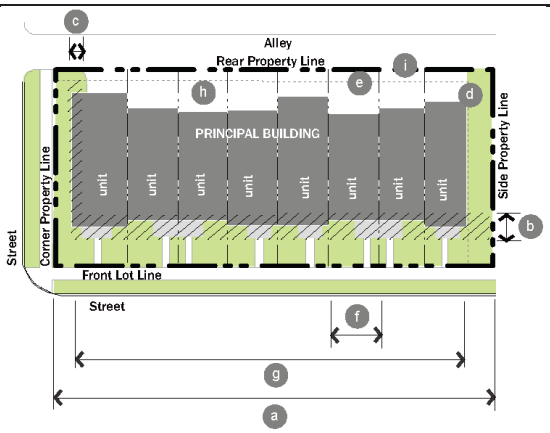
(a) For the purposes of the Attached Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot within the minimum space between them. However, each building shall meet all requirements of the Building Type.

(b) Each building shall meet the front lot line coverage requirement, except one (1) of every five (5) units may front a courtyard with a minimum width of thirty (30) feet. The courtyard shall be defined on three (3) sides by units.

(c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

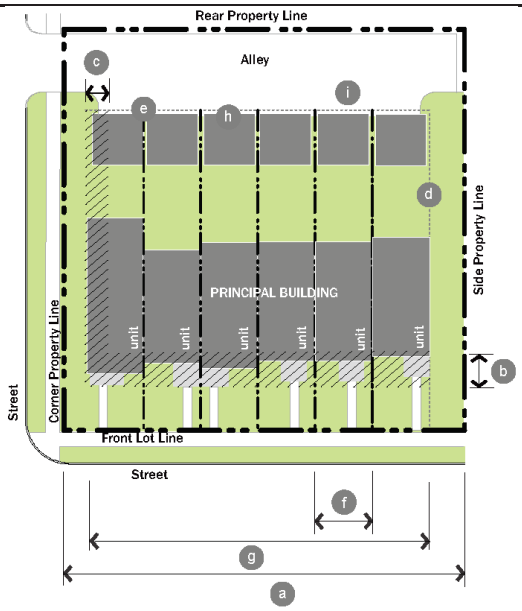
(d) Attached garages are considered part of the principal building and shall meet all setbacks. Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

(e) Corner Clearance: No building, structures or landscaping which obstructs vision on any corner lot between a height of two (2) feet and ten (10) feet above the finished grade of either street within a twenty-five (25) foot triangle formed by the intervening street lines are permitted.




*Site Plan without Rear Yard*

Figure 10-21-4G (1): Building Siting.




*Site Plan with Rear Yard*

Figure 10-21-4G (2): Building Siting.

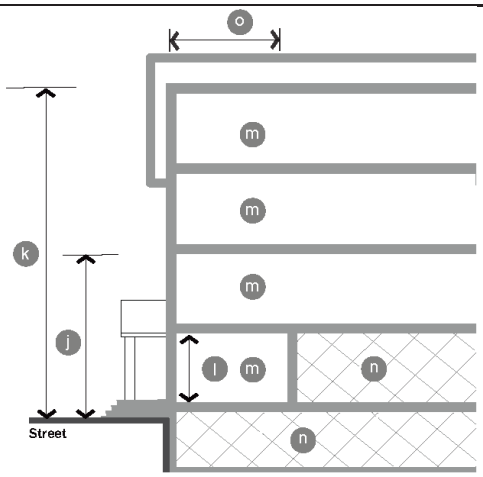



Figure 10-21-4G (3): Height & Use Requirements.

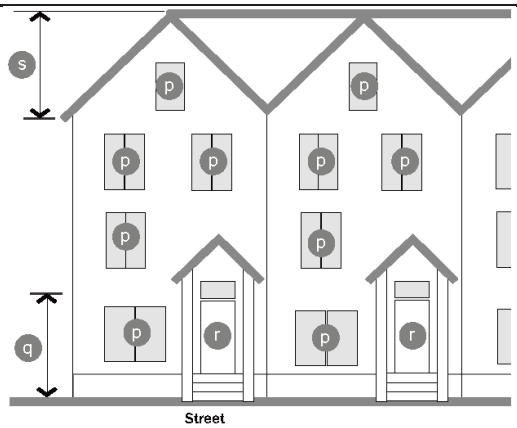



Figure 10-21-4G (4): Street Facade Requirements.

| | | Permitted Districts | |
|---|---|---|---|
| | | S 4: 'B' Street | S 5: 'B' Street Residential |
| | **(a) Building Siting** Refer to Figure 10-21-4H (1) | | |
| | Multiple Principal Buildings | Permitted [1] | |
| a | Minimum Front Lot Line Coverage | 50% [2] | 40% |
| b | Occupation of Corner | Required | |
| c | Front Build-to Zone | 10' to 20' | 10' to 25' |
| | Corner Build-to Zone | 10' to 20' | 10' to 25' |
| d | Minimum Side Yard Setback | 5' | 7.5' |
| e | Minimum Rear Yard Setback | 35', if alley present 5' | |
| f | Minimum Lot Width<br>Maximum Lot Width | 30'<br>50' | 30'<br>70' |
| g | Maximum Impervious Coverage<br>Additional Semi-Pervious Coverage | 60% [3]<br>20% | 50% [3]<br>20% |
| h | Parking & Garage Location | Rear yard; attached garages access off rear or side facade only. [4] | |
| | Vehicular Access | Alley; if no alley exists, one driveway is permitted per building | |
| | **(b) Height** Refer to Figure 10-21-4H (2) | | |
| i | Minimum Overall Height | 1 story | |
| j | Maximum Overall Height | 3.0 stories | |
| k | All Stories: Minimum Height<br>Maximum Height | 9'<br>14' | |
| | **(c) Uses** Refer to Figure 10-21-4H (2) | | |
| l | All Stories | Residential only | |
| m | Parking within Building | Permitted | |
| n | Occupied Space | 30' | |
| | **(d) Street Facade Requirements** Refer to Figure 10-21-4H (3) | | |
| o | Minimum Transparency per each Story | 12% | |
| p | Front Facade Entrance Type | Stoop, porch | |
| q | Principal Entrance Location | Front or side facade | |
| | Number of Street Entrances | Any | |
| | Ground Story Vertical Divisions | None required | |
| | Horizontal Facade Divisions | None required | |
| | Facade Variety Required<br>Refer to 10-21-4B(4)(h) for requirements. | Between adjacent buildings | |
| | **(e) Roof Type Requirements** Refer to Figure 10-21-4H (3) | | |
| r | Permitted Roof Types | Parapet, Pitched, Flat | Pitched |
| | Tower | Not permitted | |

8. **Yard building.**

   a. **Description and intent.** The yard building is a residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley.

   b. **Regulations**. Regulations for the yard building type are defined in the adjacent table.

      (1) **Table Notes:**

         (a) Each building shall meet all requirements of the Building Type.

         (b) When multiple buildings are located on a single lot, the buildings shall collectively meet the front lot line coverage requirement. Buildings located internal to the lot may be arranged with a courtyard or bungalow court that is a minimum of twenty (20) feet in width. The width of the courtyard shall be exempt from minimum front lot line coverage requirements. The courtyard or bungalow court shall be defined on three (3) sides by units. This layout shall not be allowed on corner lots, only lots internal to a block segment.

         (c) Maximum Impervious Coverage shall be applied only to all non-flood hazard areas. Refer to FEMA National Flood Hazard Layer FIRMette maps for all flood hazard areas.

         (d) Attached garages are considered part of the principal building and shall meet all setbacks. Detached garages shall meet all setbacks unless an alley is present. When an alley is present, detached garages shall have a minimum rear setback of five (5) feet.

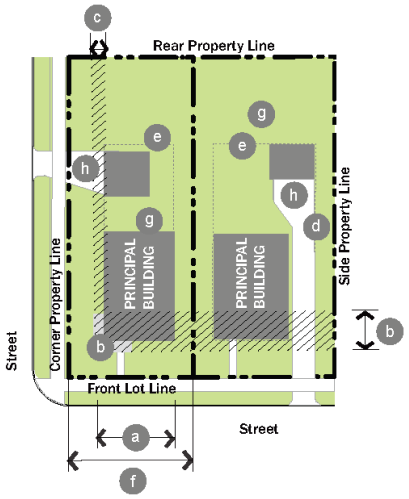



Figure 10-21-4H (1). Building Siting.

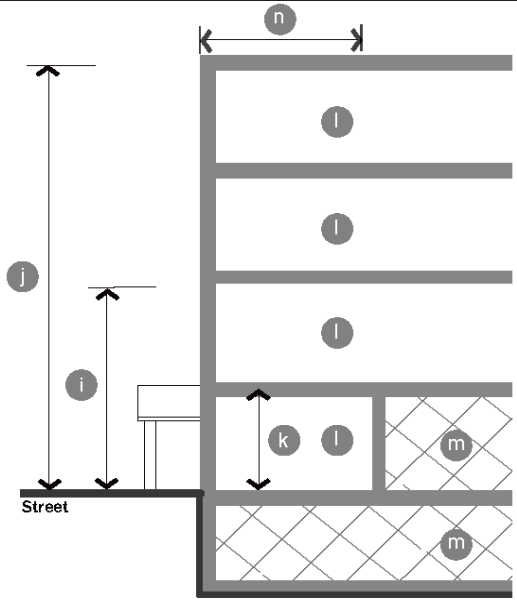



Figure 10-21-4H (2). Height and Use Requirements.

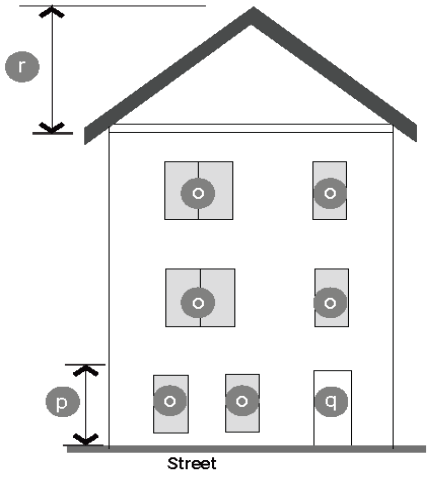



Figure 10-21-4H (3). Street Facade Requirements.

9. **Entrance types.** Entrance type standards apply to the ground story and visible basement of front facades of all building types as defined in this section. Refer to the building type table requirements, sections 10-21-4.C through 10-21-4.H.

   a. **General.** The following provisions apply to all entrance types:

      (1) **Intent.** To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each building type standard (refer to building types 10-21-4.C through 10-21-4.H).

      (2) **Applicability.** The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one (1) of the permitted entrance types, unless otherwise stated.

      (3) **Measuring transparency.** Refer to section 10-21-4.B Explanation of building type table standards, for information on measuring building transparency.

      (4) **Visible basements.** Visible basements, permitted by entrance type, are optional. The visible basement shall be a maximum of one-half (½) the height of the tallest story.

   b. **Storefront entrance type.** Refer to Figure 10-21-41 (1). The Storefront entrance type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

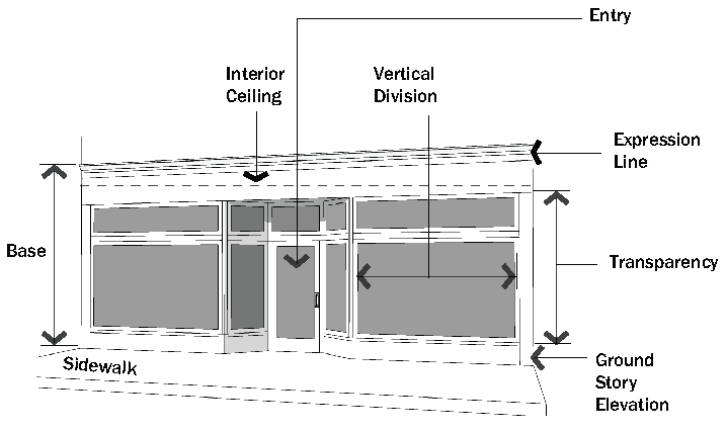



Figure 10-21-41 (1). Storefront Entrance Type.

      (1) **Transparency**. Minimum transparency is required per building type.

      (2) **Elevation.** Storefront elevation shall be between zero (0) and one (1) foot above street sidewalk.

      (3) **Visible basement.** A visible basement is not permitted.

      (4) **Horizontal facade division.** Horizontally define the ground story facade from the upper stories.

      (5) **Entrance.** All entries shall be recessed from the front facade closest to the street.

         (a) Recess shall be a minimum of three (3) feet and a maximum of eight (8) feet deep, measured from the portion of the front facade closest to the street.

         (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight (8) feet.

c. **Elevated storefront entrance type.** Refer to Figure 10-21-41 (2). The elevated storefront entrance type is a highly transparent ground story treatment similar to the storefront, but permitted to be elevated above the sidewalk for buildings located on parcels with flood hazard areas.

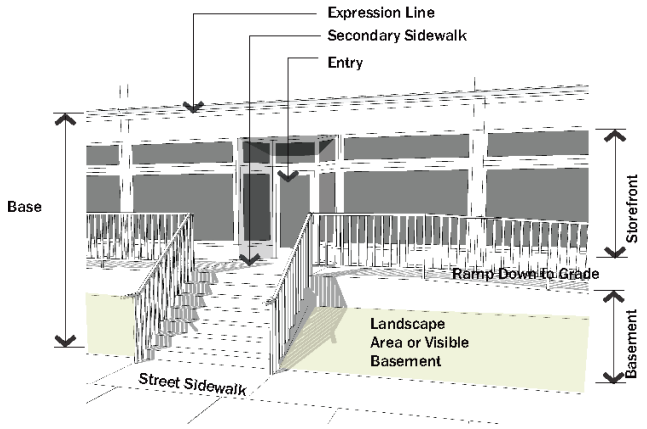



Figure 10-21-4I (2). Elevated Storefront Entrance Type.

(1) **Transparency.** Minimum transparency is required per building type.

(2) **Elevation.** Storefront elevation may be a half story above the street sidewalk elevation.

(3) **Visible basement**. A visible basement is permitted and does not require occupied space.

(4) **Horizontal facade division**. Horizontally define the ground story facade from the upper stories and any visible basement from the ground story.

(5) **Entrance.** All entries shall be located off a secondary walk along the building face within the build-to zone.

(a) The secondary sidewalk shall be elevated above and essentially parallel to the street sidewalk to provide continuous walking along the facade of the building.

(b) The secondary sidewalk shall be continuous along the facade of the building and shall connect to the street sidewalk by steps and ramps every fifty (50) feet.

(c) The secondary sidewalk shall connect to any other adjacent developments secondary sidewalks, when feasible. Drive crossings shall be of the same material as the secondary walk.

(d) The transition between the secondary sidewalk and street sidewalk shall include landscape, patios, and connecting walks.

(e) The visible basement shall be located a minimum of five (5) feet from the street sidewalk to allow softening of the transition.

(f) The street and the secondary sidewalks shall be a minimum of eight (8) feet in width.

d. **Stoop entrance type**. Refer to Figure 10-21-4I (3). A stoop is an unroofed, open platform.

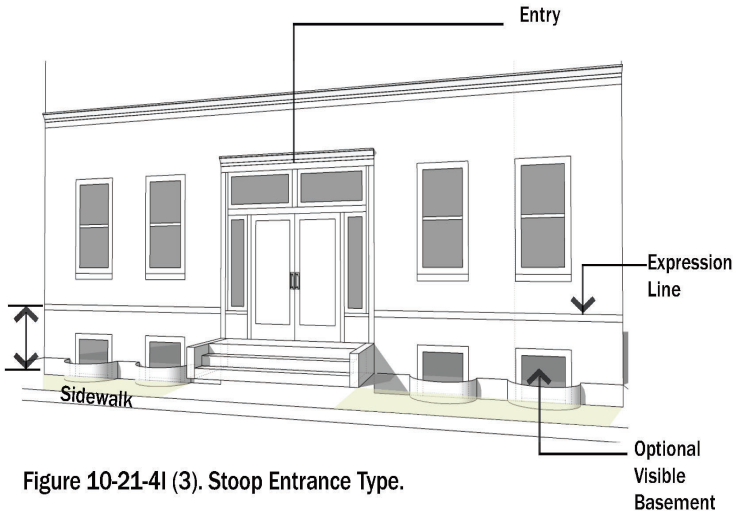



Figure 10-21-4I (3). Stoop Entrance Type.

(1) **Transparency.** Minimum transparency is required per building type.

(2) **Stoop size.** Stoops shall be a minimum of five (5) feet deep by six (6) feet wide.

(3) **Elevation.** Stoop elevation shall be located a maximum of two (2) feet six (6) inches (2' 6") above the sidewalk without visible basement and a maximum of four (4) feet six (6) inches (4' 6") above the sidewalk with a visible basement.

(4) **Visible basement**. A visible basement is permitted and shall be separated from the ground story by an expression line.

(5) **Entrance.** All entries shall be located off a stoop. The stoop may be continuous along the facade of the building.

(6) **Landscape area.** A minimum five (5) foot wide landscape area is required within the build-to zone along the length of this entrance type with the exception of walks accessing the building.

e. **Porch entrance type**. Refer to Figure 10-21-41 (4). A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled.

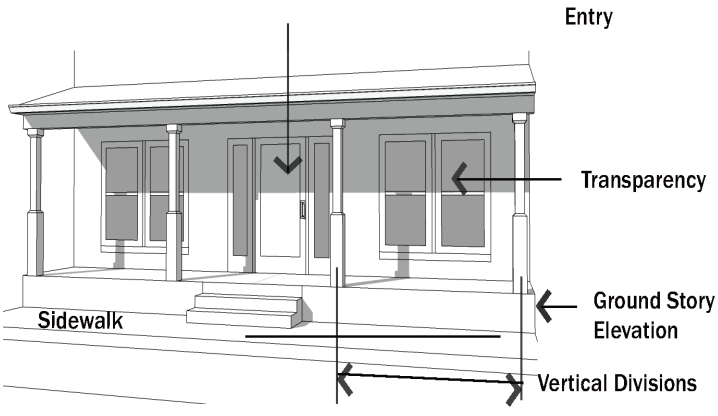



Figure 10-21-4I (4). Porch Entrance Type.

(1) **Transparency.**

(a) Minimum transparency per building type is required.

(b) If enclosed, a minimum of forty percent (40%) of the enclosed porch shall be comprised of highly transparent, low reflectance windows.

(2) **Porch size.** The porch shall be a minimum of five (5) feet deep and eight (8) feet wide.

(3) **Elevation**. Porch elevation shall be located a maximum of two (2) feet six (6) inches (2' 6") above the sidewalk without a visible basement and a maximum of four (4) feet six (6) inches (4' 6") above the sidewalk with a visible basement.

(4) **Visible basement.** A visible basement is permitted.

(5) **Height.** Porch may be two (2) stories to provide a balcony on the second floor.

(6) **Entrance.** All entries shall be located off a porch.

4. **Roof types**. Roof type standards apply to the roof and cap of all building types as defined in this section. Refer to the building type table requirements, sections 10-21-4.C through 10-21-4.H.

a. **General provisions**. The following provisions apply to all roof types:

(1) **Intent.** To guide the design of the cap of all buildings.

(2) **Applicability.** All buildings shall meet the requirements of one (1) of the roof types permitted for the building type.

(3) **Measuring height**. Refer to section 10-21-4.B for information on measuring building height.

(4) **Other roof types.** Other building caps not listed as a specific type may be requested with the following requirements:

(a) The roof type shall not create additional occupiable space beyond that permitted by the building type.

(b) The shape of the roof type shall be significantly different from those defined in this section 10-21-4.J, i.e., a dome, spire, vault.

(c) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

b. **Parapet roof type**. Refer to Figure 10-21-4J (1). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

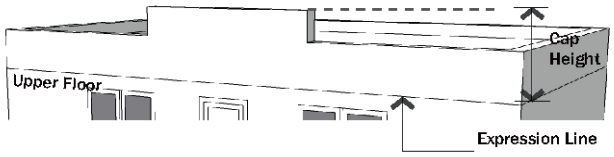



Figure 10-21-4J (1). Parapet Roof Type

Cap Type &
Roof Height

(1) **Parapet height**. Height is measured from the top of the upper story to the top of the parapet.

(a) Minimum height is two (2) feet with a maximum height of six (6) feet.

(b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).

(2) **Horizontal expression lines**. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.

(3) **Occupied space**. Occupied space shall not be incorporated behind this roof type.

c. **Pitched roof type.** Refer to Figure 10-21-4J (2). This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

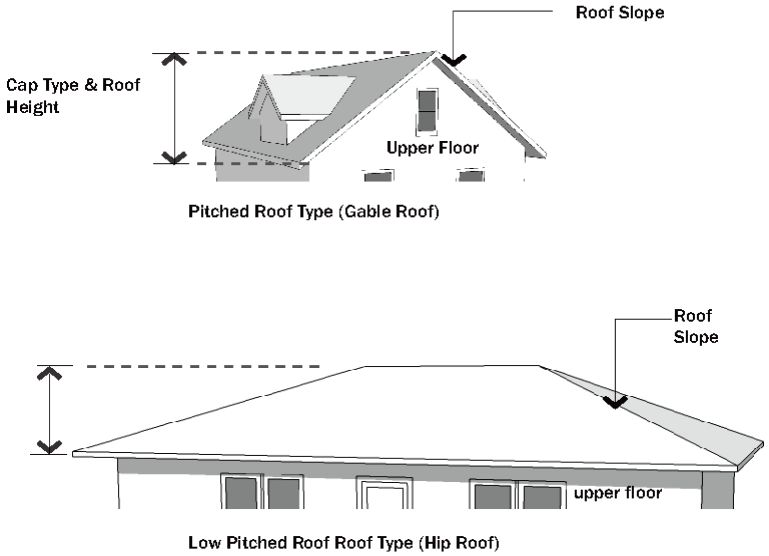



Figure 10-21-4J (2). Pitched Roof Type

(1) **Pitch measure**. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.

(a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. Refer to Figure 10-21-4J (2).

(2) **Configurations.**

(a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.

(b) Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight (8) feet, inclusive of overhang.

(c) Gambrel and mansard roofs are not permitted.

(3) **Parallel ridge line.** A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. Refer to Figure 10-21-4J (3).

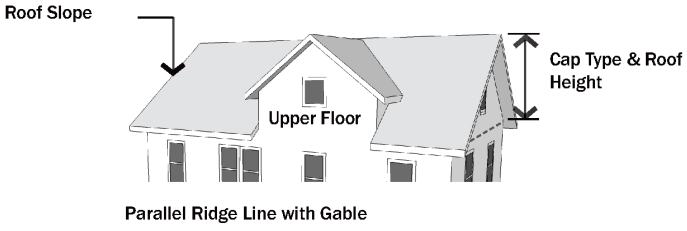



Figure 10-21-4J (3). Parallel Ridge Line

(4) **Roof height**. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the building type.

(5) **Occupied space.** Occupied space may be incorporated behind this roof type.

d. **Flat roof type.** Refer to Figure 10-21-4J (5), Flat Roof Type. This roof type has a flat roof with overhanging eaves.

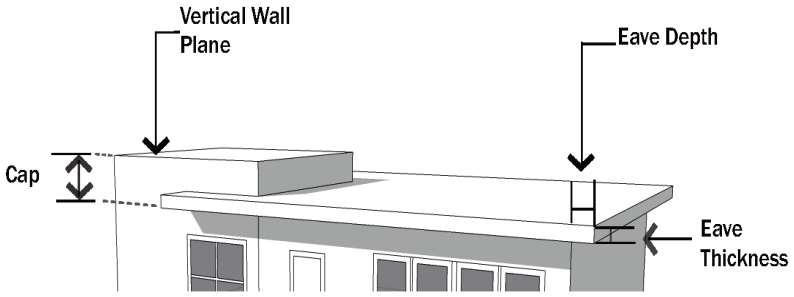



Figure 10-21-4J (5). Flat Roof Type

(1) **Configuration.** Roofs with no visible slope are acceptable. Eaves are recommended on all street facing facades.

(2) **Eave depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.

(3) **Eave thickness**. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.

(4) **Interrupting vertical walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.

(a) No more than one-half (½) of the front facade can consist of an interrupting vertical wall.

(b) Vertical walls shall extend no more than four (4) feet above the top of the eave.

(5) **Occupied space.** Occupied space shall not be incorporated behind this roof type.

(6) No mechanical equipment on roof shall be visible from the adjacent sidewalk.

e. **Towers.** Refer to Figure 10-21-4J (4). A tower is a rectilinear or cylindrical, vertical element, that shall be used with other roof types.

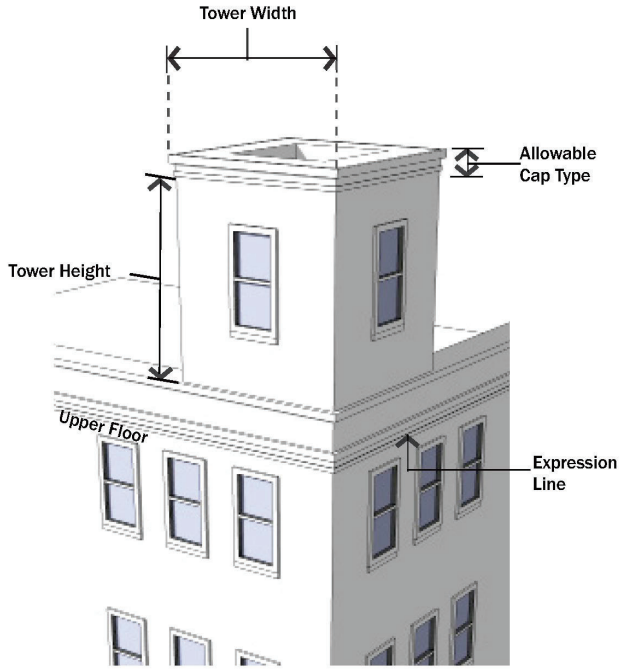



Figure 10-21-4J (4). Tower

(1) **Quantity**. All building types, with the exception of the civic building, are limited to one (1) tower per building.

(2) **Tower height.** Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one (1) upper floor of the building to which the tower is applied.

(3) **Tower width**. Maximum width along all facades is one-third (⅓) the width of the front facade or thirty (30) feet, whichever is less.

(4) **Occupied space.** Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied.

(5) **Application.** May be combined with all other roof types.

(6) **Tower cap.** The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.

5. **Additional design requirements.** The following outlines the district design requirements that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

a. **Materials and color.**

(1) **Primary facade materials.** Eighty percent (80%) of each street facade shall be constructed of primary materials. Street facade materials shall continue around the corner a minimum depth of twenty (20) feet onto the side facade.

(a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 10-21-4K (1).



*Primary Materials: Brick*



Primary Materials: Stone



*Primary Materials: Painted Wood*

Figure 10-21-4K (1). Primary Materials.

b. **Secondary facade materials.** Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.

   (1) Exterior insulation and finishing systems (EIFS) is permitted on upper floor facades only.

c. **Roof materials.** Acceptable roof materials include three hundred (300) pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 10-21-4K (2).



*Roof Materials: Asphalt Composite Shingles*



*Roof Materials: Metal*



*Roof Materials: Ceramic Tile*

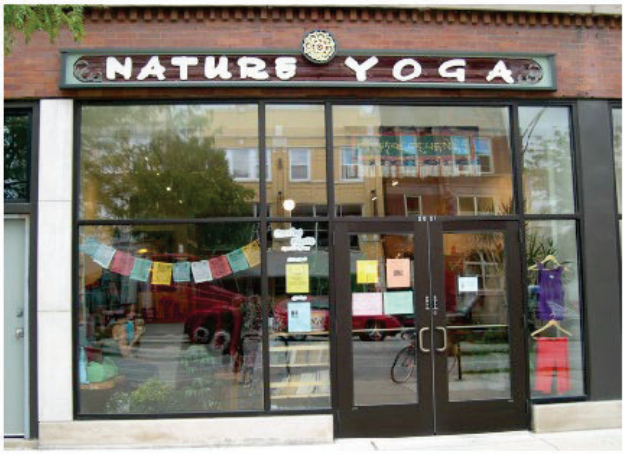
**Figure 10-21-4K (2). Roof Materials.**

d. **Color.** Main building colors shall utilize any historic palettes from any major paint manufacturer. Other colors may be utilized or details and accents, not to exceed a total area larger than ten percent (10%) of the facade surface area.

e. **Appropriate grade of materials.** Commercial quality doors, windows, and hardware shall be used on all ground floor building types with the exception of the attached building and the yard building. Refer to Figure 10-21-4K (3).




*Prohibited: Residential Grade Doors on Commercial Buildings.*




*Permitted: Commercial Grade Doors & Windows on Commercial Buildings.*

**Figure 10-21-4K (3).Commercial Grade Doors & Windows.**

2. **Windows, awnings, and shutters.**

   a. **Windows.** All upper story windows on all historic, residential, and mixed use buildings shall be recessed, and either casement or double hung. Percent of transparency is required per building type. Horizontal or vertical strip windows, tinted or reflective glass, and glass block (Figure 10-21-4K (4)) are prohibited on street facades.



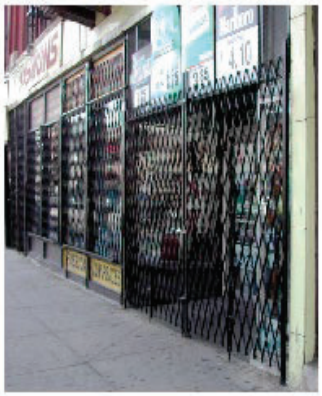

*Prohibited: Glass block windows on front facade.*

**Figure 10-21-4K (4).Windows.**

b. **Security grills.** Grills shall be fully retractable and completely within the interior of the building and inconspicuous to the extent possible. Exterior bars are prohibited on any window. Refer to Figure 10-21-4K (5).



*Permitted: Fully retractable, interior security grills.*



*Prohibited: Exterior grills and bars.*

**Figure 10-21-4K (5).Security Grills.**

c. **Awnings**. All awnings shall be canvas or metal. Plastic awnings and canopy awnings that extend from the front facade into the right-of-way are prohibited. Awning types and colors for each building face shall be coordinated. Refer to Figure 10-21-4K (6).



*Permitted Awnings: Metal (left) and Canvas (right)*




*Prohibited Awnings: Canopy awnings that extend from the front facade into the right-of-way*

**Figure 10-21-4K (6). Awnings.**

d. **Shutters**. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.

3. **Rear parking facade design.** The following applies in all locations where a public building entrance occurs on the rear facade adjacent to a parking lot. Refer to Figure 15.4K (7).




*Front Facade Example.* *Rear Facade Example.*

**Figure 10-21-4K (7).Rear Parking Facade Design.**

a. **Entrance type.** An entrance type shall be utilized for a minimum of twenty (20) feet of rear facade. Refer to 10-21-4I(2) -(5).

b. **Transparency requirement.** Public building entrance facade area, minimum twenty (20) feet wide, shall utilize one (1) of the following:

c. When the storefront entrance type is utilized, a minimum forty-five percent (45%) transparency is required for the ground floor facade entrance, and the door shall be a minimum of forty-five percent (45%) transparent.

d. When any other entrance type is utilized, the minimum transparency required for upper floors of the street facade shall apply to the rear ground floor entrance area, and the door shall be a minimum of forty-five percent (45%) transparent.

3. **Awnings and signage are encouraged.**

4. **Balconies**. The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 10-21-4K (8).



Figure 10-21-4K (8). Balconies Integral to Facade.

a. **Size.** Balconies shall be a minimum of six (6) feet deep and five (5) feet wide.

b. **Connection to building.** Balconies shall be integral to the facade at the street line. Balconies on stepbacked stories shall be independently secured and unconnected to other balconies.

c. **Facade coverage.** A maximum of forty percent (40%) of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

Z. **Site development standards:**

1. **Signage.**

a. **General requirements.** Refer to chapter 10-20 of the Yorkville City Code for all signage regulations applicable to the downtown overlay districts.

b. **Revisions to the signage regulations.** The following revises chapter 10-20 of the Yorkville City Code specific to the S districts.

c. **Freestanding low monument signs**. (Refer to section 10-20-4) Low monument signs are permitted only in the S4 district.

2. **Parking requirements.**

a. **Applicability.** This section shall apply to all new development and changes in use or intensity of use for existing development in any S districts.

b. **General requirements.** Off-street parking spaces shall be provided in conformance with chapter 10-16 Off-Street Parking and Loading Regulations, unless revised in this section 10-21-5.B.

c. **Required vehicle parking.** The required vehicle parking Table 10-21-5B (1) indicates the maximum vehicle parking ratio for a given use.

d. **Parking credits.** Vehicular parking standards within chapter 10-16 may be reduced by achieving one (1) or all of the following credits:

(1) **On-street parking credit.** For all non-residential uses, on-street parking spaces that meet the following shall be credited against the parking requirement.

(a) Spaces shall be designated on-street parking available twenty-four (24) hours of every day.

(b) On-street space located a minimum of fifty percent (50%) adjacent to the property line of the lot.

(2) **Public parking credit.** For all non-residential uses, public parking spaces located within six hundred and sixty (660) feet of any property line may be credited against the parking requirement at a rate of one (1) credit for every three (3) public parking spaces.

(3) **Car-share parking credit.** The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows:

(a) Per each car-share parking space provided, required parking spaces shall be reduced by four (4) spaces.

(b) Required parking spaces may be reduced up to forty percent (40%).

(c) Approval. Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.

(4) **Shared parking.** Required parking may be reduced to the lower amount if at least eighty percent (80%) of non-residential parking is available as publicly shared parking. Otherwise, the higher standard parking requirement shall apply.

(a) Other parking reductions. Additional reductions may be approved by the Planning and Zoning Commission with the submittal of a parking study illustrating the reduction.

(5) **Bicycle parking.**

(a) **Required bicycle parking.** The required bicycle parking Table 10-21-5B (2) indicates the minimum bicycle parking ratio for a given use.

(i) Bicycle parking is not required for uses not listed.

(ii) Bicycle parking is not required for uses less than two thousand five hundred (2,500) square feet in size.

(iii) No use, other than civic is required to accommodate more than twenty (20) bicycles.

(b) **Bicycle parking dimensions.**

(i) Required bicycle parking spaces shall have minimum dimensions of two (2) feet in width and six (6) feet in length.

(ii) An aisle a minimum of five (5) feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.

(iii) A minimum of two (2) feet shall be provided beside each parked bicycle to allows access. This access may be shared by adjacent bicycles.

(iv) Racks shall be installed a minimum of two (2) feet from any wall or other obstruction.

(i) **Location.** Bicycle parking should be located within fifty (50) feet of the entrance of the use.

1. Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.

2. Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.

3. Racks and structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two (2) points.

3. **Landscape.**

a. **General requirements.** Refer to chapter 10-17 Fencing and Screening, for all landscaping and screening requirements.

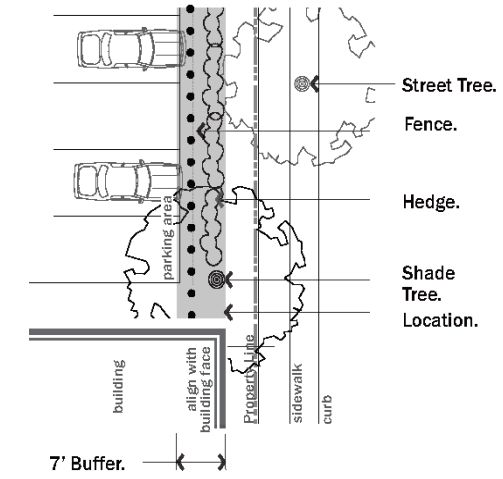
b. **Build-to zones and setbacks.** All build-to zone and setback areas not covered by building shall contain either landscape, patio space, or sidewalk space.

(1) Driveways are permitted to cross the front and corner build-to zone and rear setbacks perpendicularly at a maximum of twenty-five (25) feet in width.

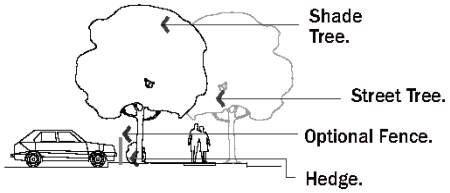
(2) Driveways may encroach upon the side setbacks longitudinally on parcels fifty (50) feet or less in width.

(3) Parking lots shall not encroach upon any setbacks. Side and rear yard parking lots shall not be located closer to the front or corner lot line than the building.

c. **Frontage buffer requirements.** Refer to Figure 10-21-5C (1). The following additional requirements are specific to the S districts and is in addition to information within chapter 10-17 Fencing and Screening guidelines.




Front Buffer Plan.




Front Buffer Section.

Figure 10-21-5C (1). Frontage Buffer Plan and Section.

| Frontage Buffer Requirements | |
|---|---|
| **Buffer Depth & Location** [1] | |
| Depth | 7' |
| Location on Site | Between street facing property line and vehicular areas [2] |
| **Buffer Landscape Requirements** | |
| Uses & Materials | Uses and materials other than those indicated are prohibited in the buffer |
| Shade Trees | Medium or large shade tree with full, spreading canopies required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees |
| Hedge | Required continuous hedge on street side of fence, between shade trees & in front of parking areas |
| Hedge Composition | Individual shrubs with a minimum width of 24", spaced no more than 36" on center |
| Existing Vegetation | May be credited toward buffer area |
| **Fence** | |
| Location | 2' from back of curb of vehicular area |
| Materials | Non-galvanized steel or painted PVC; Masonry Columns (maximum width 2'6") and Low Wall (maximum 18" height) permitted |
| Minimum Height | 3' for Steel or Painted PVC |
| Maximum Height | 4' for Steel or Painted PVC, 18" for Low Wall |
| Colors | Black, gray, or dark green for Steel or Painted PVC |
| Opacity | Minimum 30%; Maximum 60% for Steel or Painted PVC |
| Gate/Opening | One gate permitted per street frontage; Opening width maximum 6' |

Notes:

[1] This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

[2] In Front and Corner Yards, when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

Table 10-21-5C (1). Frontage Buffer Requirements.

(1) **Intent.** To lessen the visual impact of parking areas visible from the street.

(2) **General applicability.** Applies to properties in all S districts where a parking area is located adjacent to a right-of-way.

(3) **Exceptions.** Parking areas along alleys, except when a residential district is located across the alley. Single- and two-family residences are also excepted.

4. **Street guidelines.**

a. **General street guidelines.** The following guidelines should apply to all new streets within S districts with the intent of creating pedestrian oriented, multimodal streets.

(1) **Typical street elements.** All street rights-of-way should include the following vehicular and pedestrian realm considerations. Refer to Figure 10-21-5D (1).

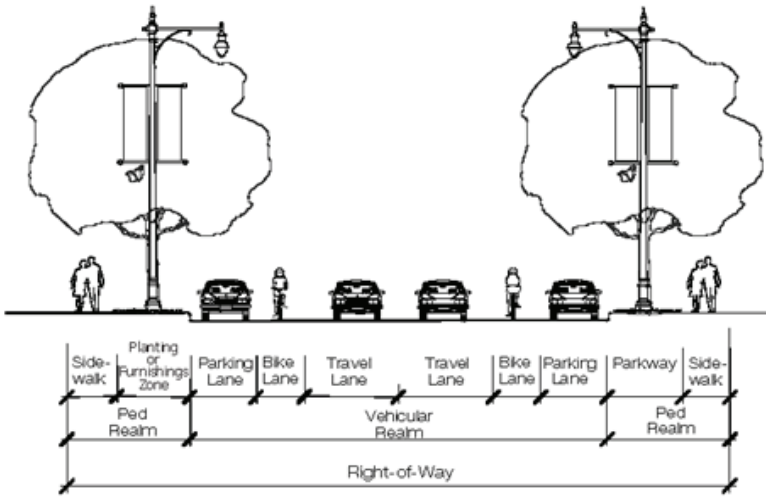



**Figure 10-21-5D (1). Typical Right-of-Way Elements.**

(3) **Vehicular realm.** The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.

(4) **Pedestrian realm.** The pedestrian realm is comprised of pedestrian facilities, such as sidewalk. A buffer area that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm shall consist of one (1) of the following:

(a) **Landscape zone.** A landscape area between the back of curb to the sidewalk in which street trees, stormwater swales, lighting, and signage may be located. Typically used adjacent to residential ground floor uses.

(b) **Furnishings zone.** A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office ground floor uses.

(2) **Bicycle facilities.** Bicycle facilities, such as dedicated lanes and dedicated shared lanes should be included on any streets based on the City's bicycle plan. New streets within S districts shall utilize shared lanes. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

(3) **Vehicular on-street parking.** On-street parking, whether parallel or diagonal, shall be included according to the district street details for that street.

b. **Street trees.** Street trees are required along all existing and new street frontages.

(1) All planting material requirements within landscaping and screening guidelines shall be utilized.

(2) Street trees shall be located in either a landscape zone (within a planting bed or lawn) or a furnishings zone (in trees wells with grate as required).

(3) **Permeable surface.** For each tree preserved or planted, a minimum amount of permeable surface area is recommended.

(a) Preserved trees should have a permeable surface area equal to the critical root zone. The critical root zone is equal to half of the radius of the tree's mature canopy, measured from the trunk out to the dripline.

(b) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 10-21-5D (1) for details.

| Tree Size Type | Soil Volume (cubic ft) | Soil Surface Area (sq ft) with 2.5' Soil Depth | Permeable Surface Area Requirement (sq ft) |
|---|---|---|---|
| Medium | 2,852 | 1141 (approx. 34' x 34') | 225 (15' x 15') |
| Large | 6,532 | 2681 (approx. 50' x 50') | 400 (20' x 20') |

Table 10-21-5D (1). Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

(c) Permeable area for one (1) tree cannot count toward that of another tree.

(4) **Structural soil.** When the critical root zone of an existing tree or the suggested permeable surface area requirement of a newly planted tree extends below any pavement, structural soil is required underneath the pavement.

c. **Pedestrian lighting.** Pedestrian light fixtures shall be installed per the street requirements of the City's Department of Public Works and any streetscape master plan adopted by the City.

d. **New streets and subdivision.** For all developments with total parcel acreage larger than five (5) acres, subdivision and construction of a new street will yield the most buildings. (Building types require buildings to front streets). Refer to Figure 10-21-5D (2) for an example of a typical new block and street configuration. The following recommendations apply:

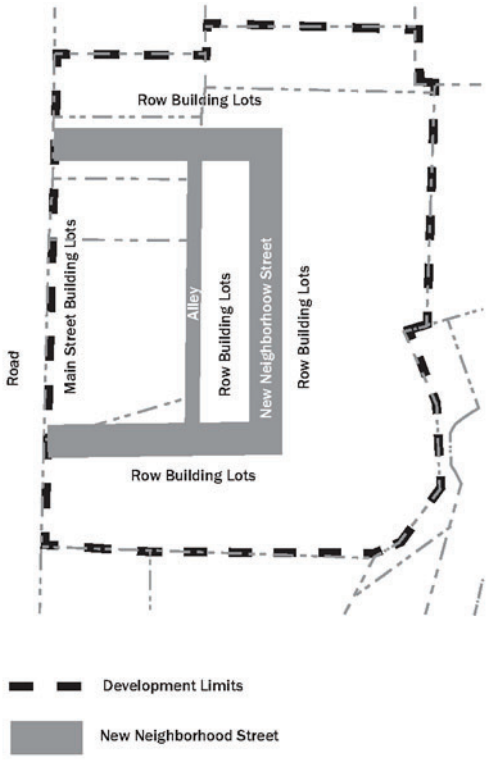



Figure 10-21-5D (2). Example of New Street and Block Configuration for Large Parcels or When Multiple Parcels are Combined.

(1) **Interconnected street pattern.** Streets shall connect and continue existing streets from adjoining areas and cul-de-sac and dead end streets should be avoided.

(2) **Blocks.**

(a) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.

(b) Blocks shall typically be two (2) lots deep with the exception of blocks containing open space. Blocks may also include an alley. Blocks may included existing lots within an existing zoning district.

(c) Blocks shall typically be fronted with lots on at least two (2) faces, preferably on the longest street faces.

(d) Consider lot and block orientation for maximum energy efficiency. For example, block orientation along an east-west longitudinal axis will encourage development of buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

(e) Block size should be less than four hundred (400) feet.

(3) **Access points.** A minimum of two (2) access points should be provided for each development, with a minimum of one (1) per every one thousand five hundred feet (1,500') of boundary recommended.

(4) **Primary streets.** Designate primary streets so that all buildings front at least one (1) primary street. Vehicular access should not be located off a primary street, unless the parcel is fronted by more than two (2) primary streets.

(5) Blocks may include interior alleys or lanes.

(6) Typical lot configuration. All lots shall have frontage along a public street unless otherwise specified in building type requirements. Flag lots are prohibited.

c. **Temporary structures.**

(1) **General requirements.** Refer to chapter 10-17 Fencing and Screening, for all landscaping and screening requirements.

(2) **Description and intent.** Temporary structures are allowed in all districts according to the following guidelines:

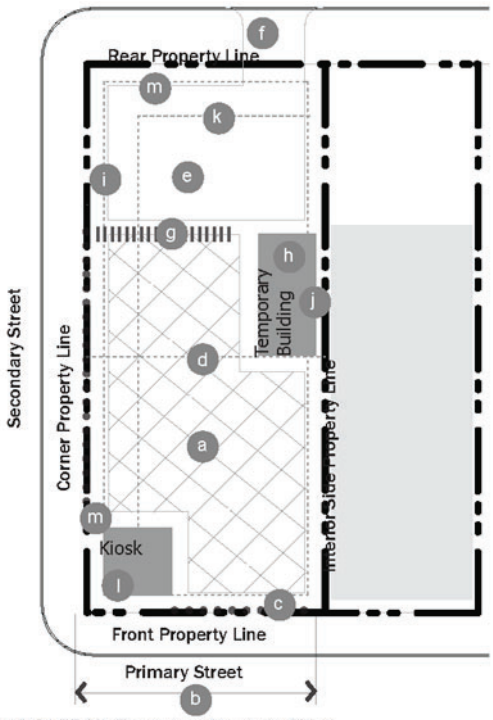



Figure 10-21-5E (1). Temporary Structure Siting

(a) The small scale activity or display area can be a patio for outdoor eating or display of goods and should constitute the majority of the site. The frontage required continues the streetwall of the adjacent buildings, allowing a continuous pedestrian experience from the street with views into the outdoor space.

(b) Two (2) accessory structures are permitted. A temporary building may be erected in the rear of the lot and allows patrons to enter the building. A permanent kiosk may be located anywhere on the lot, but allows employees only in the interior.

(3) Regulations. Regulations for temporary structures are defined in the following table:

(4) Mobile food vendors. Refer to Section 10-3-14 Mobile food vendor vehicles and retail vendor vehicles, for all mobile food vendor requirements.

# Chapter 4. Use Standards

10-4-1. Agricultural Use Standards ..... 1
10-4-2. Residential Use Standards ..... 2
10-4-3. Lodging Use Standards ..... 6
10-4-4. Commercial Retail Use Standards ..... 6
10-4-5. Commercial Service Use Standards ..... 7
10-4-6. Commercial Entertainment Use Standards ..... 7
10-4-7. Eating and Drinking Use Standards ..... 8
10-4-8. Medical Use Standards ..... 8
10-4-9. Vehicle Related Use Standards ..... 8
10-4-10. Energy Industrial Uses ..... 9
10-4-11. Industrial Use Standards ..... 9
10-4-12. Transportation Use Standards ..... 9
10-4-13. Alternative Energy Use Standards ..... 10
10-4-14. Medical and Adult Use Cannabis Use Standards ..... 21
10-4-15. Institutional, Public, and Utility Use Standards ..... 23
10-4-16. Accessory Use Standards ..... 32
10-4-17. Temporary Use Standards ..... 40

## 10-4-1. Agricultural Use Standards

A. **Apiary.** Apiaries shall be subject to the applicable provisions of Title 8, Chapter 18 of the City of Yorkville Code of Ordinances.

## 10-4-2. Residential Use Standards

A. **Dwelling, Duplex**.

1. The main entrances to a duplex shall face the primary street.

2. A minimum of one (1) of the parking spaces, as required in Section 10-5-1(H) of this Title, shall be provided in an attached or detached garage. Attached garages are encouraged to be located on rear or side façades. If attached garages are located on the primary façade they shall comply with the following standards.

   a. Setback a minimum of twenty-five (25) feet from the street right-of-way or the required front yard setback, whichever is greater.

   b. **Garage Set Ahead.**

      (1) The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.

      (2) If the garage is set ahead from the front façade of the home, as detailed in (a) above, it shall not exceed forty-five (45) percent of the façade's total width.

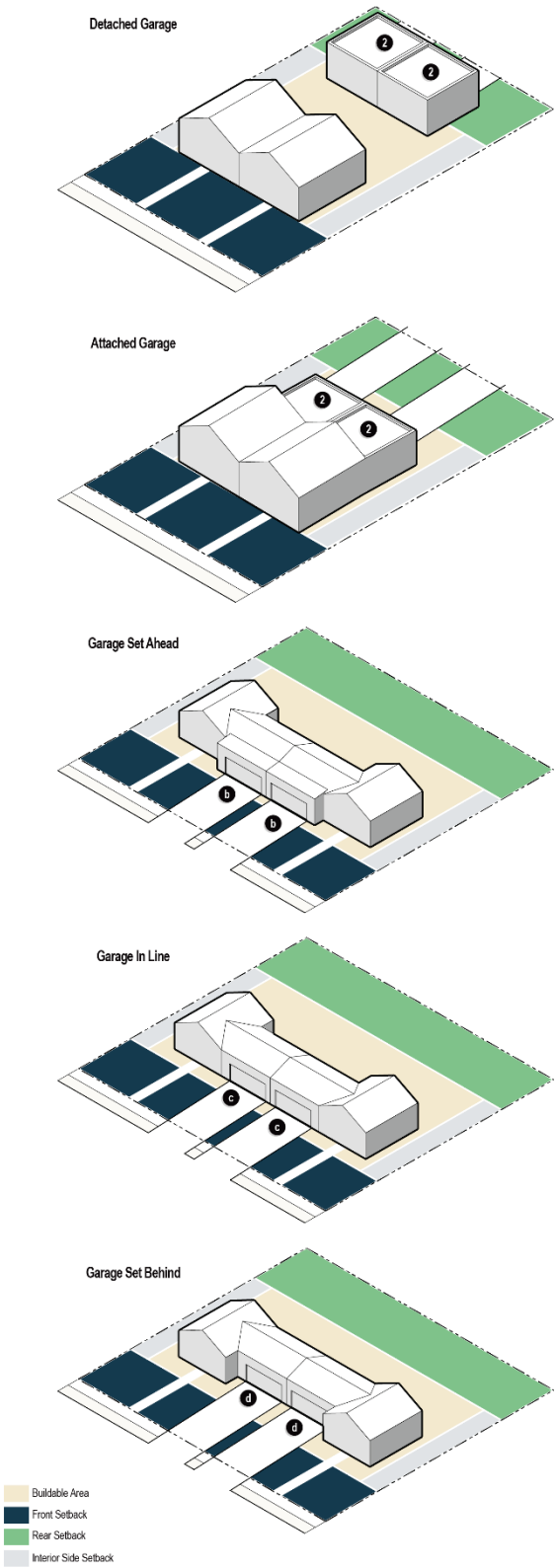
   c. **Garage In Line.** If the garage is in line with the front façade of the home, exclusive of porches, bay windows, or other minor projections, it shall not exceed fifty (50) percent of the façade's total width.

   d. **Garage Set Behind.**

      (1) The garage may be set behind the front façade of the home, exclusive of porches, bay windows, or other minor projections, a minimum of one (1) foot.

      (2) If the garage is set behind the front façade of the home, as detailed in (a) above, it shall not exceed fifty-five (55) percent of the façade's total width.

*Figure 4.1. Duplex Dwelling Standards*



B. **Dwelling, Multi-Family**.

1. The main entrance to a multi-family dwelling shall face the primary perimeter or internal street, unless otherwise allowed in subsection (5) below.

2. All off-street parking shall be located to the side or rear of the primary building. Off-street parking located to the side of the primary building shall be set back a minimum of one (1) foot from the front elevation of the primary building.

3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise recommended by the Public Works Director and approved by the Planning and Zoning Commission.

4. Service areas, dumpsters, utilities and the required nonvegetative screening thereof shall not be visible from rights-of-way.

5. **Multi-Building Developments**. Developments with multiple multi-family dwelling buildings shall meet the following additional standards.

   a. The primary façade shall include a building entrance and be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.

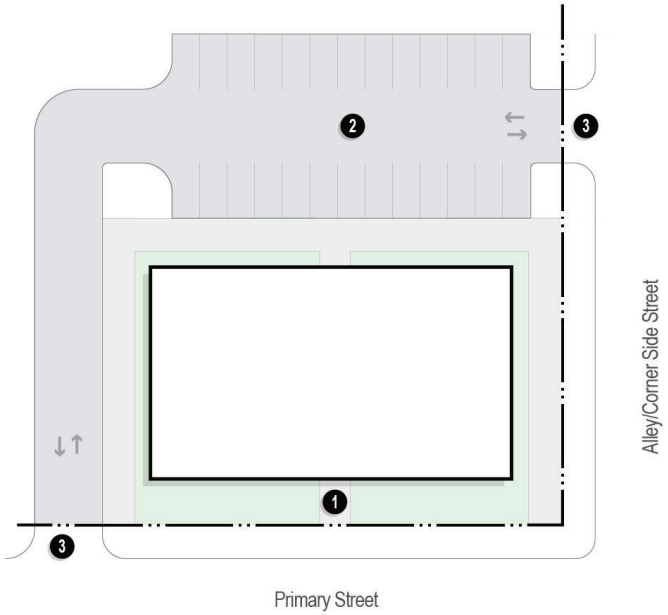
      (1) Perimeter Streets,

      (2) Internal Streets,

      (3) Parks or other common open space, or

      (4) Secondary internal streets.

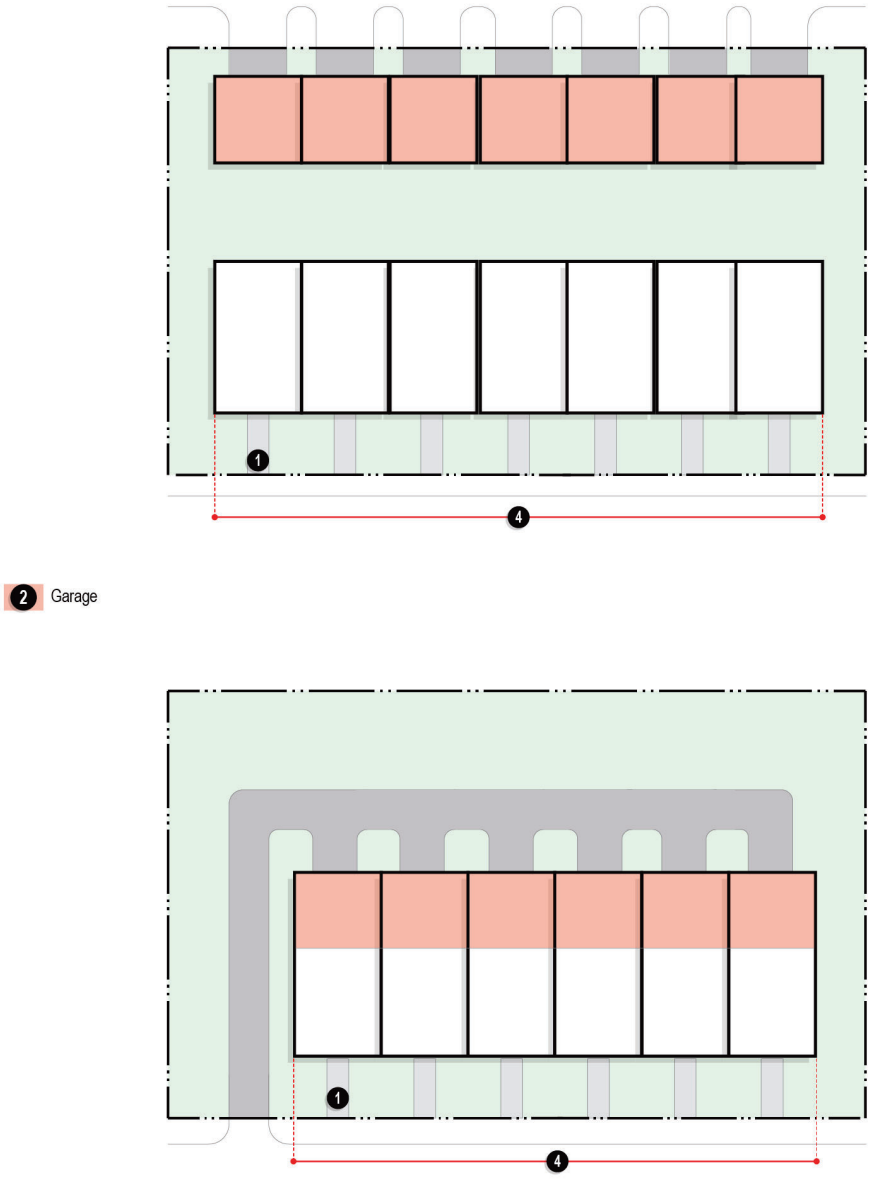
***Figure 4.2. Multi-Family Dwelling Standards***



C. **Dwelling, Townhouse**.

1. The entrance to a townhouse shall face the primary public street unless otherwise approved.
2. A minimum of one (1) of the parking spaces, as required in Section 10-5-1(H) of this UDO, shall be provided in an attached or detached garage.
3. Attached garages shall be located on rear or side façades unless otherwise approved.
4. A maximum width of a townhome cluster shall be two hundred (200) lineal feet.
5. The siting of the townhouse units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.

***Figure 3.3. Townhouse Dwelling Standards***



D. **Mobile Home Park.**

1. The minimum site size shall be ten (10) acres.

## 10-4-3. Lodging Use Standards

A. **Short-Term Rental.** Short-term rentals shall be subject to the hotel tax provisions established in Title 3, Chapter 1, Section 3-2-7 of the City of Yorkville Code of Ordinances.

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

A. **Adult Uses**.

1. **Limitations on Adult Uses**.

a. *Distance from another existing adult use*: An adult use shall not be allowed within five hundred (500) feet of another preexisting adult use.

b. *Distance from zoning districts*: An adult use shall not be located within seven hundred (700) feet of any zoning district which is zoned for single-family suburban residence district (R-1), single-family traditional residence district (R-2), two-family attached residence district (R-2D), multi-family attached residence district (R-3), general multi-family residence district (R-4), local business district (B-1), mixed use district (B-2), general business district (B-3), agricultural district (A-1).

c. *Distance from school or place of worship*: An adult use shall not be located within five hundred (500) feet of a preexisting school or place of worship.

d. *Distance from business selling alcoholic beverages and cannabis dispensaries*: An adult use shall not be located in a building which contains another business that sells or dispenses in some manner alcoholic beverages or Cannabis Dispensing Organization as defined in this UDO.

e. *Arterial roadways*: Adult uses which are located next to an arterial roadway, as defined in the City's comprehensive plan, must provide a twenty-five (25) foot setback from any property line.

f. *Nonarterial roadways*: Adult uses which are located next to a nonarterial roadway, as defined in the City's comprehensive plan, must provide a ten (10) foot setback from the side and rear property lines and shall provide a twenty-five (25) foot setback from the front property line.

g. *Traffic study*: A traffic study may be required as part of the special use permit approval process.

2. **Measurement of Distance**. For the purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the adult use to the property line of the lot or parcel containing the nearest adult use, school, place of worship, cannabis dispensary, or district zone for residential use.

3. **Exterior Signage and Display**. No adult use shall be conducted in any manner that permits the observation of any material, depicting, describing, or relating to "specified sexual activities", "specified anatomical areas" or otherwise deemed to be obscene by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.

4. **Display of License and Permit**. Every licensee (per Chapter 11 Section 3-11-5 of the City of Yorkville Code of Ordinances) shall display a valid license in a conspicuous place within the adult use business so that same may be readily seen by persons entering the premises.

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

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

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

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

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

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

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

1. When located in a multiple-tenant building, shall only be located in an end unit and with the gallery/range not adjacent to an adjoining unit.

2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.

3. The retail operations of any indoor shooting gallery/gun ranges shall occupy not more than twenty-five (25) percent of the total floor area.

B. **Storage, Outdoor Self-Storage**.

1. All storage facilities shall be in completely enclosed buildings or structures when located in a Manufacturing Zoning District or when located within one hundred fifty (150) feet of a property in a Residential Zoning District.

2. There shall be a minimum of twenty (20) feet between buildings.

3. Truck and storage pod rentals are permitted accessory uses.

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

A. **Commercial Entertainment, Outdoor.**

1. All golf course and driving range perimeters shall be fully enclosed in netting not less than thirty-two (32) feet in height, with the maximum height to be established in the Special Use process as specified in Section 10-8-5.

2. The netting shall be at least ninety (90) percent transparent.

B. **Golf Course**.

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

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

A. **Brewpub.**

1. Brewpubs operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five (25) percent 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.

B. **Microbrewery/Microwinery/Microdistillery**

1. **Microbreweries**.

a. 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.

b. Microbrewery operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five (25) percent of the total floor area.

2. **Microdistilleries and Microwineries**.

a. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping, or a combination of both.

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

c. 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.

## 10-4-8. Medical Use Standards

RESERVE

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

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

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

2. Outdoor facilities shall be enclosed by an opaque fence or wall a minimum six (6) feet in height.

## 10-4-10. Energy Industrial Uses

RESERVE

## 10-4-11. Industrial Use Standards

A. **Artisan Manufacturing**.

1. Gross floor area shall not exceed ten thousand (10,000) square feet.
2. Outdoor storage and/or outdoor operations or activities shall be prohibited.
3. Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.
4. A maximum of one (1) residential unit shall be permitted as a special use, but shall be limited to the upper floor or to the rear of the artisan manufacturing use and shall not exceed twenty five (25) percent of the gross floor area.

B. **Assembly, Production, Manufacturing, Testing, Repairing, or Processing**.

1. All related activity shall take place within completely enclosed buildings unless otherwise specified.
2. Within one hundred fifty (150) feet of a residentially zoned property or a property in the B-1, B-2, or PI Districts, all storage shall be in completely enclosed buildings or structures.
3. Storage not located within one hundred (150) feet of a residentially zoned property or a property in the B-1, B-2, or PI Districts may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) with a minimum height of eight (8) feet. In no case shall the solid walls or fences be lower in height than the enclosed storage.
4. Solid fences or walls enclosing storage shall be meet the building foundation landscape requirements per Section 10-5-3(C).

## 10-4-12. Transportation Use Standards

RESERVE

## 10-4-13. Alternative Energy Use Standards

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

1. **Applicability**. The provisions of this Section are to establish zoning parameters by which solar and wind energy systems may be installed in the City. Additional renewable energy solutions not mentioned herein may be authorized subject to compliance with the applicable codes and standards of the City.

2. **Use**. Alternative energy systems shall be an accessory to the principal permitted use of a site.

3. **Abandoned Systems**. All alternative energy systems inactive or inoperable for twelve (12) continuous months shall be deemed abandoned. If the system is deemed abandoned, the owner is required to repair or remove the system from the property at the owner's expense within ninety (90) days after notice from the City. If the owner does not comply with said notice, the Building Code Official shall enforce this as a violation of the Yorkville Zoning Ordinance.

4. **Signage**. No attention getting device is permitted on any alternative energy system. One (1) sign shall be permitted to indicate the emergency contact information of the property owner or operator. Said sign shall not exceed two (2) square feet in size. Graphics, colors, corporate logos, and text on wind energy systems located within business or manufacturing zoned properties are permitted, subject to the discretion of the City Council.

5. **Safety**. All wind energy systems shall be equipped with manual and/or automatic controls and mechanical brakes to limit rotation of blades to prevent uncontrolled rotation.

6. **Lighting**. Alternative energy systems shall not be illuminated, except as required by the FAA or those used in commercial applications such as streetlights.

7. **Shadow Flicker**. No habitable portion of an existing adjacent structure shall be subject to shadow flicker from a wind turbine. Shadow flicker onto an adjacent roof and/or exterior wall which does not contain any windows, doors, and like openings shall be acceptable. If shadow flicker occurs, the operation of the wind turbine shall cease during those times which cause the shadow flicker.

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

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

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

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

B. **Solar Farm**.

1. No solar farm shall be erected on any lot less than three (3) acres in size.

2. A solar farm use may occupy up to eight-five (85) percent of a given parcel in the M-1 or M-2 District or up to eighty (80) percent of a given parcel in any other District.

3. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

4. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

5. Off-street parking provided on site shall be paved. Gravel or other unpaved materials shall be prohibited.

6. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.

7. Groundcover as specified in Section 10-5-3(A)(7) shall be provided beneath all solar panels.

8. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:

    a. *Front and Corner Yards*: one hundred (100) feet,

    b. *Side and Rear Yards*: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.

9. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

    a. **Warnings.**

        (1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

        (2) The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

10. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

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

    a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

    b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

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

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

    b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

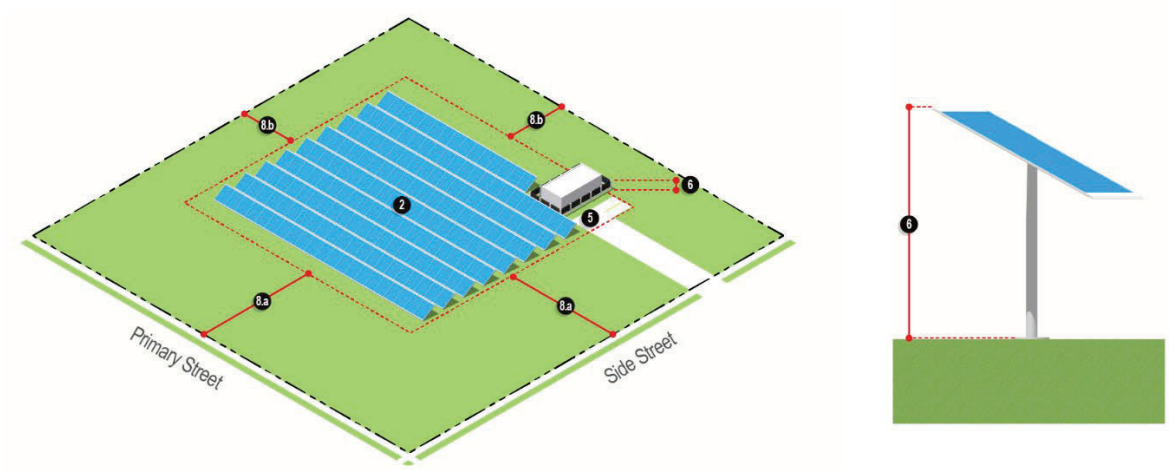
    c. Provisions for the restoration of the natural soil and vegetation,

    d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

    e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to one-hundred and twenty (120) percent of the professional engineer's certified estimate of the decommissioning cost.

    f. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

***Figure 4.4. Solar Farm Standards***



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

1. **Location**. Building-mounted solar energy systems are allowed on the principal and accessory structures, any roof face and side and rear building facades. The systems are allowed on the front or exterior side building facades if the following conditions are met:

   a. Solar access is optimized on the front and exterior side facades.

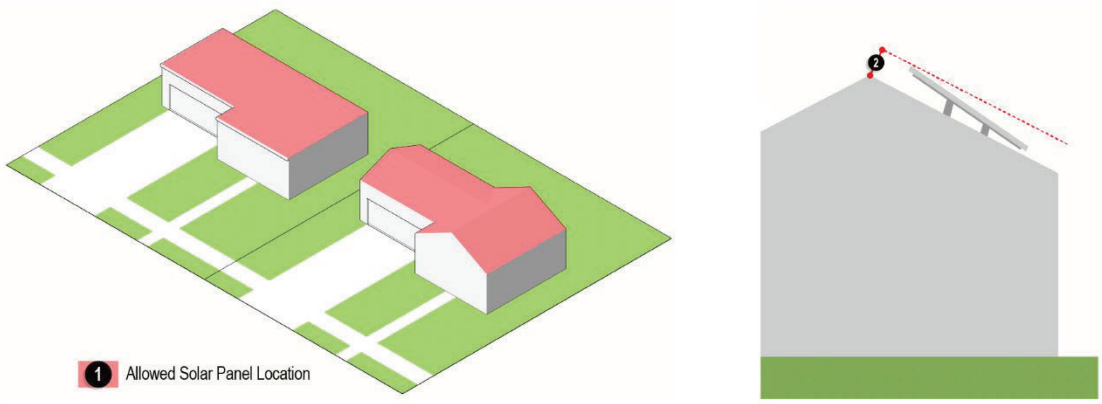
   b. Systems are simultaneously used to shade the structure's doors or windows..

2. **Height**. Systems shall not extend beyond three (3) feet parallel to the roof surface of a pitched roof. Nor shall the system extend beyond four (4) feet parallel to the roof surface of a flat roof unless completely concealed or equal to the height of the parapet wall, whichever is greater. If the system is flush-mounted, the system must be less than eight (8) inches from the roof surface. Refer to Figure 4.5 of this Section.

3. **Quantity**. The total square footage may not exceed the total area of the roof surface of the structure to which the system is attached.

4. **Projection**. The system may project up to four (4) feet from a building facade or roof edge. The system may project into an interior side or interior rear setback but shall be no closer than five (5) feet to the interior side or interior rear property line.

***Figure 4.5. Building-Mounted Solar Energy System Standards***



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

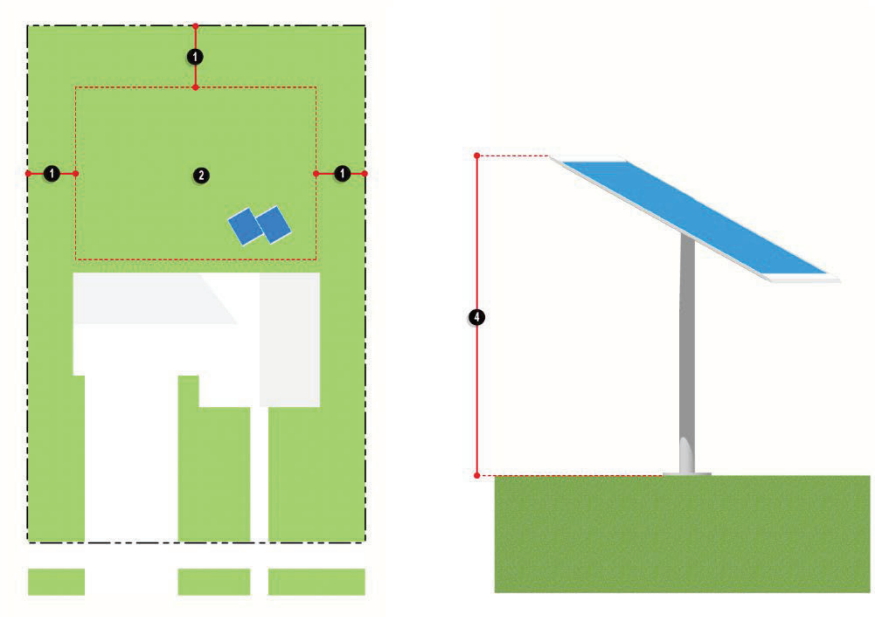
1. **Setbacks**. All parts of any freestanding solar energy system shall be set back eight (8) feet from the interior side and interior rear property lines.

2. **Permitted Yard Locations**. Freestanding solar energy systems shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.

3. **Solar Glare**. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

4. **Maximum Height**. Maximum height of freestanding solar energy systems shall be fifteen (15) feet unless otherwise approved by the Zoning Administrator.

***Figure 4.6. Freestanding Solar Energy System - Accessory Use Standards***



E. **Freestanding Solar Energy System - Principal Use**.

1. **Setbacks**. All parts of any freestanding solar energy system shall meet the setbacks established for the district in which the system is located.

2. **Permitted Yard Locations**. A freestanding solar energy system shall not be located closer to the public right-of-way than the front façade of the principal building on the adjacent lot(s). They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.

3. **Solar Glare**. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

4. **Maximum Height**. Maximum height of a freestanding solar energy system shall be fifteen (15) feet unless otherwise approved.

F. **Wind Farm.**

1. No wind farm shall be erected on any lot less than four (4) acres in size.

2. **Design and Installation.**

a. **Safety Certification.**

(1) Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.

(2) Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.

b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.

d. **Turbine Consistency**. To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.

e. **Warnings.**

(1) A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

(3) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

(4) The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:

(1) Fences with locking portals at least six (6) feet high, or

(2) Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.

g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.

(1) Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.

(2) Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.

(3) Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.

(4) No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system

(5) Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.

h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:

(1) Identify all such public roads, and

(2) Obtain applicable weight and size permits from relevant government agencies prior to construction.

(3) To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:

(a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.

(b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.

i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

3. **Operation.**

a. **Maintenance.**

(1) The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the City. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports, as the City reasonably requests.

(2) Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the special use.

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

(1) All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

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

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

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

(2) Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

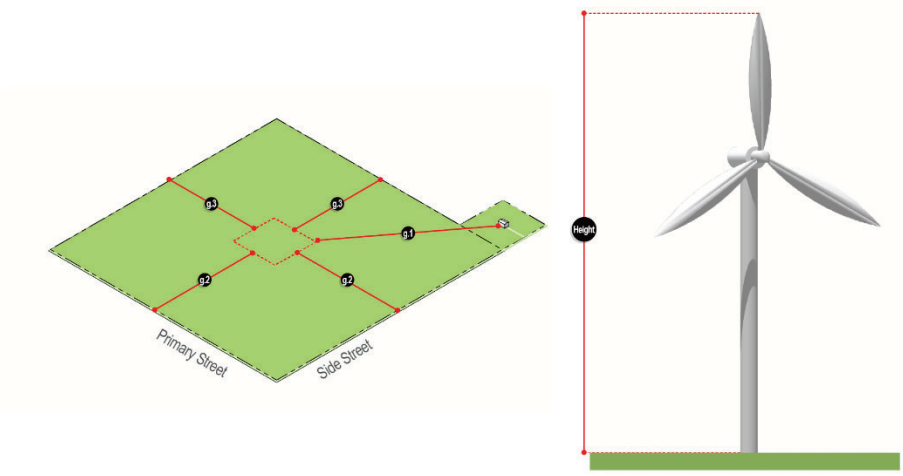
(3) Provisions for the restoration of the natural soil and vegetation,

(4) An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

(5) Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to one-hundred and twenty (120) percent of the professional engineer's certified estimate of the decommissioning cost.

(6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

***Figure 4.7. Wind Farm Standards***



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

1. **Location**. Building-mounted wind energy systems are allowed on all principal and accessory structures and shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.

2. **Setback**. The systems must be set back a minimum of five (5) feet from the edge or eave of the roof.

3. **Quantity**. One (1) turbine is allowed for every five hundred (500) square feet of the combined roof area. For a pitched roof, each surface of the roof shall be included in the roof area calculation.

4. **Noise**. Building-mounted wind energy systems shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

5. **Height**. The maximum height for a building-mounted wind energy system is fifteen (15) feet. The system is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any roof pitches ten to twelve (10:12) or greater. The system shall not exceed fifteen (15) feet above the maximum permitted height of the zoning district. Refer to Figure 4.8 of this Section.

6. **Design.** All systems shall employ a helix-style design employing airfoil blades mounted on a vertical rotor shaft. Fan- and turbine-style designs shall be prohibited.

7. **Appearance Standards.** Graphics, colors, corporate logos, and text on wind energy systems located within business or manufacturing zoned properties are permitted, subject to the discretion of the City Council.

8. **Warnings.**

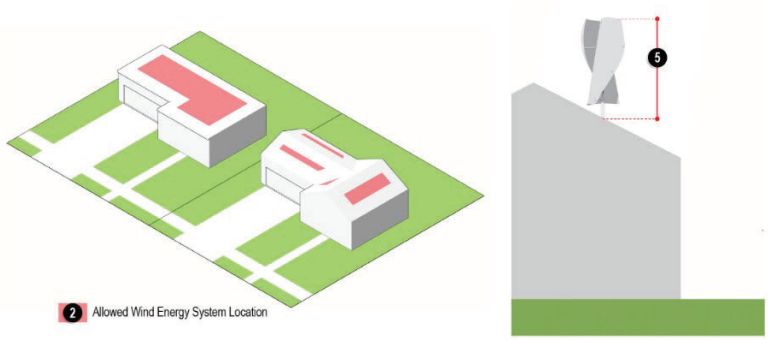
   a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

   b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

   c. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.

   d. The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

***Figure 4.8. Building-Mounted Wind Energy Systems***



H. **Freestanding Wind Energy System – Accessory Use**.

1. **Clearance**. In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet. See Figure 4.9 of this Section.

2. **Permitted Yard Locations**. A freestanding wind energy system shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding wind energy system shall be prohibited.

3. **Height**. The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet measured from the base to the highest edge of the system.

4. **Setbacks**. The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.

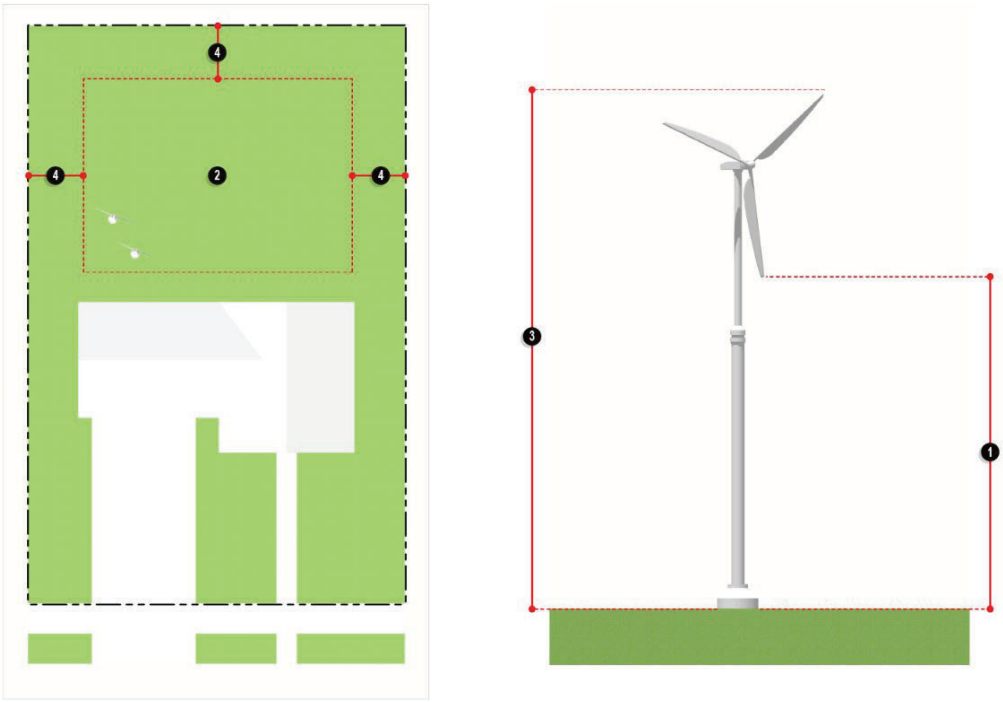
5. **Access**. A freestanding wind energy system and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet above grade.

6. **Noise**. A freestanding wind energy system shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

***Figure 4.9. Freestanding Wind Energy System - Accessory Use Standards***



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

1. **Clearance**. In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet. See Figure 4.10 of this Section.

2. **Permitted Yard Locations**. All parts of any freestanding wind energy system shall meet the setbacks established for the district in which the system is located.

3. **Height**. The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet measured from the base to the highest edge of the system.

4. **Setbacks**. The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.

5. **Access**. Freestanding wind energy systems and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet above grade.

6. **Noise**. A freestanding wind energy system shall not exceed the following:

   a. Fifty-five (55) dBA when in or adjacent to all residential districts.

   b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

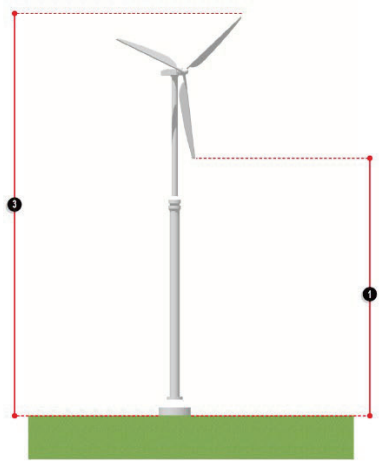
7. **Warnings.**

   a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

   b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

      (1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer. The signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

***Figure 4.10. Freestanding Wind Energy System - Principal Use Standards***



## 10-4-14. Medical and Adult Use Cannabis Use Standards

A. **General Requirements for all Cannabis Uses**.

1. **Business Hours**. Business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays.

2. **On-Premises Consumption**. On-premises consumption of cannabis products in all cannabis businesses operations is prohibited.

3. **Signage**.

   a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.

   b. All cannabis establishments shall be prohibited from having electronic message board signs.

   c. Signage for cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.

B. **Cannabis Craft Grower**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located within two hundred fifty (250) feet 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. Cannabis craft grower shall be limited to one (1) facility within the boundaries of the City.

C. **Cannabis Cultivation Center**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located within two hundred fifty (250) feet 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. Cannabis cultivation center shall be limited to one (1) facility within the boundaries of the City.

D. **Cannabis Dispensing Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.

3. Facility shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five (75) percent 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. Cannabis dispensing organizations shall be limited to one (1) facility within the boundaries of the City.

E. **Cannabis Infuser Organization**.

1. Facility may not be located within five hundred (500) feet 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 or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet 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 (75) percent of the floor area must be devoted to the activities authorized by the Act.

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

F. **Cannabis Processing Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.

3. At least seventy-five (75) percent 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. Cannabis processing organizations shall be limited to one (1) facility within the boundaries of the City.

G. **Cannabis Transporting Organization**.

1. Facility may not be located within five hundred (500) feet 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, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet 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. Cannabis transporting organization shall be limited to one (1) within the boundaries of the City.

## 10-4-15. Institutional, Public, and Utility Use Standards

A. **Telecommunication Tower and Antennae.**

1. **Applicability.**

a. **New Towers and Antennas.** All new towers or antennas in Yorkville shall be subject to these regulations, except as provided in subsections B through E of this section inclusive.

b. **Amateur Radio Station Operator/Receive Only Antennas.** This chapter shall not govern any tower, or the installation of any antenna, that is under eighty (80) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. No receive only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet.

c. **Preexisting Towers or Antennas.** Existing towers and existing antennas which predated this chapter, shall not be required to meet the requirements of this chapter other than the requirements of Sections 10-4-15(A)(2)(f), (A)(2)(h), and (A)(2)(r) of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

d. **AM Array.** For purposes of implementing this chapter, AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

e. **Within Public Right-of-Way:** If the tower and/or antenna is situated within the public right-of-way, such tower and/or antenna must meet the requirements of title 7, chapter 8, "Construction of Utility Facilities in Rights-of-Way", of this Code.

2. **General Requirements.**

a. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with Yorkville's development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. **Inventory of Existing Sites.** Each applicant for approval of an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Yorkville or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of Yorkville, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. **Aesthetics.** Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

e. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

f. **State or Federal Requirements.** All towers must meet or exceed current standards or regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

g. **Building Codes/Safety Standards.** Any owner or operator of an antenna, antenna structure or tower shall maintain the antenna, antenna structure or tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for towers that are published by the national electrical code NFPA 70 and international building code; radio, television sec. 3108, as amended from time to time. If, upon inspection, the City of Yorkville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring the antenna, antenna structure, or tower into compliance within the thirty (30) day period shall constitute grounds for the removal of the antenna, antenna structure or tower at the owner's expense.

h. **Measurement.** For purposes of measurement, tower setbacks and tower separation distances shall be calculated and applied to facilities located in Yorkville irrespective of municipal and county jurisdictional boundaries.

i. **Not Essential Services.** Antennas, antenna structures, and towers shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

j. **Public Notice.** For purposes of this chapter, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice and individual notice by the City of Yorkville to all abutting property owners and all properties that are located within two hundred fifty feet (250) feet of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty (250) feet.

k. **Signs.** No signs shall be allowed on an antenna or tower other than those required by the FCC.

l. **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 10-4-15 (A)(4)(k) of this chapter.

m. **Multiple Antenna/Tower Plan.** The City of Yorkville encourages all plans for towers and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

n. **Antenna on Existing Structures.** Any antenna may be approved by the City of Yorkville as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

(1) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes and safety standards as referenced in subsection g of this section.

o. **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(1) **Additional Antenna.** A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Officer allows reconstruction as a monopole.

(2) **Height.**

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, such height not exceeding one hundred fifty (150) feet in total, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (O)(2)(a) of this section may only occur one (1) time per communication tower.

(c) The additional height referred to in subsection (O)(2)(a) of this section shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.

(3) **On-Site Location.**

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.

(c) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this chapter.

(d) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in this zoning ordinance shall only be permitted when approved by the Zoning Officer.

(4) **New Towers in Nonresidential Zoning Districts.** An applicant may locate any new tower as provided in Table 10-3-12(B), provided that: a) a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; b) the Zoning Officer concludes the tower is in conformity with the goals set forth in this subsection o and the requirements of this subsection; c)

the tower meets the setback and separation requirements Section 10-4-15(A)(4)(e) of this chapter; and d) the tower meets the following height and usage criteria:

(a) For a single user, up to and including one hundred twenty (120) feet in height;

(b) For two (2) users, up to one hundred fifty (150) feet in height; and

(c) For three (3) or more users, up to and including one hundred eighty (180) feet in height.

p. **Roadway Access.** All sites on which antennas, antenna structures and towers are located must have a passable roadway access of compacted macadam base not less than seven (7) inches thick surfaced with not less than two (2) inches of asphaltic concrete or some comparable dustless material.

q. **Fencing.** The structures upon any site upon which an antenna, antenna structure, or tower is located shall be surrounded by an opaque screen which is no less than six (6) feet in height and equipped with an appropriate anticlimbing device. Screening materials shall include either wooden or chainlink fencing. Shrubbery and bushes shall be required, in addition to the wooden or chainlink fence, unless specifically waived by Yorkville in its discretion in appropriate cases.

r. **Disguised Structures.** The provider of an antenna, antenna structure, or tower may propose to disguise the proposed antenna, antenna structure or tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of Yorkville residents shall not be endangered. Yorkville may require the disguise of an antenna, antenna structure or tower as a condition of approval of a building permit or special use permit if the antenna, antenna structure or tower is to be erected on a golf course or other public recreational area.

s. **Annual Administrative Fee and Certifications.**

(1) The annual administration fee payable to the City of Yorkville by any owner and/or operator of an antenna, antenna structure, or tower shall be the sum of thirty-five (35) dollars which shall be due on or before January 10th of each calendar year commencing with calendar year 2001.

(2) In the event a tower is inspected and a certification provided by the owner and/or operator of said tower or related facility showing compliance with all regulations, the above fee shall be the only fee charged. In the event the owner and/or operator of an antenna, antenna structure, or tower fails to have the certification as is required annually to be filed with the City under the terms of this subsection, the owner and/or operator shall reimburse the City for the actual cost of the outside consultant the City deems necessary to conduct said inspection which shall be a minimum of three hundred fifty (350) dollars and any additional cost incurred therein.

(3) The City of Yorkville reserves the right to increase or decrease the amount of the administrative fee as it deems necessary. A separate administrative fee shall be paid by each user or collocator on a tower.

(a) **Permit Required.** Prior to the construction of an antenna, antenna structure or tower the provider of the radio, television, or telecommunications services shall obtain a permit from Yorkville for the erection of such antenna, antenna structure or tower. An applicant for a permit for an antenna, antenna structure, or tower shall pay a fee in accordance with the fee schedule set forth in title 8, chapter 10 of this Code, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.

(b) **Waiver of Provisions.** An applicant can request a waiver of any provision of this chapter upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply.

3. **Permitted Uses.**

   a. **General.** The following uses listed in this section are deemed to be permitted uses and shall not require a special use permit.

   b. **Uses.** Antennas, antenna structures and towers are permitted as an accessory use as provided in Table 10-3-1(B) except that part of any zoning district which is located in a floodplain, so long as said antennas or towers conform to the following and all other requirements of this title:

      (1) Antennas and towers may be located on property owned, leased, or otherwise controlled by Yorkville, particularly and expressly including Yorkville's water tower sites, and City Hall and police station-sites, provided that a lease authorizing such antenna, antenna structure, or tower has been approved by Yorkville.

      (2) Antennas or towers are permitted to be located on the Burlington Northern Railroad easement running southwest and northeast through Yorkville, subject to Section (A)(2)(a) through (s).

4. **Special Uses and Accessory Uses.**

   a. **General Provisions.**

      (1) Radio and telecommunications and towers used for radio transmission, or television transmission when allowed as a Special Use shall be subject to the special use provisions contained within Section 10-8-5 of this title and applications for special use permits shall be subject to the procedures and requirements of this title, except as modified in this chapter.

      (2) In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

      (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

      (4) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the City Council of Yorkville to reimburse Yorkville for the cost of reviewing the application.

      (5) Antennas, antenna structures and towers shall be allowed as special uses only consistent with all of the requirements of this chapter in the following zoning districts and for the following uses.

         (a) R-1, Single-Family Suburban Residence: For commercial/trade school, place of worship/assembly, golf course, or public utility facilities only;

         (b) R-2, Single-Family Traditional Residence: For commercial/trade school, place of worship/assembly, golf course, or public utility facilities.

   b. **Information Required.** In addition to any information required for applications for special use permits referenced above, each petitioner requesting a special use permit under this chapter for an antenna, antenna structures, and tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals, showing the location, type and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by Yorkville to be necessary to assess compliance for this chapter. In addition, the following information shall be supplied:

      (1) Legal description of the parent track and leased parcel (if applicable);

(2) The setback distance between the proposed structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property;

(3) The separation distance from other structures in the inventory of existing sites submitted pursuant to Section 10-4-15 (A)(2)(c) shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing structure(s) and the owner/operator of the existing structure(s), if known;

(4) A landscape plan showing specific landscape materials; the method of fencing and finish color and, if applicable, the method of camouflage and illumination;

(a) A description of compliance with Sections 10-4-15 (A)(2)(c)(e)(f)(g)(h)(i)(m) of this chapter and all applicable federal, state or local laws;

(b) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;

(c) Identification of the entities providing the backhaul network for the structure(s) described in the application and other cellular sites owned or operated by the applicant in Yorkville;

(d) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and

(e) A description of the feasible location(s) of future towers or antennas within Yorkville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(5) An applicant shall be notified within thirty (30) days if the application is incomplete. The City shall make a decision on collocation within ninety (90) days and all other siting applications within one hundred fifty (150) days of the receipt of a completed application.

c. **Factors Considered in Granting Special Use Permits:** The City of Yorkville shall consider the following factors in determining whether to issue a special use permit above and beyond those factors referenced in Section 10-8-5 of this title. The City of Yorkville may waive or reduce the burden on the petitioner of one (1) or more of these criteria if Yorkville concludes that the goals of this chapter are better served thereby.

(1) Height of the proposed antenna, antenna structure or tower;

(2) Proximity of the antenna, antenna structure or tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the antenna, antenna structure or tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress.

d. **Height.** No antenna, antenna structure, or tower shall exceed a height of one hundred (100) linear feet in aerial height. Where an arm has been installed to facilitate collocation of an additional antenna on the existing antenna structure or tower, the arm shall not exceed a length of twelve (12) linear feet.

e. **Setbacks and Separation.**

(1) **Setbacks.** Antennas, antenna structures or towers must be set back a distance equal to the height of the antenna, antenna structure, or tower from any off-site, residential structure. Antenna structures, guylines, and equipment shelters must satisfy the minimum setback requirements for the governing zoning district.

(2) **Separation.** The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Plan Commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby, or if enforcement of said setback would effectively prohibit said tower:

(a) **Separation From Off-Site Uses/Designated Area.**

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 10-4-15(A)(4)(e)(2) of this section.

(ii) Separation requirements for towers shall comply with the minimum standards established in Table 10-4-15(A)(4)(e)(2) of this section.

**Table 10-4-15 (A)(4)(e)(2): Separation Requirements**

| Off-Site Use/Designated Area | Separation Distance |
|---|---|
| *Single-family or duplex principal use* | 500 feet |
| *Vacant single-family or duplex use on residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired* | 500 feet |
| *Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multi-unit residentially zoned land* | 500 feet |
| *Existing multi-family residential* | 100 feet or 100 percent of the tower height, whichever is greater |
| *Nonresidentially zoned land or nonresidential uses* | None |
| *The Fox River or any watercourse* | 500 feet as measured from the shore |
| *Major highways (as defined in the Yorkville comprehensive plan)* | 500 feet from the right-of-way |

(3) **Separation Distances Between Towers**. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances shall be as shown in Table 10-4-15(A)(4)(e)(3) of this section.

**Table 10-4-15 (A)(4)(e)(3): Existing Tower Separation Requirements**

| Existing Tower Type | Separation Distance (feet) | | | |
|---|---|---|---|---|
| | Lattice | Guyed | Monopole (Taller Than 75 Feet) | Monopole (Shorter Than 75 Feet) |
| *Lattice* | 1,000 | 1,500 | 500 | 250 |
| *Guyed* | 1,000 | 1,750 | 1,500 | 1,250 |
| *Monopole (Taller than 75 feet)* | 500 | 1,500 | 250 | 250 |
| *Monopole (Shorter than 75 feet)* | 250 | 1,250 | 250 | 250 |

f. **Siting on Wetland Prohibited.** No antenna, antenna structure, or tower shall be located in an area which has been designated as a wetland either by the City of Yorkville, Kendall County, the State of Illinois Department of Natural Resources, the United States Department of the Interior or the United States Army Corps of Engineers, and any and all governmental bodies and agencies having jurisdiction.

g. **FCC Signage.** To the extent that signage is required by the FCC on an antenna structure, or tower, that signage shall constitute no more than five (5) percent of the square footage of the antenna, antenna structure, or tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.

h. **Preservation of Landscape.** Existing mature tree growth and natural landforms on the proposed antenna, antenna structure, or tower site shall be preserved to the maximum extent possible.

i. **Utilities and Access Required.** Radio and telecommunications antennas, antenna structures, and towers, including, but not limited to, those used for small wireless services, small wireless facilities, and unlicensed wireless services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the antenna, antenna structure or tower. All such utilities shall be buried.

j. **Signal Interference.** No signal transmission from any antenna, antenna structure, or tower shall interfere with police, fire, public works or any other governmental radio band signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed antenna, antenna structure, or tower, the petition for special use shall be denied.

k. **Equipment Shelter and Equipment Cabinets.** A provider of a radio, television, or telecommunications antenna, antenna structure, or tower may provide an equipment shelter on the site of the antenna, antenna structure, or tower. The square footage of the equipment shelter may not exceed more than twenty (20) percent of the total square footage of the antenna, antenna structure or tower ground site or four hundred fifty (450) square feet, whichever is greater. At any antenna, antenna structure, or tower site in which more than one (1) antenna has been collocated, no more than three (3) equipment shelters shall be allowed. Multiple equipment shelters shall be contained under one (1) roof if at all practicably possible. No equipment shelter shall be approved as part of the site plan unless appropriate electrical power and road ingress and egress facilities are planned for inclusion at the equipment shelter site.

l. **Equipment Cabinets.**

(1) In residential districts, the equipment cabinet or structure may be located in a front or side yard provided the cabinet or structure is no greater than four (4) feet in height or twenty-four (24) square feet of gross floor area and the cabinet/structure is located a minimum of six (6) feet from all lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least forty-two (42) inches to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.

(2) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of eight feet (8') and a planted height of thirty-six (36) inches.

(3) In business and manufacturing districts the equipment cabinet or structure shall be no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

m. **Code Requirements.** Any antenna, antenna structure, or tower must meet code requirements established by the National Electrical Code, NFPA 70 and International Building Code; Radio, Television Towers Codes currently in effect as required by Yorkville and all applicable marking and lighting standards as established by the Federal Aviation Administration.

n. **Removal of Abandoned Antennas, Antenna Structures, or Towers.** Any antenna, antenna structure, or tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such antenna, antenna structure, or tower shall remove same from within ninety (90) days of receipt of written notice from Yorkville notifying the owner of such abandonment. If such antenna, antenna structure, or tower is not removed within said ninety (90) days Yorkville shall remove such antenna, antenna structure, or tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two (2) or more users of a single antenna, antenna structure, or tower, then this provision shall not become effective until all users cease using the antenna, antenna structure, or tower.

o. **Collocation.** A request for approval of a special use permit for the installation of an antenna, alternative antenna, antenna structure or tower, the Zoning Board may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of small wireless telecommunications services to collocate additional antennas or antenna structures on a freestanding pole which is part of applicant's proposed small wireless facility, where collocation is technologically feasible.

7. **Nonconforming Uses.**

a. **Prohibited Expansion of Nonconforming Use.** Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. **Preexisting Towers.** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

c. **Rebuilding Damaged or Destroyed Nonconforming Antennas, Antenna Structures or Towers.** Notwithstanding any provision in this chapter to the contrary, bona fide nonconforming antennas, antenna structures or towers or antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a special use permit and without having to meet the separation requirements specified elsewhere in this chapter. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approved. Building permits to rebuild a facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10-4-15 (A)(4)(n) of this chapter.

8. **Annual Reporting of Information.** Each owner of an antenna, antenna structure, or tower regulated under this chapter, and including those previously existing structures which would have been regulated under this chapter, shall, on an annual basis, furnish Yorkville with such information as is required by Yorkville to aid with the administration of this chapter, such as changes in availability of space on any tower for collocation of additional antennas, plans to abandon a position on a tower, thereby leaving space for the possible collocation of another antenna, plans and/or willingness to modify said tower and antenna structure so as to provide for the possibility of collocation, or intentions to abandon a tower structure, or other nonproprietary information as may be required by Yorkville. Upon written notice from the City of Yorkville to the owner thereof, the effective date of this chapter, which tower and/or antenna structure would otherwise be regulated by this chapter, shall register with Yorkville, and shall provide such nonproprietary information as is deemed useful by Yorkville for administration of this chapter. This section is specifically deemed to have retroactive effect.

## 10-4-16. Accessory Use Standards

A. **Accessory Buildings and Accessory Structures, Permanent**.

1. **Location**. Accessory buildings and structures shall be subject to the following locational requirements:

a. If located entirely within the required rear or side yard the accessory building or structure shall be located a minimum of five (5) feet from side and rear property lines.

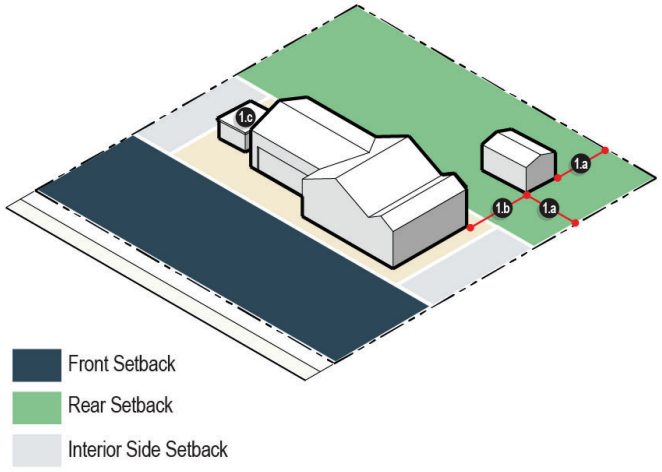
b. Only accessory buildings shall be located at least ten (10) feet from the principal building, however, accessory structures may be attached to or located adjacent to the principal building.

c. If located entirely within the buildable area of the lot, the accessory building or structure shall not be located between the primary building and the front property line.

d. No permanent accessory building or structure shall be located within a public utility easement or within a designated stormwater overflow route.

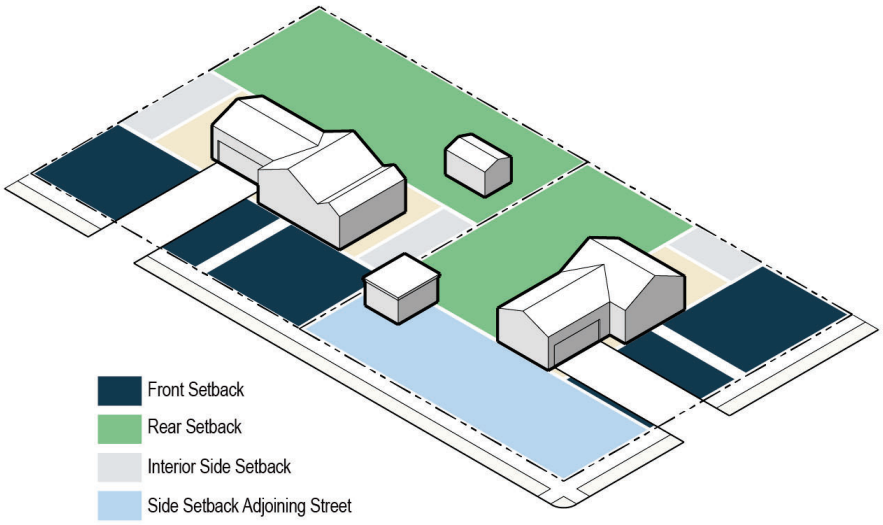
e. If located partially in a required yard and partially in the buildable area of the lot, the accessory building or structure shall maintain the required side setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

***Figure 4.11. Permanent Accessory Buildings and Accessory Structures Standards***



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

***Figure 4.12. Permanent Accessory Building and Accessory Standards - Location on Reversed Corner Lots***




3. **Time of Construction**. No accessory building or permanent accessory structure with a connected water supply shall be constructed on any zoning lot prior to the start of construction of the principal building to which it is accessory, or as provided in section 10-3-3 of this title for contiguous parcels.

4. **Height of Accessory Buildings or Structures in Required Rear Yards**. No accessory building or permanent accessory structure or portion thereof shall exceed fifteen (15) feet in height when located within the required rear yard.

B. **Accessory Commercial Unit**

1. Only one (1) ACU may be allowed per lot.
2. An accessory commercial unit (ACU) shall be located in a permanent accessory building or structure subject to all standards in Section 10-4-16(A).
3. Outdoor seating, drive-throughs, outdoor display areas, and rooftop decks associated with an ACU shall be prohibited.
4. An ADA-compliant pedestrian circulation system shall connect the primary entrance of the ACU building with the sidewalk in a way that does not require out-of-direction travel.
5. The hours of operation shall be limited to between 7 am and 9 pm daily.
6. The City Council may limit the number of customers or clientele served by the ACU per day during the Special Use Permit process.
7. The ACU shall use the same mailbox, water meter, and trash containers as the principal use. The use of additional mailboxes, water meters, or trash containers by the secondary dwelling unit separate from the principal use shall be prohibited.
8. The owner of the property on which the ACU is situated shall continue to occupy the principal residential structure on-site as their primary residence.

C. **Domestic Hens.** The keeping of domestic hens shall be subject to the provisions of Title 8, Chapter 19 of the City of Yorkville Code of Ordinances.

D. **Drive Throughs.**

1. Drive throughs shall be permitted a maximum of four (4) menu boards per lane.
2. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of Section 10-6-5(B).
3. Any structural element of a drive through, including pavement, speaker boxes, or menu signs shall be located a minimum distance of five hundred (500) feet from the property line of any residentially zoned parcel.
4. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.
5. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
6. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated, subject to City Engineer approval.
7. Drive through facilities shall be provided with a bypass lane with a minimum width of twelve (12) feet unless an alternative means of exit is approved by the City Engineer.
8. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
    a. One (1) lane: twelve (12) feet.
    b. Two (2) or more lanes: ten (10) feet per lane.
    c. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 10-4-16 (D).

| Table 10-4-16(D) Drive Through Stacking Requirements | | |
|---|---|---|
| **Use** | **Minimum Stack** | **Measure From** |
| *Automated Teller Machine* | 3 per machine | teller machine |
| *Bank Teller Lane* | 2 per lane | teller or window |
| *Restaurant* | 6 per order box | order box[1] |
| *Carwash Stall, Automatic* | 5 per stall | stall entrance |
| *Carwash Stall, Manual* | 3 per stall | stall entrance |
| *Oil Change Shop* | 3 per service bay | service bay entrance |
| *Pharmacy* | 4 per lane | machine or window |
| *Other* | as determined by the Zoning Officer | |
| 1. Four (4) of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box. | | |

E. **Dwelling, Accessory**.

1. One (1) accessory dwelling unit shall be permitted on a lot. The accessory dwelling shall only be allowed on a lot on which the sole principal use is a single-family dwelling.

2. Detached accessory dwelling units shall not exceed nine hundred (900) square feet or ten (10) percent of size of the lot, whichever is less.

3. Attached accessory dwelling units shall not exceed nine hundred (900) square feet or thirty (30) percent of the size of the principal building, whichever is less.

4. Detached and attached secondary dwelling units shall be located to the rear of the primary building.

5. Only one (1) entrance shall be located on the front façade of the primary building. Entrances to secondary dwelling units must be located on the side or rear façade.

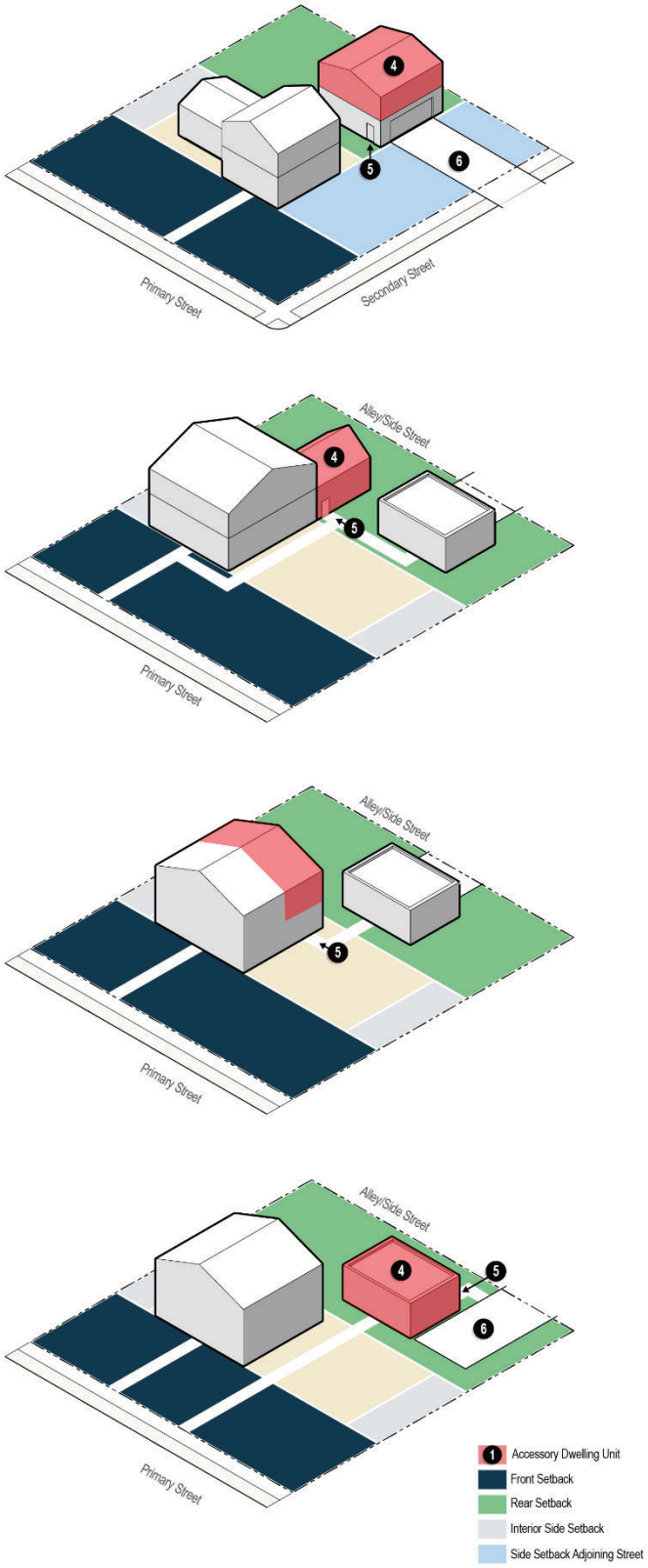
6. Both the principal structure and the accessory dwelling unit shall be served by one (1) common driveway connecting the principal and accessory dwelling units to a public or private road.

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

8. The accessory dwelling shall use the same mailbox, water meter, and trash containers as the principal dwelling unit. The use of additional mailboxes, water meters, and trash containers by the accessory dwelling unit separate from the principal dwelling unit shall be prohibited.

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

*Figure 4.13. Accessory Dwelling Unit Standards*



F. **Recreational Vehicle, Trailer, and Boat Parking**.

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

2. **Improved Hard Surface**. Recreational vehicles, trailers, boats, and other recreational equipment shall be parked on a driveway or a parking pad as specified in Section 10-5-2(B)(4) if constructed in a front or side yard but may be parked on the grass if located in the rear yard as approved only by the City Engineer.

3. **Number**. A maximum of one (1) recreational vehicle, trailer, boat, or other recreational equipment shall be parked on a lot any given time, in addition to any automobiles permitted by the Zoning Ordinance.

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

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

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

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

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

G. **Home Occupations**. The standards for home occupations are intended to ensure compatibility with other permitted uses and maintain the existing character of the surrounding area. Any gainful activity which is not a permitted home occupation as defined in this title shall be considered a business use and shall not be allowed under the provisions of this Section. Any such use existing on the effective date of this title shall be subject to provisions of Chapter 9 for the elimination of a nonconforming use.

1. Any customary home occupation shall be permitted provided that:

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

   b. It does not require internal or external alteration;

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

   d. The entrance to the space devoted to such occupation shall be from within the dwelling;

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

   f. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in part for any use other than a dwelling.

   g. No electrical or mechanical equipment is used, except such as is customarily used for purely domestic or household purposes;

   h. Off-street parking is provided in accordance with the provisions of Section 10-5-1(H), of this title;

i. Limited amounts of goods, commodities or stock in trade shall be received, retained, used, or stored on, or physically transferred from the premises;

j. Teaching of musical instruments and dancing shall be conducted only in a single-family detached dwellings; It does not interfere with the reasonable use and enjoyment of adjacent properties, such as, but not limited to, those home occupations that create any form of electromagnetic interference or cause fluctuation in line voltage outside of the dwelling in which the home occupation is conducted;

k. It does not generate any solid waste or sewage discharge in a volume or type which is not normally associated with a residential use in the zoning district; and

l. In-home daycare/childcare services shall meet the following provisions:

(1) Any person operating an in-home daycare/childcare service shall obtain a license from the Illinois Department of Children and Family Services before commencing the operation of such service.

(2) Any person operating an in-home daycare/childcare service shall obtain an operational permit from the Bristol Kendall Fire District.

(3) In home daycare/childcare services are limited to no more than twelve (12) children under the age of twelve (12) at any one (1) time, unless approved through a special use permit pursuant to Section 10-8-5 of this title.

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

3. The following home occupations are prohibited:

a. Selling or manufacturing of firearms;

b. Automobile repair services;

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

d. Manufacturing business;

e. Medical clinic or hospital;

f. Animal hospital or kennel (animal grooming services are permitted);

g. Restaurant;

h. Mortuary and funeral parlors; and

i. Commercial automobile repair;

j. Any activity that produces noxious matter or employs or produces flammable matter.

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

1. **Accessory Use**. Outdoor displays shall be permitted only as an accessory use on the same lot as a permitted or special use of the business or operation located there and shall not operate as a separate enterprise.

2. **Nature of Merchandise**. The goods, merchandise, or products offered for sale in an outdoor display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, landscape supplies, propane or other material contained in a pressurized tank, ice/vending machines, recycling containers and automated teller machines (ATM). Goods, merchandise or products that are

typically located within a permanent building or structure, such as clothing and prepared food, shall not be offered for sale in a permanent outdoor display area.

3. **Location**.

   a. **Setbacks**. Outdoor display areas may be located in front of, on the side of, or behind the primary building, but shall not encroach upon the required minimum yard setbacks for the zoning district in which it is located.

   b. **Parking**. Outdoor display areas may be located within existing parking spaces but only if there is a sufficient number of other parking spaces available to meet the minimum parking requirements of the use(s) on the property, as provided in Section 10-5-1(H)(5) of this title.

   c. **Pedestrian Walkways**. Outdoor display areas may be located on a pedestrian walkway if an unobstructed portion of the walkway measuring not less than three (3) feet in width shall be continuously maintained for pedestrian access and no point of ingress or egress from any building or any individual unit within any building shall be blocked at any time.

   d. **Right-of-Way**. Unless otherwise provided by this title, outdoor display areas shall not be located on any public or private right-of-way.

   e. **Lawn**. Outdoor display areas may be located on concrete, asphalt, or brick paver areas and shall not be located on lawn areas or required landscape areas.

   f. **Near Single-Family Residence District**. No outdoor display areas shall be located within fifty (50) feet of any single-family residentially zoned district, exclusive of rights-of-way.

4. **Size**. Outdoor display areas shall be limited to thirty-five (35) percent of the gross floor area of the primary building or tenant space to which the outdoor display area is an accessory, with the exception of vehicle, trailer and farming equipment dealerships.

5. **Visibility**. Outdoor display areas shall comply with the Vision Clearance requirements of section 10-5-6 of this title.

6. **Maintenance**. All outdoor display areas must be maintained and displayed in a neat, orderly, and safe manner at all times.

## 10-4-17. Temporary Use Standards

A. **Accessory Structures, Temporary.**

1. Temporary accessory structures shall be allowed for between thirty (30) days and six (6) months as approved through a temporary use permit as specified in Section 10-8-3(F).

2. If located entirely within the required yard the accessory building or structure shall be located a minimum of five (5) feet from side and rear property lines.

3. Temporary accessory structures may be attached to or located adjacent to the principal building.

4. If located entirely within the buildable area of the lot the temporary accessory structure shall not be located between the primary building and the front property line.

5. If located partially in the required rear yard and partially in the buildable area of the lot, the temporary accessory structure shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

6. **Time of Construction**. No temporary accessory structure with a connected water supply shall be constructed on any zoning lot prior to the start of construction of the principal building to which it is accessory.

B. **Mobile Food Vendor Vehicles and Retail Vendor Vehicles**.

1. **Purpose**. The purpose of this section is to encourage and regulate the operation of mobile food vendor and retail vendor vehicles subject to operational standards, on public and private property within the City. These operational standards and application procedures are intended to recognize the opportunity for unique outdoor portable fare and added convenience to persons living and working within Yorkville, while protecting the health, safety and welfare of the general public.

2. **General Provisions**.

   a. Mobile food vendor vehicles and mobile retail vendor vehicles shall obtain a certificate of registration from the office of the City Clerk in accordance with title 3, chapter 5 of the City of Yorkville Municipal Code.

   b. Mobile food vendor vehicles and mobile retail vendor vehicles must comply with all federal, state, county, and local business tax, sales tax, and other tax requirements.

   c. It shall be a violation to operate a mobile food vendor vehicle or mobile retail vendor vehicle at any location except in compliance with the requirements of this section.

   d. Mobile food vendor vehicles and mobile retail vendor vehicles are permitted in all zoning districts of the City, subject to the location and operational standards established in this title.

   e. Mobile food vendor vehicles and mobile retail vendor vehicles shall not:

      (1) obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to, access to or from any business, public building, or dwelling;

      (2) conflict with the vision clearance requirements of section 10-5-6 of this title; or

      (3) prevent access of emergency vehicles.

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

   g. No amplified music or loudspeakers shall be permitted.

h. Any exterior lighting provided on the mobile food vendor vehicles or mobile retail vendor vehicles shall comply with the standards of Section 10-5-7.

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

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

3. **Location and Operational Standards**.

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

(1) Mobile food vendor vehicles and mobile retail vendor vehicles shall be legally parked in full compliance with all State and local parking provisions which apply to the location at which it is parked, including any sign prohibiting the parking or standing of a vehicle or indicating a parking time limit.

(2) Operation of mobile food vendor vehicles and mobile retail vendor vehicles within City parks shall be subject to rules and regulations established by the Park Board.

(3) No unattended mobile food vendor vehicle or mobile retail vendor vehicle shall be parked or left overnight within a public right-of-way or on any other public property.

(4) Mobile food vendor vehicles or mobile retail vendor vehicles shall not operate within the public right-of-way within five hundred (500) feet from any K-12 school building, as defined by the State of Illinois, between the hours of 7:00 a.m. and 4:00 p.m. on regular school days, unless as part of a permitted special event or rally.

(5) Mobile food vendor vehicles or mobile retail vendor vehicles shall not be parked within twenty-five (25) feet from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five (25) feet from a railroad crossing.

(6) Mobile food vendor vehicles or mobile retail vendor vehicle operators shall be responsible for organizing customer queuing in a manner that maintains a clear path along the sidewalk that is at least four (4) feet wide and does not interfere with or obstruct the free passage of pedestrians.

(7) All sales and service shall be limited solely to that side of the mobile food vendor vehicle or mobile retail vendor vehicle facing away from the public street.

(8) Mobile food vendor vehicles and mobile retail vendor vehicles shall not encroach onto a public sidewalk with any part of the vehicle, or any other equipment or furniture related to the operation of its business, except for required refuse receptacles.

(9) Mobile food vendor vehicles greater than thirty-five (35) feet in length, or that occupy more than two (2) on-street parking spaces, are not permitted to operate in the public right-of-way adjacent to residentially zoned properties.

(10) Mobile food vendor vehicles or mobile retail vendor vehicles shall not block a lawfully placed monument sign of another business.

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

(1) Mobile food vendor vehicles and retail vendor vehicles may be permitted to operate on private property as a temporary accessory use in all zoning districts.

(2) Mobile food vendor vehicles and retail vendor vehicles shall not occupy more than eight (8)of the required parking spaces on an improved lot or exceed the maximum lot coverage for the district in which it is located on an unimproved lot.

(3) The maximum number of mobile food vendor vehicles and retail vendor vehicles permitted on a site shall be determined as follows:

(a) One (1) mobile food vendor vehicle or retail vendor vehicle may operate on the site for every five hundred twenty-five (525) square feet of paved area (at least thirty-five (35) feet by fifteen (15) feet in dimension); except that mobile food vendor vehicles or retail vendor vehicles greater than thirty-five (35) feet in length require a space at least seventy feet (70) by fifteen (15) feet.

(b) Mobile food vendor vehicle and retail vendor vehicle operations shall occur upon a paved, level parking area or surface.

(c) Mobile food vendor vehicles and retail vendor vehicles parked within required parking areas shall not impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way.

(d) Mobile food vendor vehicles and retail vendor vehicles may be permitted to have canopies and outdoor seating areas, provided these additional outdoor accessories may not occupy more than two (2) parking spaces per mobile food vendor vehicle or retail vendor vehicle.

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

(1) Canteen trucks may operate on an unimproved lot or parcel, only if such lot or parcel or an adjoining lot or parcel is undergoing permitted construction activity.

(2) Canteen trucks shall not block fire lanes, designated construction traffic lanes for ingress or egress, or access to or from the construction site.

(3) No unattended canteen truck shall be parked overnight on any property.

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

(1) Mobile food vendor vehicles and mobile retail vendor vehicles may provide private sales service within the public right-of-way and on private property in residential districts only.

(2) Private vendor services by mobile food vendor vehicles and mobile retail vendor vehicles shall be limited to private guests of the event host only. No walk-up customers are permitted.

(3) Payment shall occur directly between the event host and the mobile food vendor vehicle and retail vendor vehicle. No payment transactions shall occur for individual orders.

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

C. **Storage of Roadway Construction Materials**.

1. A temporary use permit and building permit shall be required prior to the establishment of a storage area for roadway construction materials. In addition to all required permit application materials, the following shall be required:

    a. A site plan depicting the location of proposed construction material storage locations, site ingress and egress, stormwater runoff control measures, other stormwater management practices, and any other information requested by the Zoning Officer shall be required; and

    b. A traffic plan.

2. Roadway construction material storage areas shall be utilized between the hours of 7:00am and 10:00pm only.

D. **Portable Outdoor Storage Device**. Portable outdoor storage devices are allowed in any district provided they are issued a temporary use permit and meet the following conditions:

1. Only one portable outdoor storage device may be located on a lot at a time.

2. No portion of any portable outdoor storage device may extend onto the public right-of-way, including but not limited to sidewalks, parkways, streets, or alleys unless otherwise approved through the temporary use permit.

3. The portable outdoor storage device shall not exceed eight (8) feet in width, twelve (12) feet in length and eight (8) feet in height, or seven-hundred sixty-eight (768) cubic feet.

4. The portable outdoor storage device must be located on an impervious surface.

5. Placement of a portable outdoor storage device shall be limited to thirty (30) days per residential lot, per calendar year.

6. Placement of a portable outdoor storage device shall be limited to sixty (60) days per business, manufacturing, institutional, open space, or agricultural lot, per calendar year.

7. Every portable outdoor storage device must be locked and secured when not being loaded or unloaded.

8. The temporary use permit shall be prominently displayed during the approval period.

9. The Planning and Zoning Commission may approve containers that exceed the allowable number, size, surface, or length of time.

E. **Temporary and Seasonal Uses**.

1. **Purpose**. To further encourage the revitalization of the downtown and other areas within the City, these standards are intended to provide a temporary but unique environment for relaxation, social interaction, and food or beverage consumption within public rights-of-way and public sidewalks without impeding the free and safe flow of pedestrian or vehicular traffic.

2. **General Provisions**.

    a. **Encroachment**. A sidewalk cafe or parklet cafe shall not be considered an "encroachment" so long as all outdoor facilities related thereto are temporary in nature, are not permanently affixed so as to extend below or above the sidewalk or public right-of-way, involve no penetration of the sidewalk surface or public right-of-way, are not attached to any building and are readily removable without damage to the surface of the sidewalk or public right-of-way.

    b. **Time Period**. Sidewalk cafes and parklet cafes may be permitted from April 1st through October 31st. Time extensions may be granted for sidewalk cafe and parklet cafe operations per the discretion of the Zoning Administrator on a case-by-case basis. Parklet cafes not removed after October 31st and without an approved extension may be removed by the City at the owner's expense.

c. **Permit**.

(1) Sidewalk cafes and parklet cafes shall require a permit pursuant to the standards established in 10-4-16(E) of this title.

(2) Outdoor dining on a public sidewalk or within the right-of-way may occur only pursuant to the issuance of a permit.

(3) A sidewalk cafe or parklet cafe permit is non-transferrable.

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

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

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

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

a. **Sidewalk Café**.

(1) **Design Elements**.

(a) Elements of a typical sidewalk cafe may include, but are not limited to, the following: barriers, planters, tables, chairs, umbrellas, menu display, heat lamps and ingress/egress access point.

(b) The design, material, and colors used for the furniture and fixtures within the sidewalk cafe shall complement the architectural style and colors of the building facade and public street furniture, if any, and withstand inclement weather.

(2) **Setbacks**.

(a) No element of the sidewalk cafe, as described above, may obstruct the pedestrian way in a manner which reduces the depth of the pedestrian way to less than five (5) feet. Light poles, tree wells, fire hydrants and other such items may fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk cafe.

(b) A sidewalk cafe shall not unreasonably obstruct the visibility of neighboring businesses. In such cases a sidewalk cafe operator may be required to adjust the layout of the outdoor dining area per the recommendation of the Zoning Administrator or designee.

(c) Sidewalk cafes must be located a minimum distance of one hundred (100) feet from the nearest residential zoned district.

(d) The width of the sidewalk cafe must not extend beyond the frontage of the business establishment unless written notarized consent of the adjacent business and property owner has been provided to the Zoning Administrator.

(e) Sidewalk cafes located at a street corner must maintain a ten (10) foot setback from the corner of the building along both frontages.

(f) For sidewalk cafes located adjacent to a driveway or an alley, setback distances will be at the discretion of the Zoning Administrator in locations where unusual circumstances exist or where public safety would be jeopardized.

(3) **Barriers**.

(a) The perimeter of sidewalk cafes that extend more than three (3) feet into the public right-of-way shall be enclosed by barriers that are durable, removable, and maintained in good condition.

(b) Sidewalk cafes that extend three (3) feet or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.

(c) Sidewalk cafes that serve alcohol must be surrounded by a barrier in all cases. Barrier access point must be controlled by the sidewalk cafe operator/business establishment. Business establishment owners should maintain compliance with Yorkville's Liquor Control Ordinance standards for serving alcohol outside of enclosed businesses.

(d) Moveable barriers and all furniture shall be removed at the end of each business day unless otherwise approved by the Zoning Administrator or designee. Moveable barriers shall be capable of being removed through the use of recessed sleeves and posts, wheels that can be locked in place, and/or weighted bases. Barrier segment bases should be flat with tapered edges that are between one-fourth (0.25) inch and one-half (0.5) inch thick.

(e) The maximum height of any barrier shall not exceed three (3) feet six (6) inches. The lowest point in the barrier should be no more than six (6) inches in height above the ground to comply with ADA detectable warning regulations.

(f) Rigid fence sections may be placed end-to-end to create the appearance of a single fence. Sectional fencing shall be composed of metal or wood and shall be painted or finished in a complementary color to the building color or accent materials. Sectional fencing may be constructed from other materials such as but not limited to aircraft cable, fabric, steel or iron elements if approved by the Zoning Administrator or designee.

(g) **Planters**.

(i) Planters may also be used as a barrier or planter boxes as barrier components.

(ii) Planters must be no more than three (3) feet in height and plant materials may be up to three (3) feet tall.

(iii) Planters shall be kept in clean condition, contain living plants, and be removed at the end of each business day.

(h) Access openings must be kept clear of all materials and should measure no less than forty-four (44) inches wide.

(4) **Awnings and Umbrellas**.

(a) The use of awnings over the outdoor dining area or removable table umbrellas may be permitted provided they do not interfere with street trees.

(b) No portion of the awning shall be less than eight (8) feet above the sidewalk and no portion of the umbrella shall be less than seven (7) feet above the sidewalk.

(c) Awnings may extend up to five (5) feet from the front of the building's facade or cover up to fifty (50) percent of the outdoor dining area, whichever is less.

(d) Awnings shall have no support posts located within the public right-of-way.

(e) A separate building permit must be obtained prior to the installation of the awning.

(f) Notwithstanding any provisions in this Code, signs and logos shall be permitted on umbrellas or awnings in outdoor dining areas.

(5) **Prohibited Items**.

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

(b) Shelves, serving stations, flimsy plastic tables and chairs, unfinished lumber or splintering wooden materials, rusted metal, and loudspeakers, are prohibited.

(c) Tying or otherwise securing sidewalk cafe elements to trees, lamp posts, street signs, streetlights, and/or hydrants is prohibited.

(d) Chain link, rope rails, and chain are prohibited as barrier materials.

(e) Rails, buckets, flag poles, and newspaper stands are prohibited.

(f) No alterations or coverings should be made to the sidewalks or placed over the sidewalk cafe space. Platforms, artificial turf, paint, or carpet in sidewalk cafe areas is prohibited.

(g) If wait service is not provided in the sidewalk cafe area, the business establishment is required to supply a waste receptacle. If wait service is provided, the business establishment is prohibited from placing a waste receptacle in the sidewalk cafe.

b. **Parklet Café**.

(1) The parklet cafe site shall be located on at least one (1) parking spot within the public way and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of sidewalk. Parklet cafes are restricted to City of Yorkville public streets and shall not be permitted on any state, county or township roadways.

(2) Tables, chairs, umbrellas or other fixtures in the parklet cafe:

(a) Shall not be placed within five (5) feet of fire hydrants, alleys or bike racks.

(b) Shall not be placed within five (5) feet of a pedestrian crosswalk.

(c) Shall not block designated ingress, egress, or fire exits from or to the business establishment or any other structures.

(d) Shall not be physically attached, chained, or in any manner affixed to any structure, tree, signpost, or light pole.

(e) May be removed by the City at owner's expense if not installed per approved plans or installed after permit expiration.

(f) Shall be maintained in a clean, sanitary, and safe manner.

(g) Shall consist of commercial-grade furniture.

(h) Shall not be placed outside or hang over the designated parklet cafe area.

(3) The parklet cafe shall be located in such a manner that a distance of not less than four (4) feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.

(4) The parklet cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. Maintenance details shall include access panels and how drainage will be provided along the existing drainage way.

(5) Parklet cafe decking must be flush with the curb and may not have more than a one-half (0.5) inch gap from the curb.

(6) The parklet cafe platform shall allow for access underneath the platform and curbside drainage may not be impeded.

(7) All rails around the parklet cafe must be capable of withstanding a two hundred (200) pound horizontal force.

(8) The parklet cafe shall be required to have reflective tape, soft hit posts, wheel stops and, depending on the proposed location, may be required by the Zoning Administrator or designee to have edging such as planters, railing or cables.

(a) If cables are used, vertical spacing between cables may not exceed six (6) inches.

(9) Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six (6) feet eight (8) inches above the sidewalk. Umbrellas must be secured.

(10) Temporary signage such as menu boards or easels may be permitted in parklet cafes.

(11) No food preparation, food or beverage storage, refrigeration apparatus or equipment shall be allowed in the parklet cafe unless authorized by the Zoning Administrator or designee as part of a special event.

(12) No amplified entertainment shall be allowed in the parklet cafe unless authorized by the Zoning Administrator or designee as part of a special event.

(13) Parklet cafes shall meet the vision clearance requirements of Section 10-5-6 of this title.

# Chapter 5. Development Standards

10-5-1. Off-Street Parking and Loading ..... 1
10-5-2. Driveways ..... 18
10-5-3. Landscape ..... 22
10-5-4. Screening ..... 36
10-5-5. Fences ..... 39
10-5-6. Vision Clearance ..... 41
10-5-7. Outdoor Lighting ..... 42

## 10-5-1. Off-Street Parking and Loading

A. **Purpose**. The purpose of this section is to regulate off-street parking and loading areas on private property outside the public right-of-way. The regulations are intended to achieve the following:

1. Relieve traffic congestion on streets by providing adequate, but not excessive, off-street parking;
2. Encourage the use of alternate forms of transportation including bicycling, transit, walking, and ride sharing services;
3. Avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; and
4. Minimize negative impacts on adjacent properties and the environment.

B. **General Provisions**.

1. **Application**. The off-street parking and loading provisions in this section shall apply to the following:

   a. **New Development.** All new buildings, structures, and land uses established after the adoption of this title must comply with the parking and loading regulations established in this section.

   b. **Expansion**. When an existing building or structure increases in intensity or is expanded, the number of parking spaces and/or loading facilities must be modified to meet the parking and loading regulations. The number of parking spaces and/or loading facilities that must be modified will be determined by the unit of measurement specified for that land use in Table 10-5-1(H)(5). However, no building or structure lawfully erected or use lawfully established prior to the effective date shall be required to provide additional parking spaces and/or loading facilities unless the aggregate increase in units of measurements is greater than fifteen (15) percent.

   c. **New Use**. Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use, unless otherwise approved as a Variation as detailed in Section 10-8-9. However, if said building or structure was erected prior to the effective date of this title, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this title.

2. **Existing Parking and Loading Facilities**. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and were in existence on the effective date of this title shall not be required to reduce the amount of parking and loading facilities regulated in this title. A change of occupancy is not a change of use unless the new occupant is considered in a different use classification.

3. **Control of Off-Site Parking Facilities**. Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are necessary. No such off-site parking facilities shall be authorized and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless approved as an Variation as detailed in Section 10-8-9. Prior to approval as an Administrative Exception, the owners of the multiple properties shall provide an agreement in a form approved by the City Administrator with consultation from the City Attorney attesting that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

C. **Use of Parking Areas**.

1. All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site.

2. No off-street parking area shall be used for storage of equipment or materials except where otherwise approved.

D. **Requirements For All Parking.**

1. Drive aisles shall be required in the parking areas that have five (5) or more spaces.

2. All required parking lots, by this Code, shall comply with the accessibility requirements of the State of Illinois Accessibility Code and the ADA.

E. **Parking Stall and Aisle Dimensions**.

1. **Standard Parking Stall and Aisle Dimensions**. Standard parking spaces, including interlocking standard parking spaces, shall comply with the minimum dimensional and layout requirements specified in Table 10-5-1(E)(1) and as generally illustrated in Figure 5.1.

**Table 10-5-1(E)(1) Standard Parking Stall and Aisle Dimensional Requirements**

| | *Figure Reference* | | | | | |
|---|---|---|---|---|---|---|
| | A | B | C | D | E | F |
| Parking Angle (degrees) | Space Width | Space Depth | Aisle Width (2-Way) | Aisle Width (1-Way) | Depth of Interlocking Spaces | Overhang |
| *0* | 9' | 20' | 24' | 12' | n/a | n/a |
| *45* | 9' | 18' | 24' | 12' | 28.25' | 2' |
| *60* | 9' | 18' | 24' | 18' | 32' | 2' |
| *90* | 9' | 18' | 24' | 24' | 36' | 2' |

2. **Compact Parking and Motorcycle Stall and Aisle Dimensions**.

   a. Compact parking stalls and aisles shall comply with the minimum dimensional and layout requirements specified in Table 10-5-1(E)(2).

   b. In parking areas containing more than ten (10) spaces, up to five (5) percent of the spaces exceeding the first ten (10) spaces may be designed for compact vehicles.

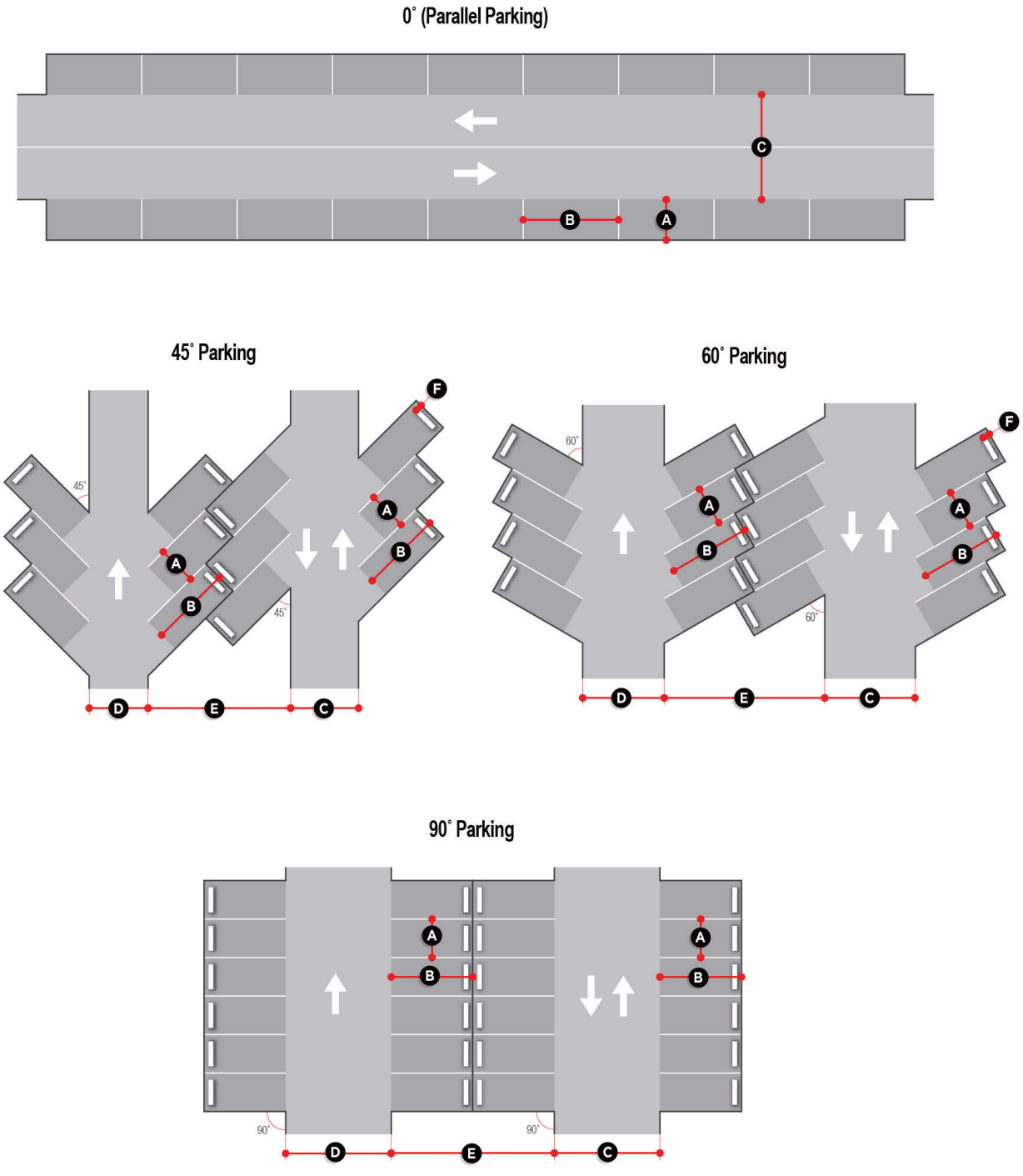
   c. Compact parking spaces shall be labeled for such purposes.

   d. Compact parking stalls shall be grouped together and separated from standard parking stalls. Striping of at least one half (1/2) foot in width shall be used to visually delineate the edge of the area used for compact vehicle parking spaces from standards parking stalls.

**Table 10-5-1(E)(2) Compact Parking Space Dimensional Requirements**

| Parking Angle (degrees) | *Figure Reference* A<br>Space Width | B<br>Space Depth | C<br>Aisle Width (2-Way) | D<br>Aisle Width (1-Way) | E<br>Depth of Interlocking Spaces | F<br>Overhang |
|---|---|---|---|---|---|---|
| *0* | 7.5' | 18' | 18' | 12' | n/a | n/a |
| *45* | 7.5' | 15.5' | 18' | 12' | 28.25' | 1.5' |
| *60* | 7.5' | 16.25' | 18' | 16' | 32' | 1.5' |
| *90* | 7.5' | 15.5' | 24' | 24' | 36' | n/a |

*Figure 5.1. Dimensional Requirements of Parking Spaces and Drive Aisles*



F. **Access and Cross Access.**

1. **Access**. To ensure safe and efficient means of automobile access for all parking spaces, each required off-street parking space shall open directly upon an aisle or driveway unless the facility is serviced by a parking attendant.

2. **Cross Access**. To facilitate vehicular access between adjoining developments, encourage shared vehicle parking, and minimize access points along streets, new multi-family, nonresidential, and mixed-use development or redevelopment shall comply with the following standards:

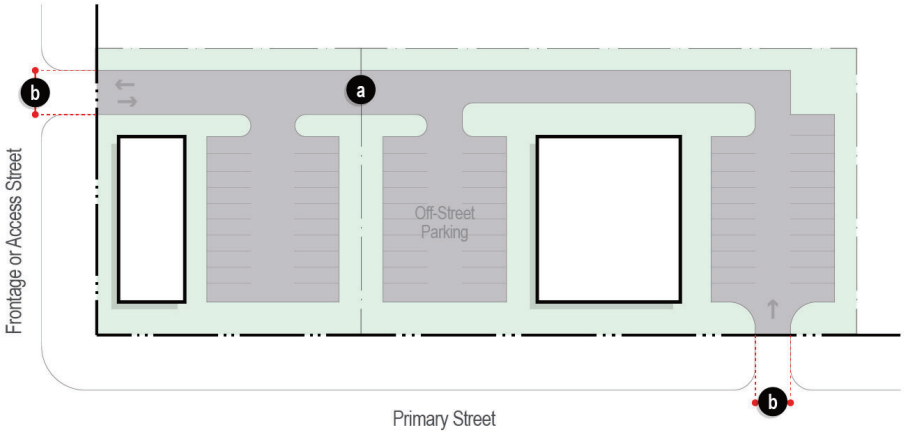
   a. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining multi-family, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multi-family, nonresidential, or mixed-use development.

   b. Required vehicular cross access between the adjoining lots shall be provided through the use of a frontage or service street (if the lots front on a major thoroughfare right-of-way), a single two-way maneuvering lane, or two one-way maneuvering lanes that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.

   c. The Zoning Administrator may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or there exists an inability to connect to adjacent property. City Council shall have the authority to waive or modify vehicular cross access requirements for all public review processes involving review by City Council.

   d. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Register of Deeds for the county in which the properties are located before issuance of a Building Permit for the development.

***Figure 5.2. Cross Access Standards***




3. **Surfacing**. All open off-street parking areas shall be surfaced with a material and at a thickness per use type as specified in the City of Yorkville Standard Specifications Driveway and Parking Lot Paving Standards.

G. **Location**. Off-street parking spaces may be located in any yard defined by this title. The location of off-street parking spaces in relation to the use served shall be as prescribed below. All distances specified shall be property line to parking space and a main entrance to the use served.

1. **Residence Districts**. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.

2. **Business and Manufacturing Districts**. All required parking spaces shall be within one thousand (1,000) feet of the use served, except for spaces accessory to dwelling units (except those located in a hotel) which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district unless authorized by the Planning and Zoning Commission in accordance with this title.

H. **Off-Street Parking Requirements**.

1. **Minimum Requirements**. Except as otherwise expressly stated, off-street parking spaces shall be provided in accordance with the parking ratio requirements established in Table 10-5-1(H)(5) Minimum Parking Requirements. Parking spaces reserved for specific user groups, other than ADA compliant spaces and spaces with electric vehicle charging stations, shall not count towards the minimum requirement.

2. **Maximum Requirements**. To minimize excessive areas of pavement, no off-street parking area for nonresidential or multi-family uses shall exceed the required minimum number of parking spaces by more than twenty (20) percent, except as approved by the Zoning Administrator. In approving additional spaces, the Zoning Administrator shall determine that the parking is needed based on documented evidence of actual use and demand provided by the applicant.

3. **Parking in the B-2 District**. Nonresidential uses in the B-2 Mixed Use District shall be exempted from providing off-street parking as required in the form-based code.

4. **Calculations**. The following rules shall apply when calculating the required minimum number of parking spaces.

   a. **Fractions**. When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded up to the next highest whole number.

   b. **Area Measurements**. Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of net floor area (NFA) as defined in Section 10-2-6(L) of this ordinance.

5. **Unlisted Uses**. In the case of uses not listed in Table 10-5-1(H)(5) Minimum Parking Requirements, the number of spaces for a similar use, as determined by the Zoning Administrator, shall apply.

**Table 10-5-1(H)(5) Minimum Parking Requirements**

| Use | Minimum Parking Requirement, 8,000 sq ft or less | Minimum Parking Requirement, more than 8,000 sq ft |
|---|---|---|
| *Agricultural Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Agricultural uses | | |
| Apiaries | n/a | n/a |
| Campground | 1/campsite | 1/campsite |
| Commercial feeding of fish, poultry, livestock | | |
| Cultivation of nonfood crops and seeds used of cellulosic biofuels production | | |
| Farming/Cultivation | | |
| Forestation | | |
| Grain elevators and storage | n/a | n/a |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Nursery/greenhouses | 1/1,000 sqft | 0.5/1,000 sqft |
| Recreational camp - private | 1/campsite | 1/campsite |
| Riding academies with stables | 1/6 stalls | 1/6 stalls |
| Roadside stand | 1/200 sq ft | 1/200 sq ft |
| Stables or paddocks | n/a | n/a |
| *Residential Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Dwelling, duplex | 2/unit | 2/unit |
| Dwelling, multi-family | 1.25/unit | 1.25/unit |
| Dwelling, single-family | 2/unit | 2/unit |
| Dwelling, accessory | 1 unit | n/a |
| Dwelling, townhouse | 2.25/unit | 2.25/unit |
| Senior housing, dependent | 0.25/unit | 0.25/unit |
| Senior housing, independent | 0.5/unit | 0.5/unit |
| *Lodging Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Bed and breakfast inn | | |
| Hotel | | |
| Motel | | |
| Short-term rental | 1/lodging unit | 0.5/lodging unit |
| *Commercial Retail Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Adult uses | | |
| Building material sales | | |
| Liquor store | | |
| Pawnbrokers/pawnshops | | |
| Retail store, general - less than one (1) acre | | |
| Retail store, general greater than one (1) acre | 3/1,000 sq ft | 2/1,000 sq ft |
| *Commercial Service Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Adult daycare facility | | |
| Animal hospital | | |
| Art galleries/art studio | | |
| Auction house | | |
| Bank | | |
| Commercial laboratory | | |
| Commercial/trade school | | |
| Daycare facility | | |
| Dry cleaning establishment | | |
| Entertainment production studio | | |
| Financial institutions and services | | |
| Funeral home/mortuary/crematorium | | |
| Health and fitness club/center | 3/1,000 sq ft | 2/1,000 sq ft |

| Table 10-5-1(H)(5) Minimum Parking Requirements | | |
|---|---|---|
| **Use** | **Minimum Parking Requirement, 8,000 sq ft or less** | **Minimum Parking Requirement, more than 8,000 sq ft** |
| Indoor shooting gallery/range | | |
| Kennel, commercial or private dog kennels | | |
| Massage establishment | | |
| Off track betting (OTB) establishments | | |
| Professional care services | | |
| Professional services/offices | 2/1,000 sq ft | 1/1,000 sq ft |
| Radio and television studios | 3/1,000 sq ft | 2/1,000 sq ft |
| Storage, indoor single-building climate controlled | 3/10 storage units | 3/12 storage units |
| Storage, outdoor self storage | 1/45 storage units | 1/55 storage units |
| Tattoo and body piercing establishment | | |
| Veterinary clinic | 3/1,000 sq ft | 2/1,000 sq ft |
| *Commercial Entertainment Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Amusement park | | |
| Commercial entertainment, indoor | | |
| Commercial entertainment, outdoor | | |
| Community / Recreation center | | |
| Golf course, miniature | | |
| Golf course | | |
| Golf driving range | | |
| Indoor Event/Recreation Conversion | | |
| Outdoor music venues | | |
| Skating rink | | |
| Stadium | | |
| Swimming pool - indoor | | |
| Theater, live performance | As deemed appropriate by the City Engineer | As deemed appropriate by the City Engineer |
| Theater, motion picture | | |
| *Eating and Drinking Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Brewery/Winery/Distillery tasting room | | |
| Brewpub | | |
| Microbrewery, microdistillery, and microwinery | | |
| Prepared Food Service Establishment | | |
| Restaurant | | |
| Tavern - nightclub or lounge | 3/1,000 sq ft | 2/1,000 sq ft |
| *Medical Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Hospital | | |
| Medical clinic / office | | |
| Treatment center | 1/300 sq ft | 1/300 sq ft |
| *Vehicle Related Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Automobile parts/accessories sales | | |
| Automobile rental | 1/1,000 sq ft | 0.5/1,000 sq ft |

**Table 10-5-1(H)(5) Minimum Parking Requirements**

| Use | Minimum Parking Requirement, 8,000 sq ft or less | Minimum Parking Requirement, more than 8,000 sq ft |
|---|---|---|
| Automobile repair | 1/200 sq ft | 1/200 sq ft |
| Automobile sales enclosed and service/open sales lot | | |
| Boat sales and rental | | |
| Boat storage | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Car wash | 1/car wash bay | 1/car wash bay |
| Gasoline service station | 1/gas pump and 1/300 sq ft accessory retail space | 1/gas pump and 1/300 sq ft accessory retail space |
| Heavy machinery and equipment rental | | |
| Recreational vehicle sales and service | 1/1,000 sq ft | 1.5/1,000 sq ft |
| Semi-truck repair | 1/service bay | 1/service bay |
| Truck and trailer sales/rental | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal | n/a | n/a |
| *Energy Industrial Uses* | *As specified below* | *As specified below* |
| Battery Uses | | |
| Data Center | 70,000 sq ft or less: 20 | More than 70,000 sq ft: 0.3 / 1,000 sq ft |
| Refrigerated Warehouse (Cold Storage) | 150,000 sq ft or less: 0.5/1,000 sq ft | More than 150,000 sq ft: 0.3/1,000 sq ft |
| *Industrial Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Aggregate materials extraction, processing and site reclamation (stone and gravel quarries) | | |
| Artisan manufacturing | | |
| Assembly, production, manufacturing, testing, repairing, or processing | | |
| Bakery (wholesale - retail component special use) | | |
| Blacksmith or welding shop | | |
| Brewery/winery/distillery | | |
| Contractor facilities with outdoor storage | | |
| Dry cleaning plant | | |
| Manufacturer of firearms and ammunition | | |
| Newspaper publishing | | |
| Research laboratories | | |
| Wholesaling and warehousing - local cartage express facilities - including motor freight terminal | 0.5/1,000 sq ft | 0.3/1,000 sq ft |
| *Transportation Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Airport | | |
| Bus or truck garage or streetcar house | | |
| Bus or truck storage yard | | |
| Motor freight terminals | | |
| Railroad passenger station | As determined by parking demand study (1) | As determined by parking demand study (1) |
| Railroad repair shops, maintenance buildings and switching yards | | |
| *Alternative Energy Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Solar farm | 2 | n/a |

**Table 10-5-1(H)(5) Minimum Parking Requirements**

| Use | Minimum Parking Requirement, 8,000 sq ft or less | Minimum Parking Requirement, more than 8,000 sq ft |
|---|---|---|
| Building mounted solar energy systems | | |
| Freestanding solar energy systems - accessory use | n/a | n/a |
| Freestanding solar energy systems - principal use | | |
| Wind farm | max of 2 | n/a |
| Wind energy system, building-mounted | | |
| Wind energy system, freestanding - accessory use | n/a | n/a |
| Wind energy system freestanding - principal use | max of 2 | n/a |
| *Medical and Adult Cannabis Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Cannabis Craft Grower | n/a | n/a |
| Cannabis Cultivation Center | 1/1,000 sq ft | 0.5/1,000 sq ft |
| Cannabis Dispensing Organization | 3/1,000 sq ft | 2/1,000 sq ft |
| Cannabis Infuser Organization | | |
| Cannabis Processing Organization | 0.5/1,000 sq ft | 0.3/1,000 sq ft |
| Cannabis Transporting Organization | As determined by parking demand study (1) | As determined by parking demand study (1) |
| *Institutional, Public, and Utility Uses* | *8,000 sq ft or less* | *More than 8,000 sq ft* |
| Cemetery | | |
| College, university or junior college | | |
| Communications use | | |
| Electric substation | | |
| Filtration plant | | |
| Fire station | | |
| Library | | |
| Parks | As determined by parking demand study(1) | As determined by parking demand study (1) |
| Place of worship/assembly | 1/6 seats | 0.5/6 seats |
| Playground | | |
| Police station | As determined by parking demand study (1) | As determined by parking demand study (1) |
| Post office | | |
| Preschool | 3/1,000 sq ft | 3/1,000 sq ft |
| Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations | | |
| Public utility facilities (other) | | |
| Radio and television towers - commercial | | |
| Sanitary landfill | | |
| School, public or private | | |
| Sewage treatment plant | | |
| Solid waste disposal site | | |
| Utility company maintenance yard | | |
| Utility service yard or garage | As determined by parking demand study (1) | As determined by parking demand study (1) |

(1) The applicant shall propose an appropriate parking requirement specific to their proposal, which shall be supported by a parking study, and shall be approved by the City Engineer.

I. **Fee-In-Lieu of Off-Street Parking.** An applicant may request to pay a fee-in-lieu of the off-street parking required in this Section. The City will allocate the fee to construct and maintain public parking facilities.

1. All requests for a fee-in-lieu of off-street parking shall be subject to approval by the City Council. A maximum of twenty (20) percent of the off-street parking required in this subsection may be substituted for the provision of a fee-in-lieu of parking.

2. The developer shall provide the average cost of an off-street parking space as provided per the City of Yorkville's adopted ordinances and as verified by the City Engineer.

3. An approved payment in lieu of providing parking shall be paid prior to issuance of a building permit.

J. **Reserved Parking Spaces**.

1. **Curb-Side Pickup**.

a. A maximum of five (5) percent of required parking spaces specified in Table 10-5-1(H)(5) may be reserved for curb-side pickup patrons.

b. Parking spaces reserved for curb-side pickup patrons shall be located either to the side of the principal building, in the rear of the parking lot, away from main building entrances so as not to inhibit pedestrian travel between the principal building entrance and off-street parking areas, near employee exits or in another location approved by the Zoning Administrator.

c. The Zoning Administrator may reduce the minimum number of parking spots required by one (1) space per parking spot reserved for curbside pickup patrons.

2. **Ride Share Pickup and Drop Off**.

a. A maximum of five (5) percent of required parking spaces may be reserved for ride share pick up and drop off.

b. Parking spaces reserved for ride share pick up and drop off shall be located either to the side of the principal building, in the rear of the parking lot, away from main building entrances, or in another location approved by the Zoning Administrator.

c. The Zoning Administrator may reduce the minimum number of parking spots required by one-half (0.5) space per parking spot reserved for ride share pick up and drop off.

K. **Electric Vehicle Charging Stations**.

1. **Quantity Required**. Any parking structure, parking area serving a multi-family use, or any parking area with fifty (50) or more parking spaces, shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station per every fifty (50) parking spaces.

2. **Measurement.** The number of electric vehicle charging stations required shall be determined based on the number of vehicle spaces provided that allow for electric vehicle charging. Double counting by using dual chargers per a single station but not providing the required number of vehicle spaces shall be prohibited.

L. **Allowed Reductions to Required Parking**. Table 10-5-1(L) establishes reductions to required parking that may be approved by the Zoning Administrator.

**Table 10-5-1(L) Allowed Reductions to Required Parking**

| Adjustment Type | Criteria | Adjustment Amount |
|---|---|---|
| *Pedestrian Access* | Nonresidential use is located where residents of all residential and mixed-use areas within 1,320 feet of the subject property can walk to and from the nonresidential use on a continuous sidewalk system (ignoring intervening streets). | 10% reduction |
| *Public Parking Lots* | Nonresidential use is located within 900 feet of a parking lot that is available for use by the public without charge (either directly or through a validation program in which the subject use participates). | 10% reduction |
| *On-Street Parking* | Single-family or duplex residential is located along one or more public street frontages where public parking is permitted. | One legal on-street parking space (to a maximum of two parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50% or more of the space is located. |
| | Multifamily residential or nonresidential use located along one or more public street frontages where public parking is permitted. | One legal on-street parking space can be substituted for 0.5 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. |
| *Curbside Parking* | Commercial retail or eating and drinking use offering an online curbside pickup option. | One curbside parking space can be substituted for every required off-street parking space to a maximum 5% reduction of the total number of off-street parking spaces. |

M. **Shared Parking**.

1. **Purpose**. Shared parking is the use of a parking space by vehicles generated by two (2) or more individual land uses without conflict or encroachment. Shared parking for multiple uses creates better pedestrian connections and reduces reliance on private vehicles because multiple trips may be taken by walking. Shared parking is encouraged for the benefits it provides as long as the use follows the conditions and standards listed below.

2. The ability to share spaces is the result of two (2) conditions:

    a. Vehicles accumulate at different times; either by hours, days, or seasons.

    b. Relationship of the uses allows for multiple visits in one (1) auto trip.

3. **Shared Parking Uses**. The uses listed subsections (a) and (b) are uses that are generally considered prime candidates for shared parking. While these are considered the main uses to have shared parking, the Zoning Administrator has the final authority on what uses may or may not share parking regardless of if the use is listed in the subsections below or not.

    a. For purposes of this Section, the following uses are considered daytime uses:

        (1) Office Uses,

        (2) Commercial Service Uses,

        (3) Commercial Retail Uses,

        (4) Industrial Uses, and

        (5) Other similar primarily daytime uses, as determined by the City Council.

    b. For purposes of this Section, the following uses are considered evening or weekend uses:

        (1) Physical Health and Entertainment Uses,

        (2) Public/Semi-Public Uses,

        (3) Eating and Drinking Uses, and

        (4) Other similar primarily nighttime or weekend uses, as determined by the City Council.

4. **Standards**.

   a. The applicant must demonstrate that the shared parking area has a sufficient amount of spaces for the uses they intend to share the area with. The Zoning Administrator may require the applicant to provide data to support the sufficient parking claim.

   b. The nearest parking space shall be no farther than one thousand (1,000) feet from the principal buildings, structures, or uses. The path from the parking space to the principal building should consider:

      (1) Adequate lighting.

      (2) Separation from the right-of-way.

      (3) Legal crosswalks for right-of-way crossing.

      (4) Asphalt, concrete, or similar surface material.

   c. A legal document between the property owners that guarantees access to the shared parking must be submitted to the Zoning Administrator. The document will be approved by the City before being recorded. The termination of the agreement must be approved by the City and the owners must provide proof that each establishment meets the criteria within this title.

N. **Pedestrian Circulation Standards**.

1. Off-street parking areas shall include on-site pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists.

2. The on-site pedestrian circulation system shall comply with all ADA standards.

3. The on-site pedestrian circulation system shall be marked and must connect all buildings on the site to one another and provide connections to the required vehicle and bicycle parking spaces.

4. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not require significant out-of-direction travel.

5. The on-site pedestrian circulation system shall provide at least one (1) connection to adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

6. Connections to existing and future planned trails shall be provided.

O. **Bicycle Parking**. The purpose of this section is to provide sufficient, safe, and convenient bicycle parking to encourage bicycling as a form of transportation, reducing traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

1. **Types of Parking.** The following types of bicycle parking shall be allowed:

a. **Short-Term Parking.**

(1) **Bicycle Rack.** A bicycle rack is a device that is capable of supporting a bicycle in a stable position that secures the bicycle with at least two (2) points of contact. A single rack provides two (2) parking spots. The rack shall be no taller than three (3) feet tall and no less than eighteen (18) inches in length.

(2) **Bicycle Shelter.** A bicycle shelter is a covered parking area and provides all weather protection. The shelter should be designed to hold many bicycles. It is preferred that the shelter be close to other forms of transportation to encourage bicycle riding throughout the City.

b. **Long-Term Parking.**

(1) **Bicycle Locker.** A bicycle locker provides an all-weather, high security, and long-term parking solution. The enclosure should be made out of durable material that will keep the bicycle safe from weather or vandalism. The locker must be able to be locked to prevent theft and it must be able to be unlocked by the user for easy access. It is preferred that bicycle lockers are placed near other forms of transportation to encourage bicycle riding throughout the City.

(2) **Bicycle Station.** A bicycle station provides the highest level of service for long term parking. The station is intended to be a regional hub for bicycles in the area and it is expected for the station to provide services to cyclists. These services may include, but are not limited to, repair, lockers, showers, food and beverages, rental, and other storage facilities.

2. **Off-Street Parking Reduction For Bicycle Parking.**

a. A reduction in the number of off-street vehicle parking spaces required shall be permitted for the provision of bicycle parking provided that:

(1) No fee is required for using the bicycle parking made available;

(2) When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest integer.

b. The reduction in the number of vehicle parking spaces shall be reduced by no more than one (1) space for every two (2) bicycle parking spaces, but no more than five (5) percent of the total required spaces.

c. This provision is applicable to all land uses except single-family residential and duplex residential.

P. **Land Banked Parking Facilities.** Land banking allows for the designation of a portion of land on a site that would be required for parking to be held and preserved as open space, rather than constructed as parking. This reduces the amount of impervious surface on a site for developments which otherwise would not have enough parked vehicles to fill the minimum required parking stalls, or "bank" the spaces until such time capacity warrants their construction.

1. **Standards.** The Planning and Zoning Commission may recommend to the City Council land banking of up to twenty-five (25) percent of the required parking spaces through the Variation process, as defined in Section 10-8-9 of this ordinance.

2. **Land Bank Plans Required.** The owner of the property making a land bank request shall submit a detailed land banked parking plan for review by the Planning and Zoning Commission with final approval by the City Council. The

land banked parking plan shall show both full compliance with the parking regulations of this chapter and the land bank area showing the reduced number of parking spaces.

3. **Termination of Land Bank.**

   a. The City Council shall have the right in its discretion to require the property owner or successor, to construct all or a portion of the land banked parking facilities. Instances for termination, shall include, but not be limited to:

      (1) The intensity of the use is increased,

      (2) The type of use changes,

      (3) There is an addition to the property or building.

   b. The Zoning Administrator will provide notice to the owner that the land banked parking facilities must be constructed and completed within one (1) year from the date of the notice.

Q. **Off-Street Loading Regulations and Requirements.**

1. **Location.** All loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons of capacity shall be closer than fifty (50) feet to any property zoned or used for residential purposes unless all loading and unloading activities are located completely within the building, screened by the requirements for Transition Area D as detailed in Section 10-5-3(F)(3). No permitted or required loading berth that is open to the sky shall be located within any front or corner side yard and shall not be located within fifty (50) feet of the nearest point of intersection of any two (2) streets.

2. **Size.** Required size shall be determine on a case-by-case basis depending on the narrative provided by the petitioner or traffic study and shall be as approved by the Zoning Administrator.

3. **Surfacing.** All open off-street loading berths shall be improved with a compacted aggregate base not less than twelve (12) inches and surfaced with not less than four (4) inches of bituminous concrete or six (6) inches of concrete or some comparable all weather dustless material. The exact design to be determined based on projected use of the loading berth.

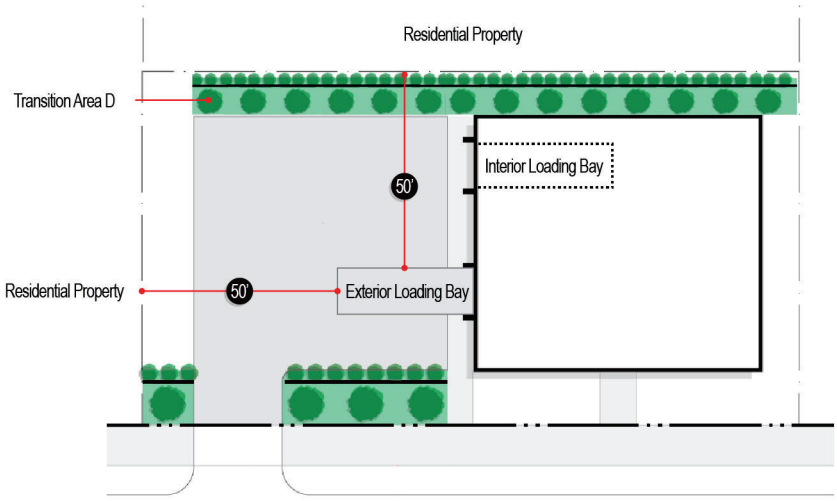
4. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district.

5. **Loading Spaces Not to be Used for Parking Requirements.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

6. **Special Uses.** For special uses other than prescribed hereinafter, loading berths adequate in number and size to serve such use, as determined by the Zoning Administrator, shall be provided.

7. **Required Off-Street Loading Spaces.** The number of loading spaces provided shall be determined on a case-by-case basis as approved by the Zoning Administrator and based on a narrative provided by the petitioner or traffic study. These spaces shall be provided in a manner that does not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas, and with the public use of streets or alleys.

***Figure 5.3. Off-Street Loading Spaces***



## 10-5-2. Driveways

A. **General Driveway Standards**. All driveways shall comply with the City of Yorkville's surfacing requirements as established in the City's Standard Specifications.

B. **Single-Family Driveway Standards**. A single slab driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.

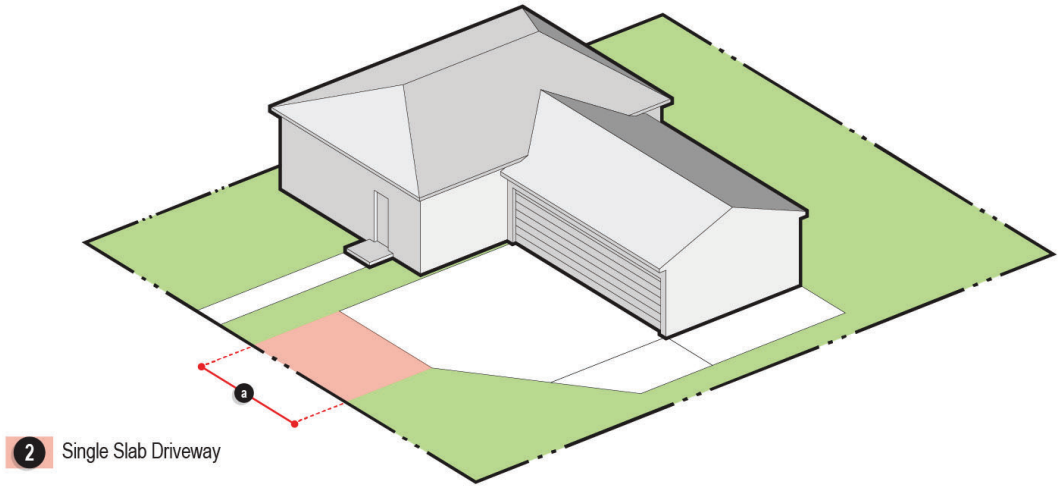
1. **Limit of One**. One (1) single slab driveway and one (1) curb cut shall be permitted per every seventy-five (75) feet of frontage of a single-family residential lot. New residential parcels taking access from collector or arterial streets, shall share driveways in order to protect public safety by limiting curb cuts.

2. **Single-Slab Driveway Design Standards**.

a. Single-slab driveways shall not exceed twenty-five (25) feet in width at the property line.

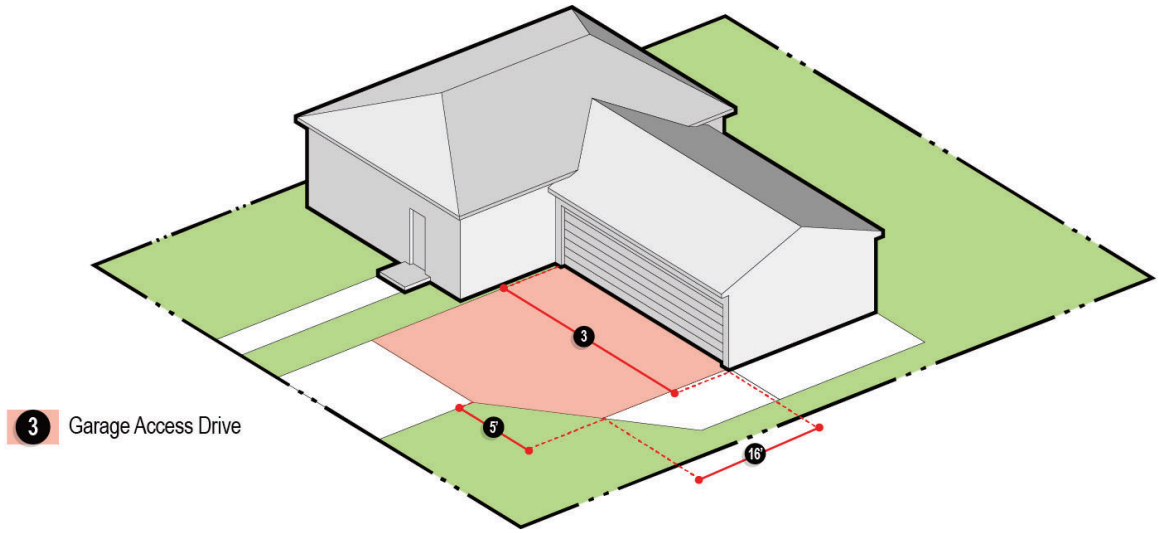
b. **Surfacing.** Single-slab driveways shall be surfaced as specified in the City of Yorkville's City Standard Specifications.

***Figure 5.4. Single-Family Driveway Standards***



3. **Garage Access Drive**. A garage access drive, the width of the garage, as measured from the garage door(s) plus an additional one (1) foot on either side of the garage door(s), is permitted to extend for a distance of sixteen (16) feet from the garage doors before tapering, within five (5) feet, back to the maximum driveway width.

***Figure 5.5. Garage Access Drive Standards***



4. **Parking Pad**.

   a. **Limit of One**. A single-family driveway may be extended to include one (1) parking pad.

   b. **Configuration**.

      (1) A parking pad shall be a maximum of ten (10) feet in width.

      (2) The portion of the parking pad adjacent to the driveway shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.

      (3) The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.

   c. **Location**. The parking pad shall be set back a minimum of five (5) feet from any side property line and shall be outside of all easements.

   d. **Surfacing**. Parking pads shall be surfaced with material and at a thickness as specified in the City of Yorkville's City Standard Specifications.

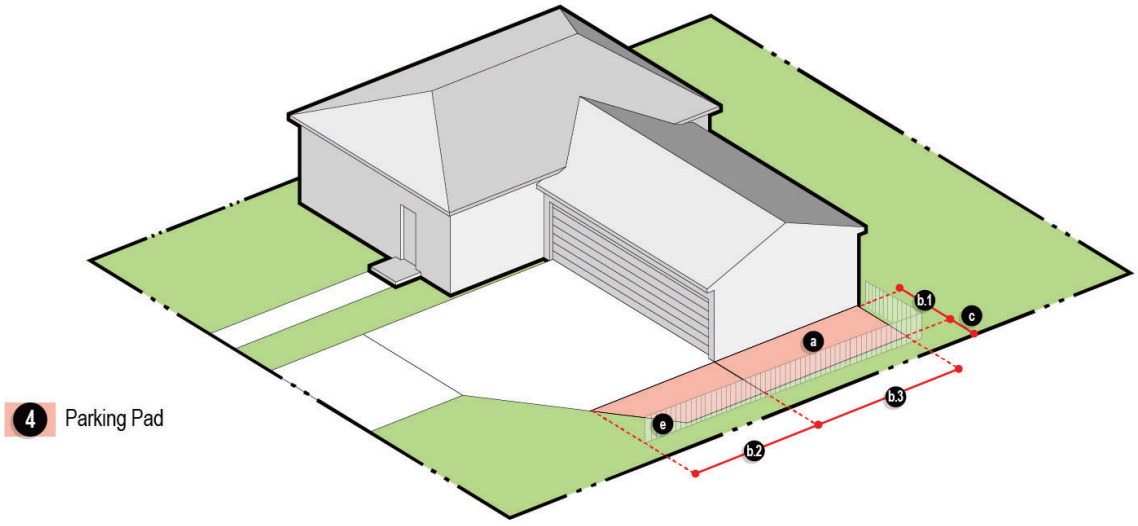
   e. **Screening**. All parking pads located within a required side yard shall be screened from view when facing adjoining property lines with material at least fifty (50) percent opacity and at a minimum height of five (5) feet. The provision of fencing subject to the requirements of Section 10-5-5 shall meet this requirement.

   f. **Covered Structures**. Covered structures located over parking pads shall not be allowed.

   g. **Vehicle Parking**. No vehicle over ten (10) feet in height may be parked on a parking pad.

   h. **Corner Lots**. Parking pads shall not be allowed on corner lots.

***Figure 5.6. Parking Pad Standards***



D. **Multi-Family and Nonresidential Driveway Standards**.

1. **Location**.

a. Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.

b. No lot can have multiple driveways for purposes of vehicular ingress and egress without a minimum three hundred (300) foot separation between such curb cuts along a street.

2. **Driveway Design Standards**.

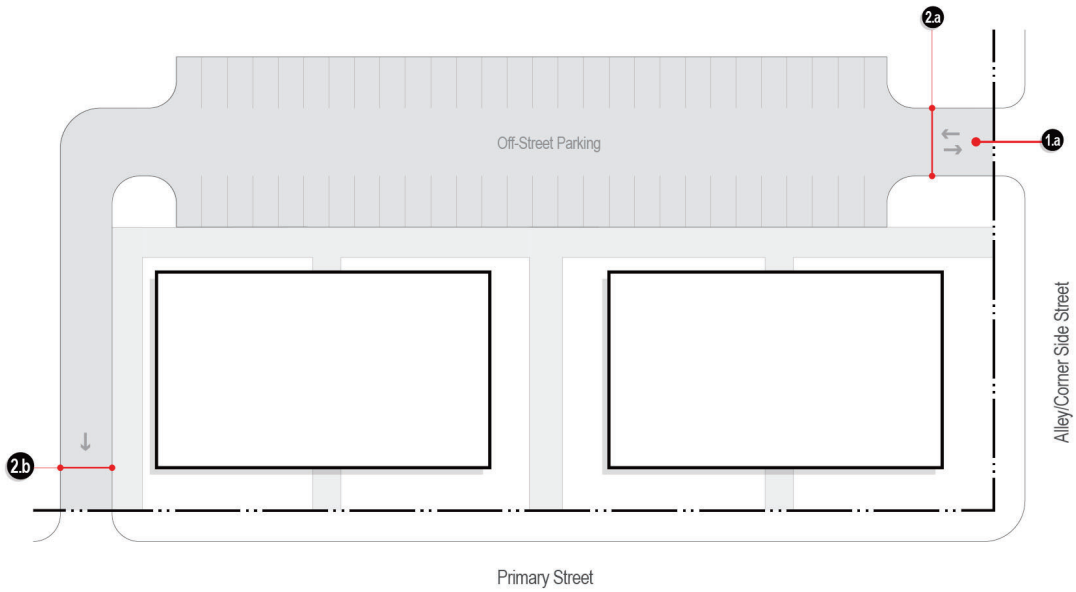
a. Two-way driveways for multi-family and nonresidential uses shall be a minimum of twenty-five (25) feet and a maximum of thirty-six (36) feet at the property line.

b. One-way driveways for multi-family and nonresidential uses shall be a minimum of sixteen (16) feet and a maximum of twenty (20) feet at the property line.

c. Driveways for multi-family and nonresidential uses shall be surfaced with an asphaltic concrete or portland cement pavement.

E. **Vehicle Stacking For Drive Throughs.** Vehicle stacking spaces for drive through uses shall be provided as specified in Section 10-4-15(D).

***Figure 5.7. Multi-Family and Nonresidential Driveway Standards***



## 10-5-3. Landscape

Landscape improvements required by this section shall apply to all nonresidential, mixed use, and multi-family development and consist of living vegetation in a combination of plants, trees, shrubs, native grasses, perennials, and/or groundcover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at average breast height (DBH typically 4.5 feet above ground). Any plant materials used to meet the requirements of this section shall not include any plant material identified as an invasive species by the Illinois Department of Natural Resources.

A. **Planting Types**.

1. **Canopy Trees**. A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a mature height of not less than forty (40) feet and a mature spread of not less than fifteen (15) feet.

2. **Understory Trees**. A woody plant having not less than a one and one-half (1.5) inch caliper, or six (6) feet tall for multiple stem species, that normally attains a mature height of at least fifteen (15) feet.

3. **Evergreen Trees**. A tree having foliage that persists and remains green throughout the year and has a height of not less than six (6) feet at installation and maturing to a height of not less than twenty (20) feet.

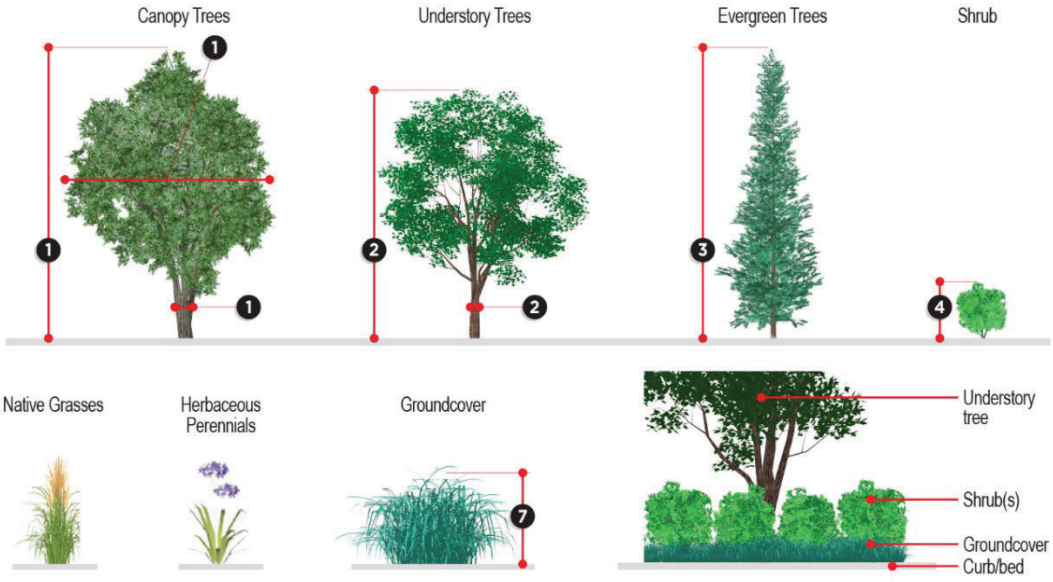
4. **Shrubs**. A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two (2) feet, unless classified as a shrub by the State of Illinois.

5. **Native Grasses**. Grasses that are native to the State of Illinois or non-invasive ornamentals, but shall not include noxious weeds.

6. **Herbaceous Perennials**. Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.

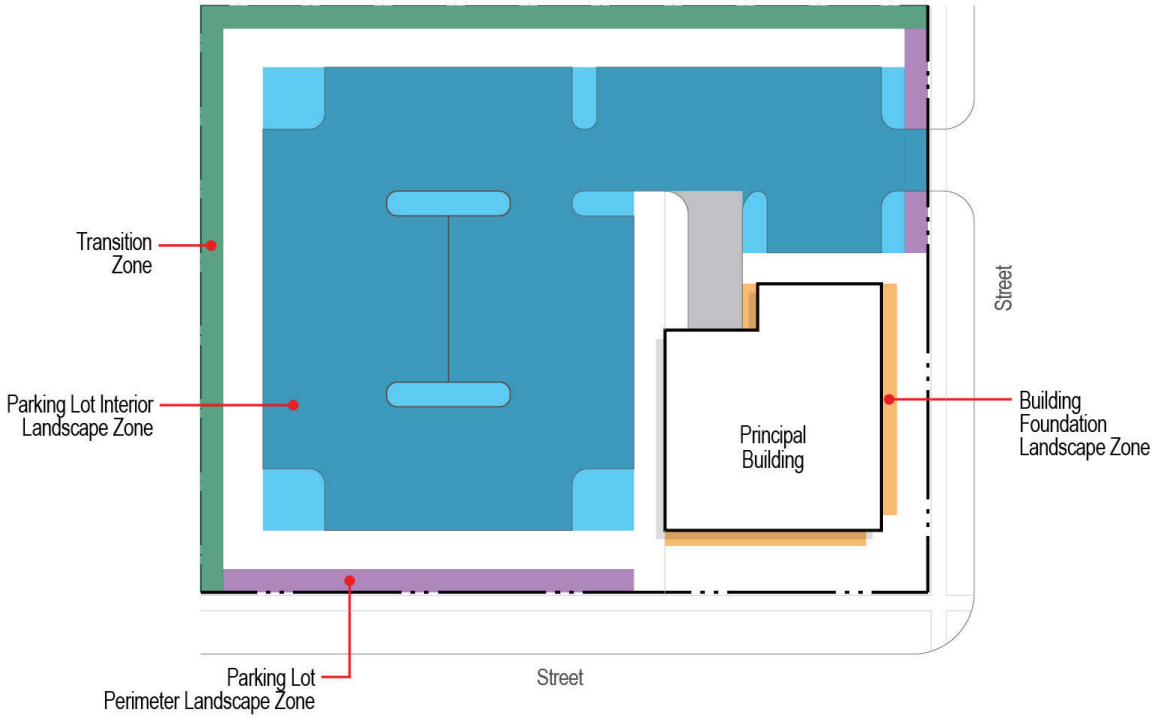
7. **Groundcover**. Spreading herbaceous plants, other than turf grass, prostrate shrubs, or woody vines normally reaching an average maximum height of eighteen (18) inches at maturity.

***Figure 5.8. Planting Types***



B. **Required Landscape Zones**. Figure 5.9 illustrates the location of the required landscape zones as detailed in the following sections. The Zoning Administrator may approve exceptions to the required landscape zone as they deem necessary allow adequate construction and use of the site.

***Figure 5.9. Required Landscape Zones***



C. **Building Foundation Landscape Zone**. All nonresidential, mixed-use, and multi-family development where a front yard setback is required, with the exception of food processing facilities regulated by the FDA, shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this title. It is the objective of this section to provide a softening effect at the base of buildings.

1. Applicable development is required to maintain a building foundation landscape zone at front and exterior side yards. Five (5) square feet of landscape area shall be provided per linear foot of building frontage facing the front and exterior side yards and shall be dispersed along the building foundation as approved by the Zoning Administrator.

2. Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls.

3. Foundation plantings shall be installed in a manner that complements the architecture of the building, as approved by the Zoning Administrator, depending on site conditions and the location of walkways and driveways.

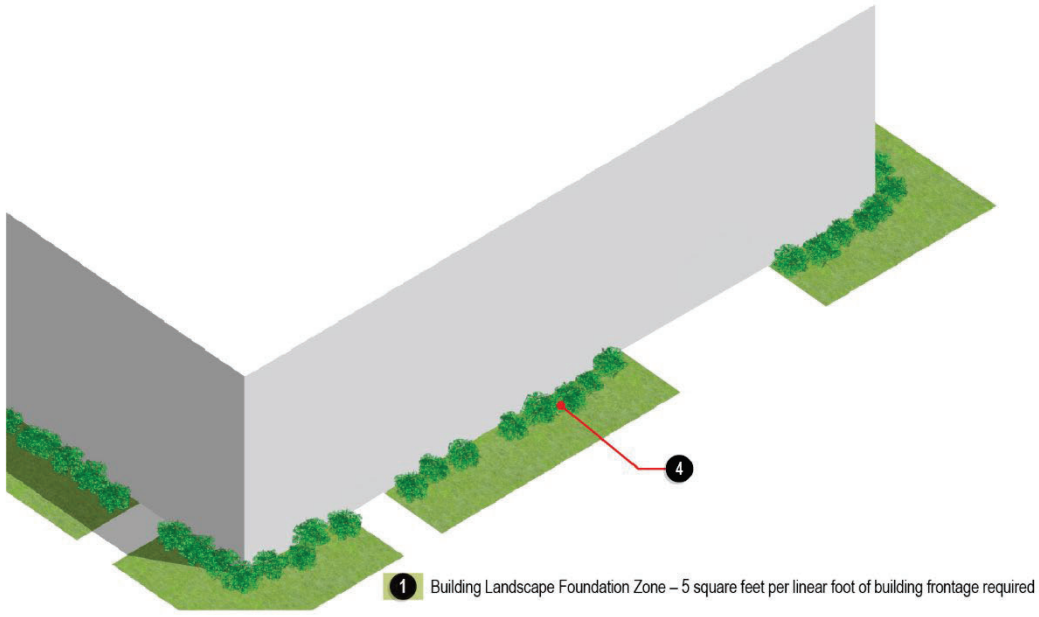
4. Foundation plantings shall be installed in groupings or clusters of individual plants in a manner that enhances the site's appearance as proposed by the developer and deemed appropriate by the Zoning Administrator.

5. Foundation plantings may include a mixture of the planting types specified in Section 10-5-3(A).

6. Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, landscaping may consist of canopy trees planted in structural soils beneath tree grates or permeable pavement, at the rate of one (1) tree per fifty (50) linear feet of building facade. Minimum structural soil volume shall be six hundred (600) cubic feet per tree.

7. Above-ground stormwater planter boxes installed on-site may be substituted for foundation plantings as deemed appropriate by the Zoning Administrator.

***Figure 5.10. Building Foundation Landscape Zone***



D. **Parking Area Perimeter Landscape Zone**. Landscape required by this section shall be in addition to landscape required under other sections of this title. It is the objective of this section to provide screening between off-street parking areas and rights-of-way, and to provide for the integration of stormwater management with required landscaping.

1. **Location**. All off-street parking areas which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the back of curb of the off-street parking area and the right-of-way.

2. **Applicability**. The parking lot perimeter landscape regulations of this section apply to the following:

   a. The construction or installation of any new off-street parking area; and

   b. The expansion of any existing off-street parking area, in which case the requirements of this section apply only to the expanded area.

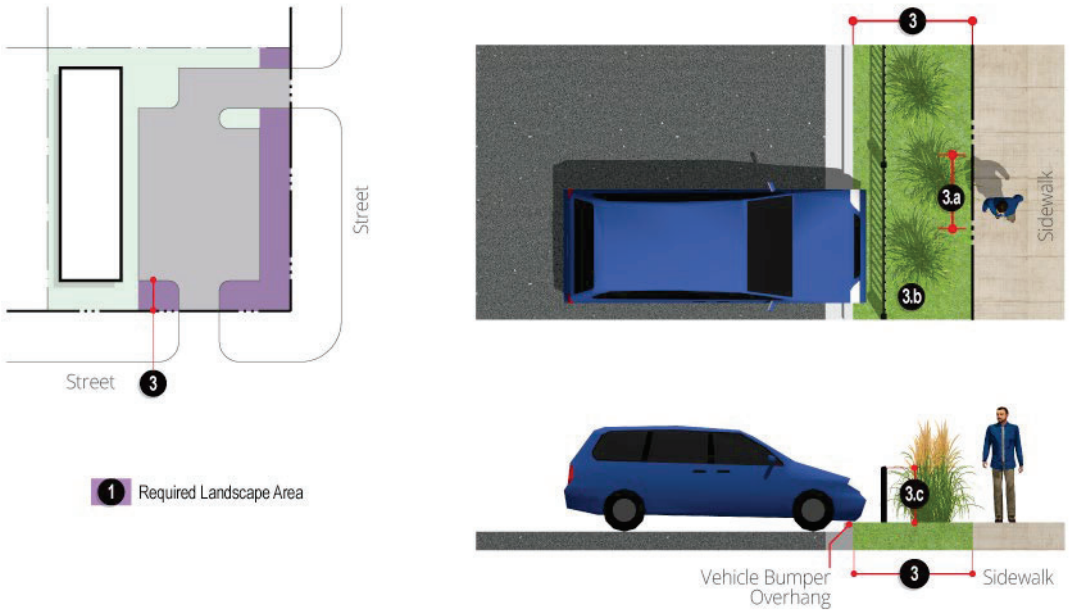
3. **Requirements**. Perimeter landscape shall be established along the edge of the off-street parking area and have a minimum width of seven (7) feet as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

   a. One (1) shrub or native grasses shall be planted for every three (3) feet of landscape area length.

   b. Landscaped areas outside of shrubs/native grasses and tree masses shall be planted in finished groundcover including mulch or stonework.

   c. A low masonry wall or fence the height of which provides effective screening to a maximum height of three (3) feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

***Figure 5.11. Parking Area Perimeter Landscape Zone***



E. **Parking Area Interior Landscape Zone**. All off-street parking areas shall include landscape and trees located within the off-street parking area as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this title. It is the objective of this section to provide shade within parking areas, break up large expanses of parking area pavement, support stormwater management where appropriate, improve the appearance of parking lots as viewed from rights-of-way, and provide a safe pedestrian environment.

1. **Applicability**. The parking area interior landscape zone regulations of this section apply to the following:

   a. The construction or installation of any new off-street parking lot containing ten (10) or more parking spaces; and

   b. The expansion of any existing off-street parking area if the expansion would result in ten (10) or more new parking spaces, in which case the requirements of this section apply only to the expanded area.

2. **Requirements**. For off-street parking areas consisting of ten (10) or more continuous spaces, interior parking area landscape as described in this section shall be required. Off-street parking areas consisting of fewer than ten (10) continuous spaces that are located in front or to the side of the principal building shall be required to terminate all rows of parking with a parking area end cap meeting the standards of subsection 4 below. Off-street parking areas consisting of fewer than ten (10) continuous spaces that are located to the rear of the principal building shall be exempt from parking area interior landscape zone requirements.

3. **Amount**. The amount of required parking area interior landscape shall be determined by the location of the off-street parking area in relation to the primary building as detailed below.

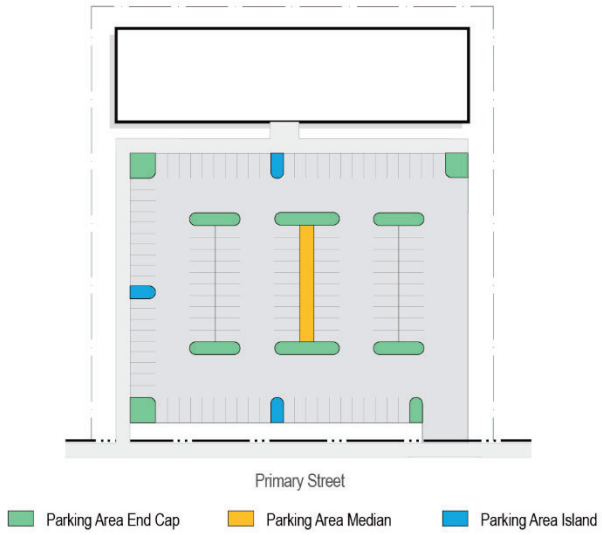
   a. **Off-Street Parking Areas in Front or Side of Primary Building**.

      (1) **Parking Area End Caps**. A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.

      (2) **Parking Area Median Amount Requirement**. Parking area medians shall be placed between every third bay of parking.

      (3) **Parking Area Island Amount Requirement**. Parking area islands shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than ten (10) continuous spaces apart.

***Figure 5.12. Off-Street Parking Area Interior Landscape Zone in Front or Side of Primary Building***

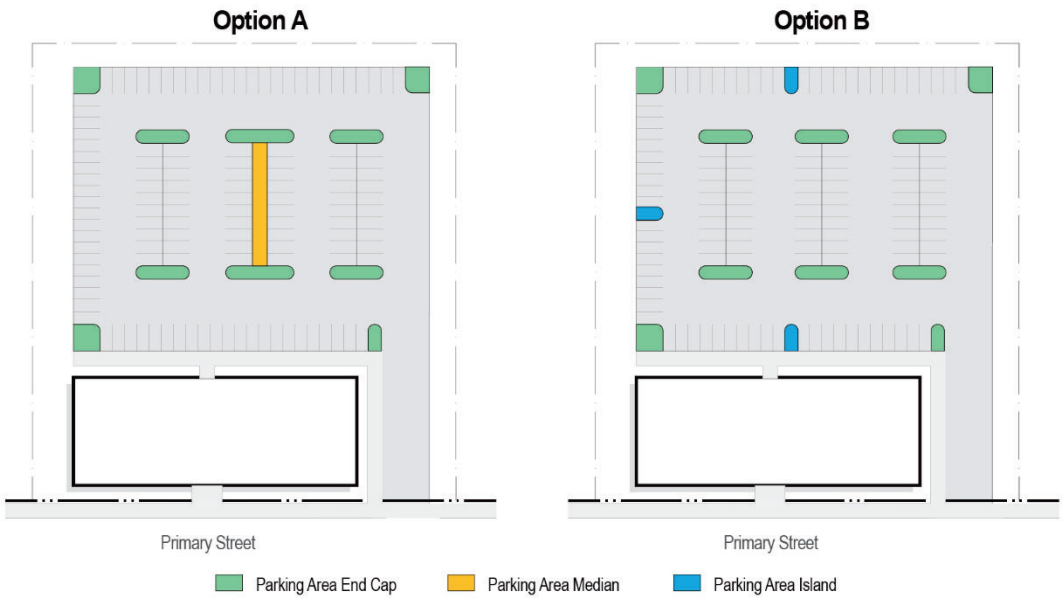


b. **Off-Street Parking Areas in Rear of Primary Building**.

(1) **Parking Area End Caps**. A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.

(2) **Parking Area Median or Parking Area Island Amount Requirement**. The developer may choose to install either parking area medians or parking area islands. If the developer chooses to install parking area medians, they shall be placed between every third bay of parking. If the developer chooses to install parking area islands, they shall be spaced not more than one-hundred eighty (180) feet or more than twenty (20) continuous spaces apart.

***Figure 5.13. Off-Street Parking Area Interior Landscape Zone in Rear of Primary Building***



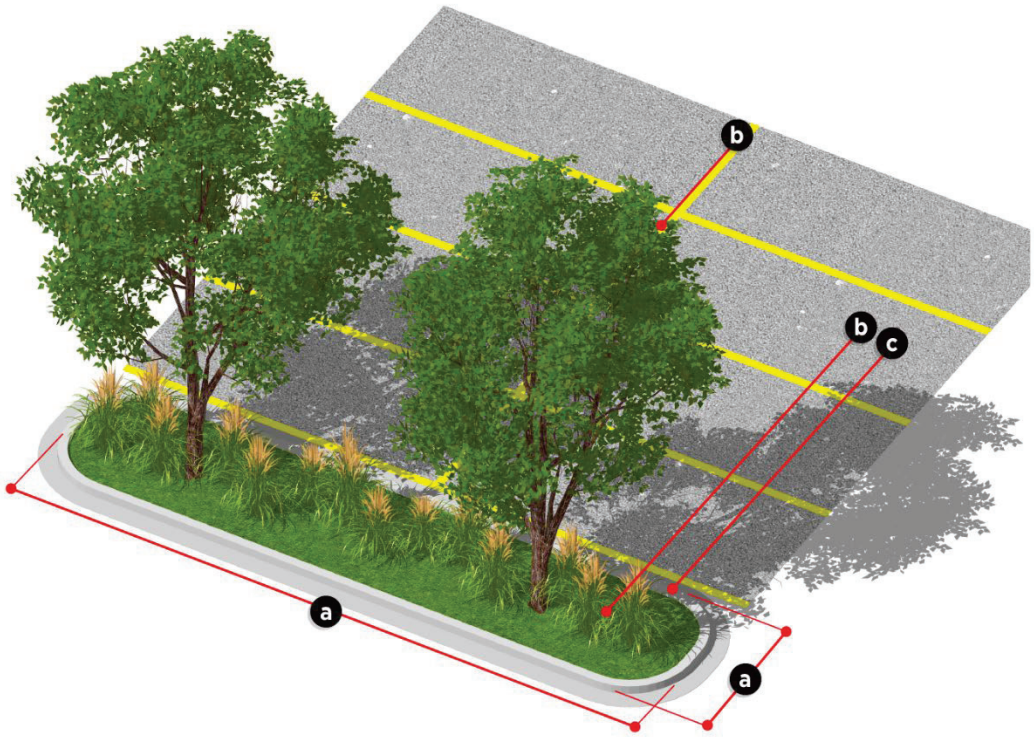
4. **Parking Area End Cap Standards**.

   a. **Size**. Parking area end caps shall be a minimum of ten (10) feet wide by eighteen (18) feet long as measured from the back of the curb to back of the curb and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area end caps opposite one another to form a continuous single end cap.

   b. **Planting**. A minimum of one (1) canopy tree and three (3) native grasses shall be provided for every parking area end cap. If the end cap extends the width of a double bay, then two (2) canopy trees shall be provided. The mature height of the shrubs or native grasses shall not exceed thirty-six (36) inches and all canopy trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   c. **Design**. Parking area end caps shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such end caps shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.14. Parking Area End Cap Standards - Double Bay Parking***



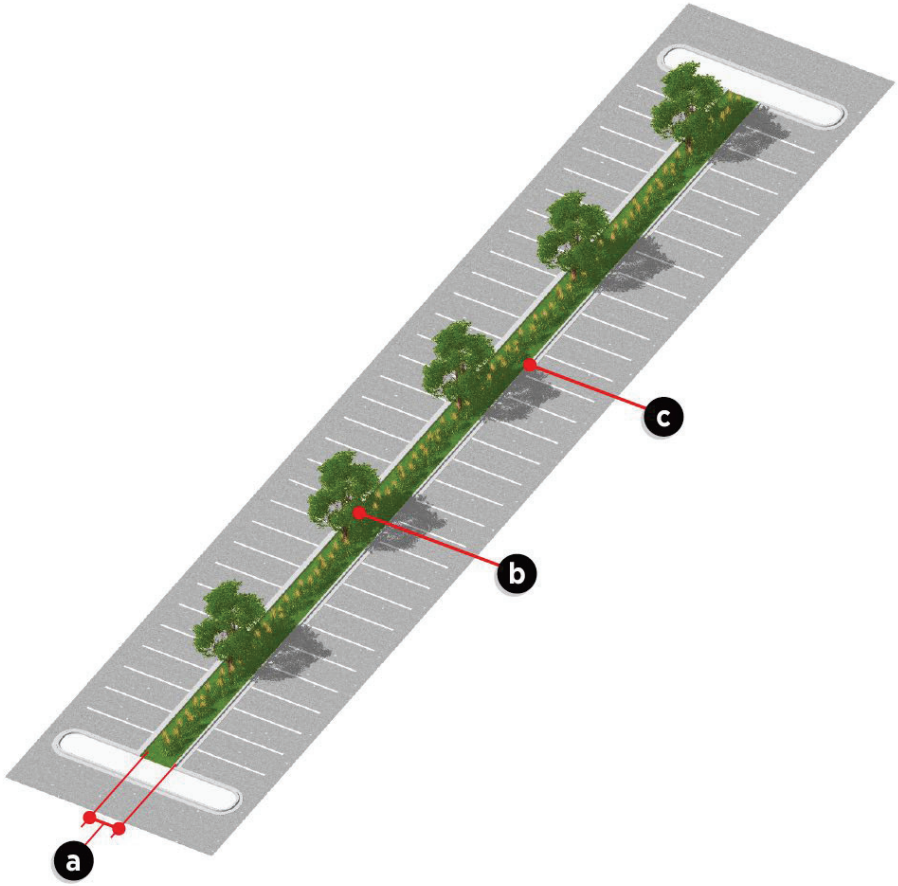
5. **Parking Area Median Standards**.

   a. **Size**. Parking area medians shall have a minimum width of ten (10) feet and minimum soil depth of thirty-six (36) inches.

   b. **Planting**. A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty (50) linear feet of parking area median. The mature height of the shrubs or native grasses shall not exceed thirty-six (36) inches and all canopy trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   c. **Design**. Parking area medians shall be protected with concrete curbing unless the parking area median is designed to be utilized for stormwater management in which case the perimeter shall be protect by wheel stops, or other suitable barriers approved by the Zoning Administrator. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.15. Parking Area Median Standards***



6. **Parking Area Island Standards**.

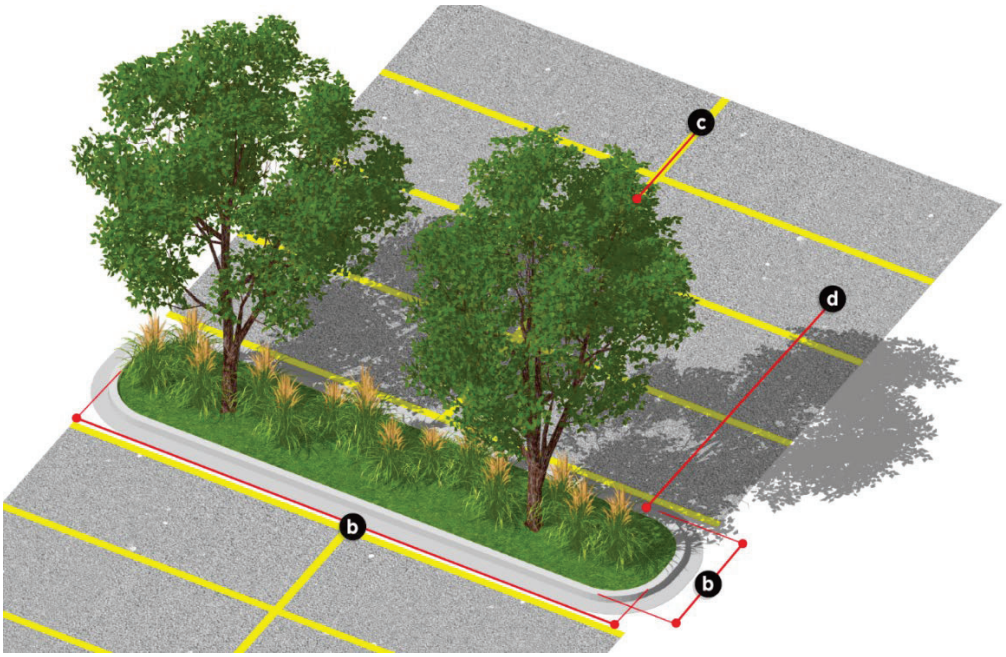
   a. **Requirements**. Parking area islands shall only be required for parking areas with ten (10) or more contiguous spaces in a row.

   b. **Size**. Parking area islands shall be a minimum ten (10) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.

   c. **Planting**. A minimum of one (1) understory tree shall be provided for every parking area island. If the island extends the width of a double bay, then two (2) understory trees shall be provided. Understory trees shall not branch below eight (8) feet to preserve site lines and visibility within the parking lot.

   d. **Design**. Parking area islands shall be protected with concrete curbing or other suitable barriers approved by the Zoning Administrator. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

***Figure 5.16. Parking Area Island Standards - Double Bay Parking***




7. **Pedestrian Circulation Systems**. Pedestrian circulation systems, as required in the interior of off-street parking areas in Section 10-5-1(N) shall be located along parking area medians. The Zoning Administrator may waive or modify this requirement on determining that locating pedestrian circulation systems along parking area medians is impractical due to site conditions or undesirable because it would create unsafe conditions.

8. **Pedestrian-Scale Lighting.** Pedestrian-scale lighting of an adequate height and design is encouraged to be provided at adequate intervals to illuminate the pedestrian circulation systems.

9. **Type of Landscape Material**. Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant materials used in parking area islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians. Understory trees, perennials, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the Zoning Administrator.

10. **Groundcover**. The surface area of every parking area island and median shall be planted with a mix of rocks, plant material, or other materials approved by the Zoning Administrator.

F. **Transition Zone Landscape Requirements**. Transition zone landscape shall be required along interior side and rear property lines of all nonresidential, mixed use, and multi-family development. It is not expected that the transition area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this title.

1. **Applicability**. Transition zone landscaping is required as follows:

   a. The construction or installation of any new primary building or primary use; and

   b. The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with transition zone requirements, transition zone landscaping is required only in proportion to the degree of expansion. The Zoning Administrator is authorized to allow the transition zone to be established adjacent to the area of expansion or to disperse transition zone landscaping along the entire site transition zone.

2. **Application of Transition Zone Types**. Transition zones shall be provided based on Table 10-5-3(F)(2), except where adjacent uses are of a similar nature, scale, and intensity as determined by the Zoning Administrator. As per Table 10-5-3(F)(2), the type of required transition zone is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

**Table 10-5-3(F)(2) Application of Transition Zone Types**

| Subject Lot Land Use | Adjacent Lot Land Use | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Agricultural* | *Single-Family Residential* | *All Other Residential* | *Public/Institutional* | *Retail* | *Service/Medical/Office* | *Lodging* | *Eating/Drinking* | *Entertainment* | *Vehicle Related* | *Industrial/Transportation* |
| *Agricultural* | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *Single-Family Residential* | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *All Other Residential* | n/a | C | A | B | B | B | B | B | C | D | D |
| *Public/Institutional* | n/a | C | B | A | B | B | B | B | B | C | D |
| *Retail* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Service/Medical/Office* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Lodging* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Eating/Drinking* | n/a | C | B | B | A | A | A | A | A | B | C |
| *Entertainment* | n/a | C | C | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| *Vehicle Related* | n/a | D | D | B | A | A | A | A | A | B | C |
| *Energy Industrial/Industrial/Transportation* | n/a | D | D | D | D | D | D | D | D | D | D |

3. **Transition Zone Types**. Four (4) transition zone types are established in recognition of the different contexts that may exist, as shown in Table 10-5-3(F)(3). Transition zones may include a combination of elements including setback distances for separation, planting types, solid fencing, green walls, vegetated stormwater management areas, living groundcover, or turf.

| Table 10-5-3(F)(3) Transition Zone Types | | | | | |
|---|---|---|---|---|---|
| Specification | | Type A (3) | Type B (3) | Type C (3) | Type D (3) |
| (a) | Minimum Zone Width (1) | 8 feet | 10 feet | 15 feet | 20 feet |
| (b) | Minimum Fence/Wall Height (2) | optional | optional | 6 feet | 6 feet |
| *Minimum Number of Landscape Elements per 100 Linear Feet* | | | | | |
| (c) | Understory Tree | optional | 3 | 4 | 5 |
| (d) | Canopy/Evergreen Tree | 4 | 3 | 4 | 5 |
| (e) | Shrubs/Native Grasses | optional | 15 | 25 | 35 |
| *Notes:* | | | | | |
| (1) Required yard setbacks may be utilized for transition zone landscape. | | | | | |
| (2) Fence or wall requirements may be satisfied by a solid evergreen hedge with a maximum height of six (6) feet, as approved by the Zoning Administrator. | | | | | |
| (3) Landscaping elements can be arranged to match to natural topography or natural features of the site and may be arranged in groupings to enhance site aesthetics as approved by the Zoning Administrator. | | | | | |

***Figure 5.17. Transition Zone Type A Standards***

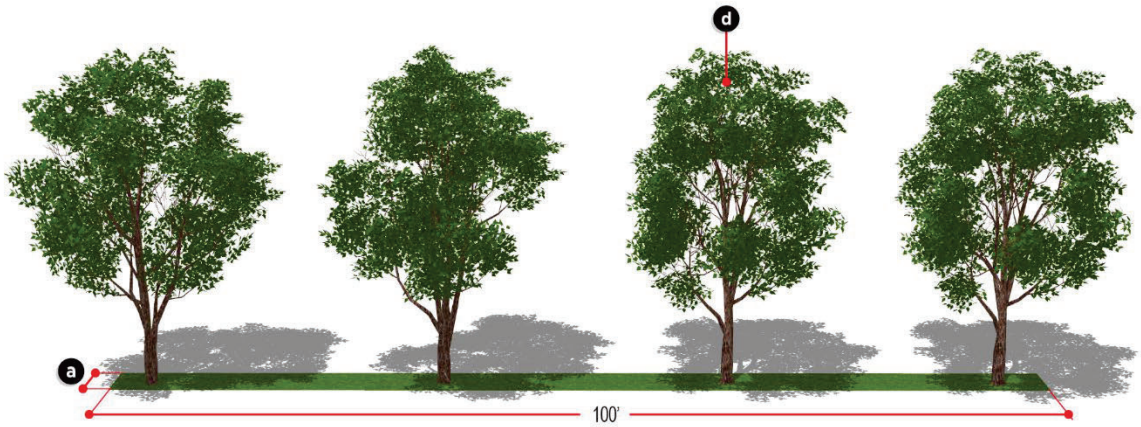


*Figure 5.18. Transition Zone Type B Standards*

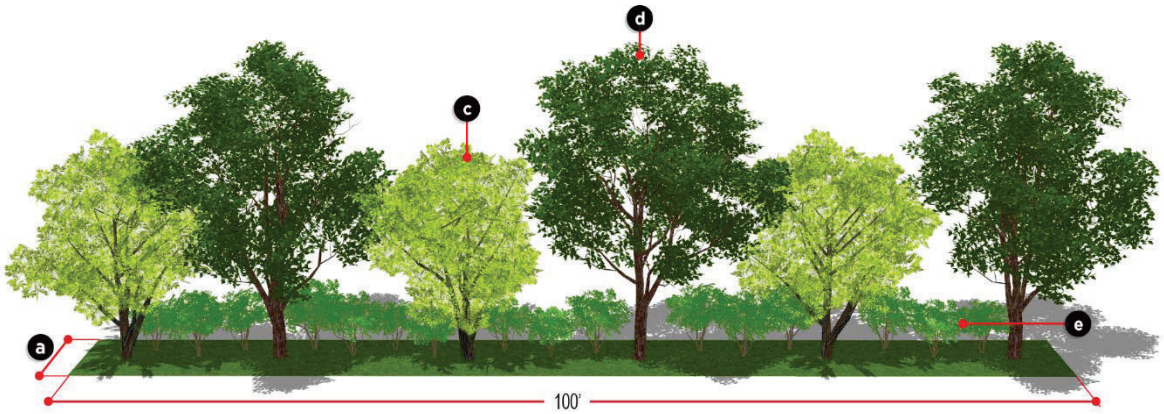



*Figure 5.19. Transition Zone Type C Standards*

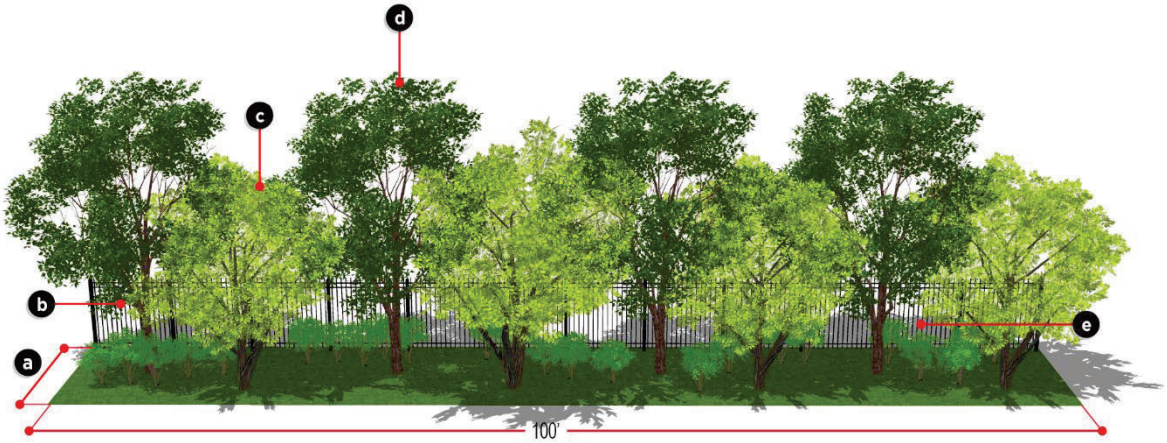



*Figure 5.20. Transition Zone Type D Standards*



G. **Species Diversity Requirements.** The following species diversity requirements shall be required for all developments, unless otherwise approved by the Zoning Administrator in conjunction with approval of vegetated stormwater management areas.

1. Total landscape elements, excluding turf, shall not be comprised of more than thirty (30) percent of any single species or fifty (50) percent of any genus on a parcel that is between one-half (0.5) and five (5) acres.

2. Total landscape elements, excluding turf, shall not be comprised of more than twenty (20) percent of any single species or twenty-five (25) percent of any genus on a parcel that is greater than five (5) acres.

H. **Tree Preservation and Removal**. No live tree(s) with a four (4) inch diameter at breast height may be removed without first applying for tree removal and receiving approval from the City as specified in Section ###.

1. **Tree Preservation and Removal Guidelines.** Every reasonable effort shall be made to retain existing trees shown in the tree survey prepared by a registered landscape architect through the integration of those trees into the site and landscape plan for a proposed development.

a. Critical areas such as floodplains, steep slopes, and wetlands, should be left in their natural condition or only partially cleared.

b. Roadways, storage areas, and parking lots should be located away from valuable tree stands.

c. Cutting and filling in the vicinity of valuable trees should be minimal.

d. If more than one-third of the tree's root zone is to be affected by construction, the tree should be part of the removal plan and replaced with the appropriate number of trees.

2. **Tree Survey Requirements.** Every tree survey for any new development shall include the following:

a. Location, species (botanic and common name), and diameter at breast height (DBH) of all trees four (4) inches DBH or larger.

b. Survey must clearly identify which trees are proposed to be removed and which are proposed to be preserved.

c. A summary data table indicating total number of trees removed and trees to be replaced shall be provided on the survey.

3. **Tree Replacement Standards.**

a. Any tree approved for removal shall be replaced with new trees in accordance with the following schedule:

**Table 10-5-3(H)(3)(a) Tree Replacement Approved For Removal**

| Caliper (Inches) of tree to be removed | Number of Replacement Trees |
|---|---|
| 30 or Greater | 6 |
| 13-29 | 5 |
| 8-12 | 4 |
| 4-7 | 2 |

b. In the event that a tree identified to be preserved is removed or damaged, such tree shall be replaced as follows:

| Table 10-5-3(H)(3)(b) Tree Replacement Identified For Preservation | |
|---|---|
| Caliper (Inches) of tree to be removed | Number of Replacement Trees |
| 30 or Greater | 12 |
| 13-29 | 10 |
| 8-12 | 8 |
| 4-7 | 4 |

c. All replacement trees shall have a minimum caliper of two and one-half (2½) inches and shall consist of canopy and understory trees as deemed appropriate by Zoning Administrator.

d. If the tree(s) approved for removal is (are) dead from natural causes prior to the date of the tree removal permit, then no replacement tree(s) are required for them.

4. **Preservation of Existing Trees.** Preservation of existing high-quality trees within a new development or redevelopment site is highly encouraged. Preserved trees may fulfill a portion of the landscape requirements established in this section. Should the applicant propose to maintain existing high-quality trees to count toward satisfying certain landscape requirements of this title, the Zoning Administrator may, upon receipt of a tree preservation plan, waive certain landscape requirements if mature, high-quality trees on a lot are proposed to be preserved. If, upon inspection at the conclusion of the project, trees identified for preservation have been removed, damaged, or are otherwise in declining condition, all waived required landscape shall be installed.

5. **Fee in Lieu.** A fee may be provided in lieu of the replacement of trees or preservation of existing trees as established in the City of Yorkville's adopted ordinances. These fees will be based upon wholesale pricing for a two and a half (2 ½) to three (3) inch tree and shall cover the cost of the tree and the estimated cost of the installation of the trees required to be planted. Money collected from the fee in lieu option shall be deposited into a Tree Bank Fund to be used towards tree replacement and plantings throughout the City.

6. **Tree Preservation Plan.** Development on all parcels four (4) acres or greater in area shall require the submittal and approval of a tree removal plan.

I. **Installation and Maintenance of Landscape Areas**.

1. Immediately upon planting, all landscape shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.

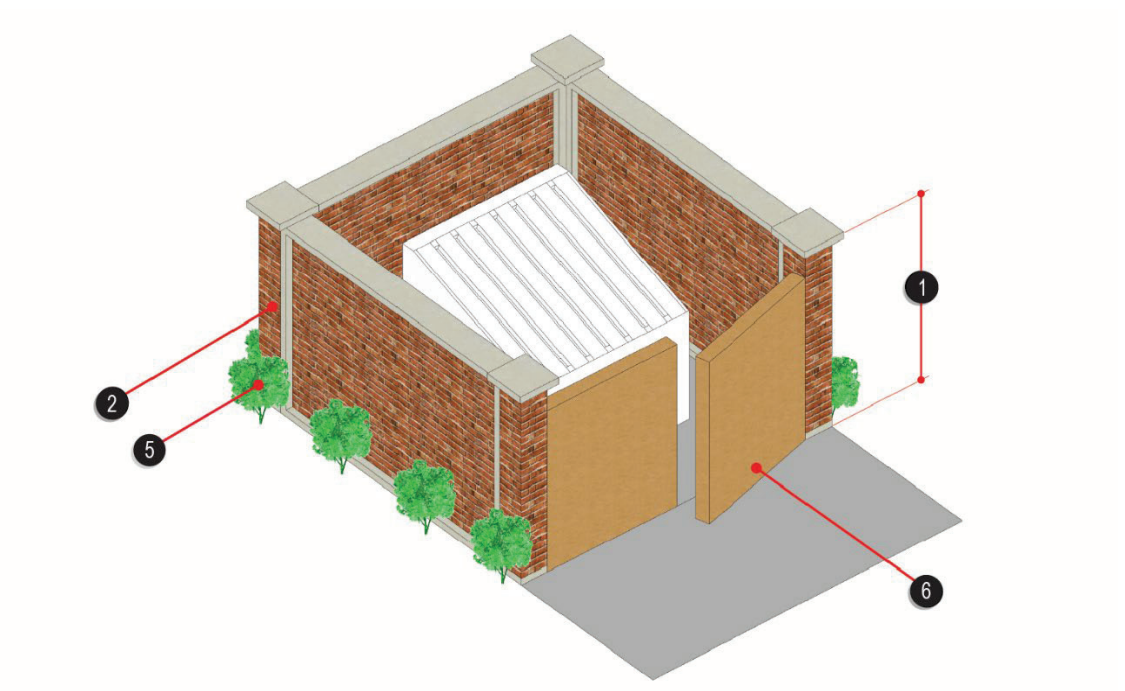
2. The ground surface of landscape areas shall be covered with either turf, sod, mulch, and/or other types of pervious groundcover.

## 10-5-4. Screening

A. **Trash and Recycling Receptacles**. The following regulations shall apply to all nonresidential, mixed use, and multi-family development.

1. Trash and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
2. Materials used for screening shall complement the exterior building cladding materials of the primary building.
3. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
4. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
5. Shrubs shall be installed every five (5) feet along the exterior of the enclosure, with the exception of enclosure openings, to provide a softening effect.
6. Enclosure openings shall be gated with an opaque material.
7. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
8. Access drives shall be constructed of materials and to a thickness which accommodates truck loading.
9. Enclosures shall be of an adequate size to accommodate expected containers.
10. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
11. Trash and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

***Figure 5.21. Trash and Recycling Receptacle Screening Standards***



B. **Ground/Wall Mounted Mechanical Units**. The following regulations shall apply to all ground/wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and / or silos accessory to a brewery, winery, and/or distillery are exempt from these requirements.

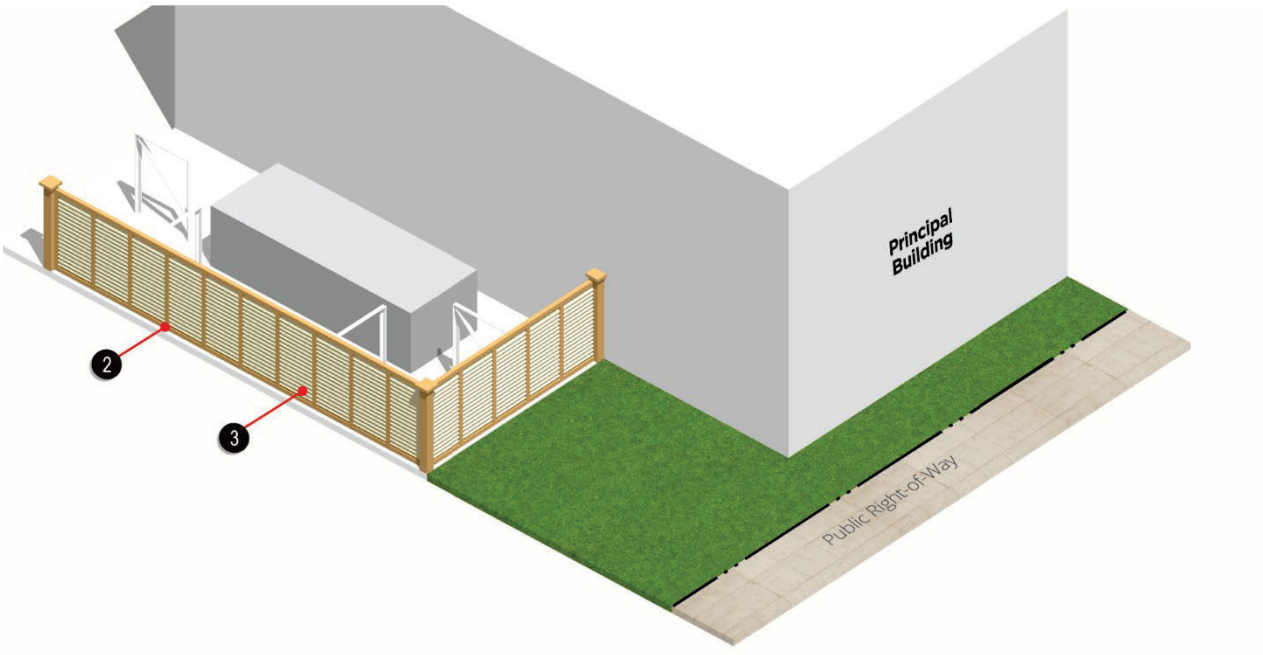
1. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.

2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

3. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.

4. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

***Figure 5.22. Ground/Wall Mounted Mechanical Unit Screening Standards***



C. **Roof Mounted Mechanical Units**. The following regulations shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multi-family, non-residential, or mixed-use developments.

1. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.

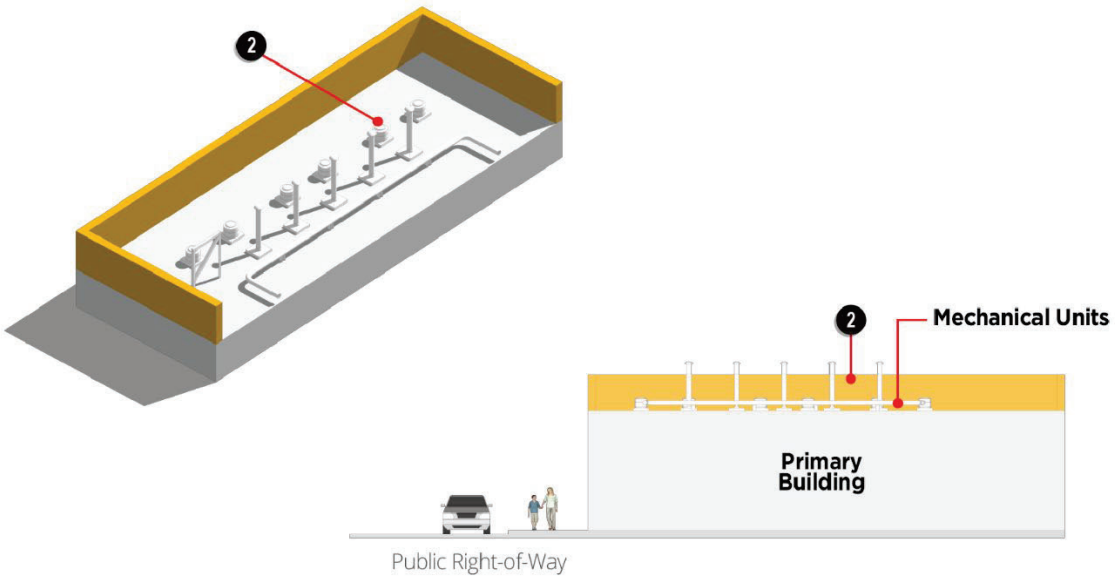
2. Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.

3. Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.

4. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.

5. Additional screening may be required due to topographic differences in the adjoining properties.

***Figure 5.23. Roof-Mounted Mechanical Unit Screening Standards***



## 10-5-5. Fences

A. **Regulations for All Zoning Districts.**

1. Fences thirty-six (36) inches or more in height require a building permit.
2. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
3. No more than two (2) different types of fencing material are permitted per lot.
4. **Materials.** The materials listed below are acceptable for a fence in any district unless specific districts are specified in in this subsection. These materials are an example of acceptable fencing. The Zoning Administrator has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.
    a. Stone,
    b. Brick,
    c. Natural rot resistant wood (cedar, cyprus, redwood),
    d. Cast or wrought iron,
    e. Plastic,
    f. Aluminum,
    g. Composite wood and plastic,
    h. Vinyl coated chain-link (rear and side yard only on properties in nonresidential districts).
    i. Galvanized chain-link (only on M-1 or M-2 properties adjacent to other M-1 or M-2 property).

B. **Placement.**

1. Fences may be built up to the property line but shall not extend beyond the front plane of the primary building facade in residential and business districts and must be located entirely on the property of the owner constructing it.
2. Fences may be constructed within an easement, though future work within the easement may result in the removal of the fence. Fences are not allowed in some types of restricted easements, such as those dedicated for landscape, sidewalks, trails, access or where otherwise limited by an easement document.
3. The property owner is responsible for locating property lines, prior to the installation of the fence.
4. Fences, walls, or hedges shall not encroach on any public right-of-way.
5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. All solid fences, walls, hedges, or shrubberies which exceed three (3) feet above the street grade shall comply with the vision clearance standards of Section 10-5-6 of this title.

C. **Prohibited Fences.**

1. Fences or enclosures charged with or designed to be charged with electrical current are prohibited, except for underground dog fences.
2. Any fence made of, in whole or in part, cloth, canvas or other like material is prohibited.

3. No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items as determined by the Zoning Administrator.

D. **Height.** Except as otherwise permitted in this title, annexation agreements, planned unit developments or any other development related agreements or ordinances, fences shall not exceed the maximum height as listed in Table 10-5-5(D) of this section.

**Table 10-5-5(D) Fence Height Standards**

| District/Use | Maximum Height per Yard | | | |
|---|---|---|---|---|
| | Front Yard | Corner Side Yard | Interior Side Yard | Rear Yard |
| Residential Districts | 3 feet [1] | 6 feet | 6 feet [2] | 6 feet [2] |
| Business Districts | 3 feet [1] | 6 feet | 6 feet [2] | 6 feet [2] |
| Manufacturing District | 8 feet | 8 feet | 8 feet | 8 feet |
| Public Uses and Utilities | 8 feet | 8 feet | 8 feet | 8 feet |

**Notes:**

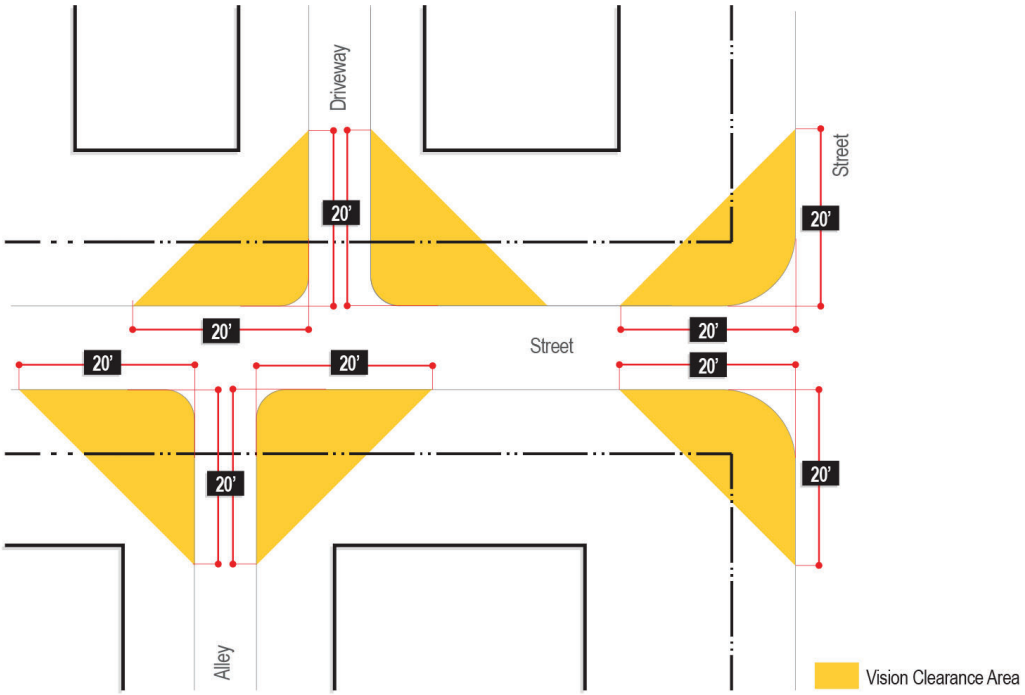
1. Fence may be a maximum of four (4) feet in height if opacity does not exceed fifty (50) percent.

2. Fence may be a maximum of eight (8) feet in height if in a residential district and adjacent to a nonresidential use or in a business district and adjacent to a residential use.

## 10-5-6. Vision Clearance

Clear sight distance shall be required at the intersection of a driveway and any right-of-way or at the intersection of two (2) or more streets. No building or structure shall be permitted that creates a visual obstruction taller than three (3) feet in the area measured extending twenty (20) feet from the curb at the intersection of the driveway and street, or from the curb at the intersection of two (2) or more streets.

***Figure 5.24. Vision Clearance Standards***



## 10-5-7. Outdoor Lighting

A. **Applicability.** This section shall apply to the replacement of existing lighting units and fixtures and any lighting units or fixtures proposed to be added to a site with multi-family and nonresidential uses only.

B. **Exceptions.** Temporary holiday lighting shall be exempt from the standards of this sections.

C. **Fixture Classification**. All outdoor lighting fixtures, with the exception of wall mounted accent lighting and outdoor lighting in the A-1 District, shall either have a fixture cutoff classification of "Full Cutoff" or be fully shielded, unless otherwise expressly permitted in this UDO.

D. **LED Fixtures**. Non light-emitting diode fixtures shall be allowed for building mounted, ornamental, or holiday lighting. Lighting fixtures for parking lots shall utilize a light-emitting diode (LED) fixtures.

E. **Pole Mounted Outdoor Lighting**.

1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones as specified in Section 10-5-3.

2. **Maximum Pole Height.**

| Table 10-5-7(E) Outdoor Lighting Height Standards | |
|---|---|
| Districts | Maximum Height |
| Residential Districts | 20 feet |
| Institutional and Open Space Districts | 20 feet |
| B-2 Mixed Use District | 25 feet |
| Other Business and Manufacturing Districts | 35 feet |

F. **Wall Mounted Accent Lighting**. Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.

G. **Lighting Intensity.** The average foot-candle of any lighting fixture intensity should be two to two and one-half (2.0—2.5) foot-candles. The average to minimum light intensity ratio should be no more than six to one (6:1), and the maximum to minimum light intensity ratio should be no more than twenty to one (20:1).

H. **Off-Street Parking Area Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public highways in such a way as not to create a nuisance. The City of Yorkville promotes the "dark sky" concept.

I. **Maximum Light Level at Property Line**. All outdoor lighting fixtures, including lights from signage, shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.

J. **Fixtures.** All outdoor lighting must employ full cut-off or fully shielded fixtures and the use of wall packs on buildings should be minimized.

K. **Light Level Measurement**.

1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.

2. **Light Meter Specifications**. Light levels shall be measured in foot candles with a direct-reading portable light meter as measured by the City. The meter shall:

    a. Have cosine and color correction,

    b. Have an accuracy tolerance of no greater than plus or minus five (5) percent, and

    c. Have been calibrated within the last two (2) years.

L. **Automatic Lighting Controls.** All outdoor lighting on non-residential lots must be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically extinguish lights no more than one hour following the close of business, excluding security lighting.

M. **Photometric Plan**. A photometric plan as specified in the City of Yorkville Standard Specifications shall be required.

# Chapter 6. Sign Standards

10-6-1. Purpose and Scope ..... 1
10-6-2. Limit on Sign Area ..... 3
10-6-3. Sign Measurement ..... 4
10-6-4. Permitted Sign Types ..... 5
10-6-5. General Sign Standards ..... 6
10-6-6. Permanent Sign Standards ..... 7
10-6-7. Temporary Sign Standards ..... 16
10-6-8. Comprehensive Sign Plan ..... 22
10-6-9. Prohibited Signs and Content ..... 23
10-6-10. Safety, Maintenance, and Abandonment ..... 23

## 10-6-1. Purpose and Scope

A. **Purpose.** The purpose of this Chapter is to set out regulations for the erection and maintenance to ensure the appropriate appearance of signs while preserving the right of free speech and expression in keeping with the following principles.

1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself,

2. The City has an important and substantial interest in preventing sign clutter, which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists, because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the City's streets by creating visual confusion and aesthetic blight,

3. Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high-quality community character,

4. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's streets if they are not removed,

5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter,

6. The City has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community, and

7. The uncontrolled use of off-premises advertising signs can be injurious to the public, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial signage are necessary and desirable.

B. **Scope**. The regulations of this Chapter shall provide a balanced and fair legal framework for design, construction, and placement of signs that:

1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:

    a. Collapsing, catching fire, or otherwise decaying,

    b. Confusing or distracting motorists, or

    c. Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:

    a. Are not overwhelmed by the number of messages presented, and

    b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose, and

3. Protects the public welfare and enhances the appearance and economic value of the community by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors,

4. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height,

5. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan of the City of Yorkville,

6. Enhances property values and business opportunities,

7. Assists in wayfinding, and

8. Provides fair and consistent permitting and enforcement.

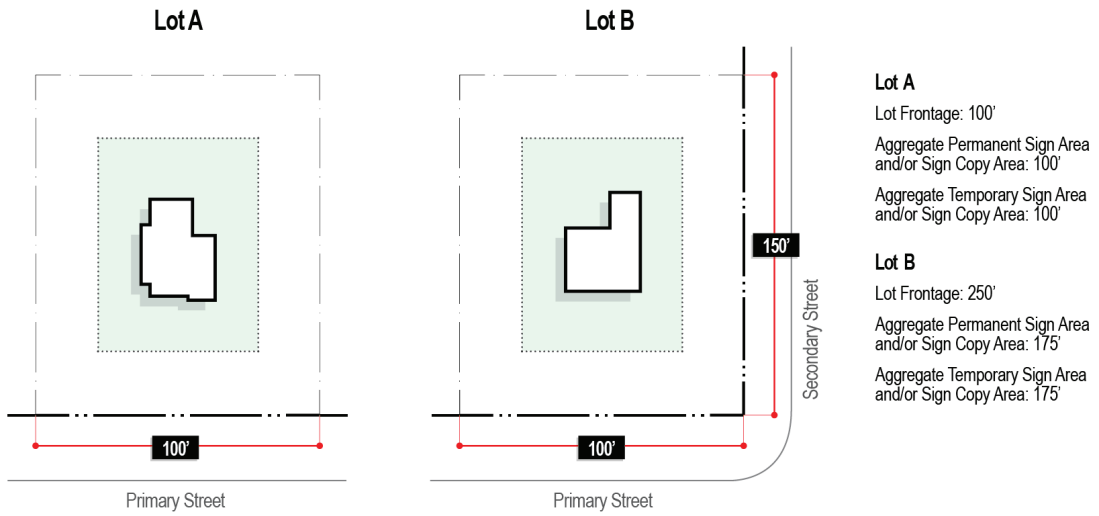
## 10-6-2. Limit on Sign Area

A. **Permanent Sign Area Limit**. Each lot with multi-family residential, mixed-use, or non-residential uses shall be allowed aggregate permanent sign area equal to one (1) square foot of sign area per linear foot of lot frontage.

B. **Temporary Sign Area Limit**. Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of frontage.

C. **Premises Having Frontage on More Than One Dedicated Street**. Premises having frontage on more than one (1) dedicated street shall be allowed an additional one-half (0.5) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

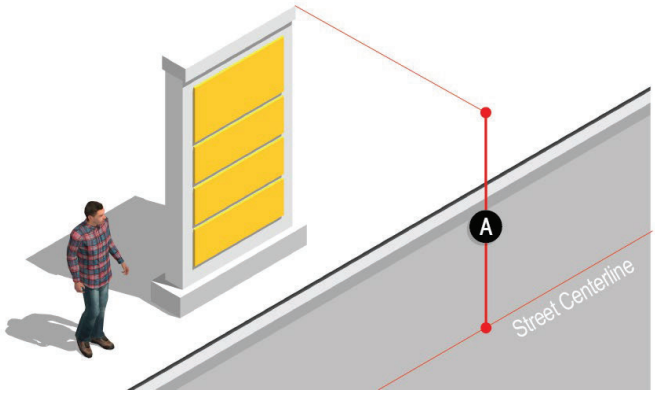
***Figure 6.1. Limit on Sign Area***



## 10-6-3. Sign Measurement

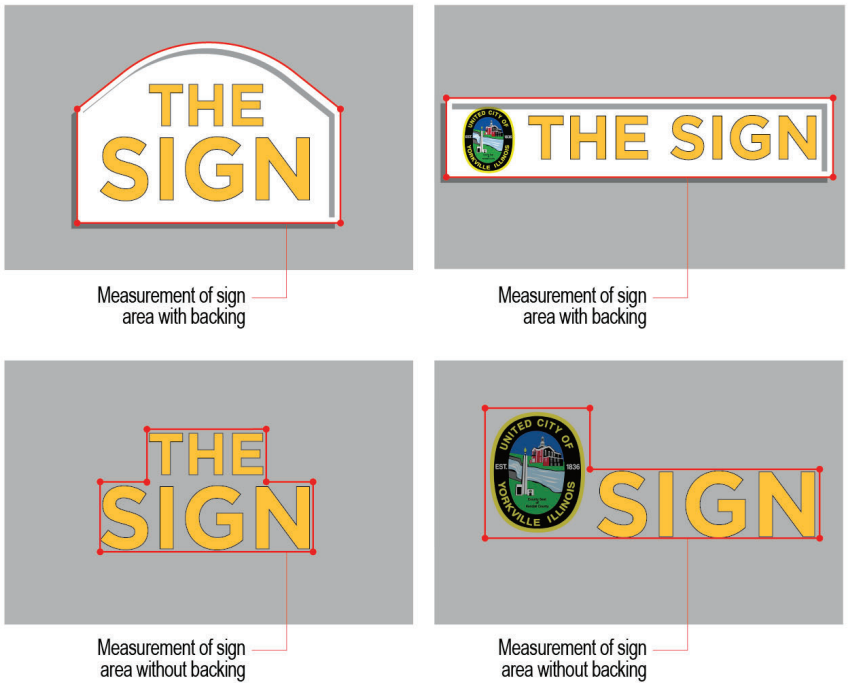
A. **Sign Height**. The height of a sign shall be computed as the distance from the grade of the centerline of the adjacent street to the top of the highest attached component of the sign.

***Figure 6.2. Sign Height Measurement***




B. **Sign Area**. Sign area shall be computed by means of the smallest square, rectangle, circle, triangle or combination thereof that shall encompass the extreme limits of the writing representation, emblem or other display, together with any material or color forming an integral part of the backing of the display or used to differentiate the sign from the sign base or structure against which it is placed. Sign area shall not include any supporting framework, bracing, decorative fence, or wall when such fence or wall otherwise meets this Title's regulations and is clearly incidental to the display itself. A double-faced sign shall count as a single sign.

***Figure 6.3. Sign Area Measurements***



## 10-6-4. Permitted Sign Types

A. The following key is to be used in the interpretation of Table 10-6-4(A) Permitted Sign Types by district.

1. **Permitted Sign Types**. Sign types marked as "P" in the table shall be permitted subject to all applicable regulations of this Title and only after the issuance of a Sign Permit as detailed in Section 10-8-3(E).

2. **Allowed Sign Types**. Sign types marked as "A" in the table shall be allowed subject to all applicable regulations of this Title without the issuance of a Sign Permit.

3. **Prohibited Sign Types**. A blank space in the table indicates that a sign type is not allowed in the respective district.

4. **Interpretation of Similar Sign Type**. If a proposed sign is not listed in the table, the Zoning Administrator shall determine if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.

5. **Exempt Signs**. Any sign located on private property less than two (2) square foot in area and mounted on a structure shall be exempt from the standards of this Chapter.

6. **Unlisted Sign Types**. Sign types that are not included in Table 10-6-4(A) shall be considered prohibited.

| | District | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Sign Type** | **R Districts** | **B-1** | **B-2** | **B-3** | **M-1** | **M-2** | **A-1** | **OS** | **PI** |
| *Permanent Signs* | | | | | | | | | |
| Wall Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Single-Tenant Monument Sign | P (1)(2) | P | P | P | P | P | P (1) | P | P |
| Multi-Tenant Monument Sign | | P | P | P | P | P | | | P |
| Awning/Canopy Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Projecting Sign | | P | P | P | | | | P | P |
| Window Sign | | A | A | A | A | A | | A | A |
| On-Site Traffic Directional Sign | P (1) | P | P | P | P | P | | P | P |
| *Temporary Signs* | | | | | | | | | |
| Wall Mounted Banner Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Ground Mounted Banner Sign | P (1) | P | P | P | P | P | P (1) | P | P |
| Feather Sign | | P | P | P | P | P | | P | |
| A-Frame/Sandwich Board Sign | A (1) | A | A | A | | | | | |
| Post Sign | A | A | A | A | A | A | A | A | P |
| Cold Air Inflatables | | A | A | A | A | A | A | A | A |
| *Notes:* | | | | | | | | | |
| (1) Sign shall be permitted for nonresidential, mixed use, or multifamily developments only. | | | | | | | | | |
| (2) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only. | | | | | | | | | |

## 10-6-5. General Sign Standards

A. **Illumination**.

1. **Location and Design of Light Source**. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.

2. **Level of Illumination**. In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 10-5-7. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

B. **Electronic Message Boards**. Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following:

1. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.

2. The maximum sign area of any sign comprised entirely of an electronic message board shall be eighty (80) percent of the maximum sign area of the single-tenant or multi-tenant sign, as applicable.

3. The electronic message format shall conform to the following requirements:

   a. The message shall contain a static message or image only and not have movement, or the appearance of movement, during the static display period.

   b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.

   c. The message shall not change more frequently than once every ten (10) seconds.

4. Electronic message boards must be equipped with a default mechanism that shall stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.

6. Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.

7. Illumination of electronic message signs shall not be detectable across any property line.

8. Applications shall be reviewed by the Zoning Administrator to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways.

## 10-6-6. Permanent Sign Standards

A. **Wall Signs**.

1. **Sign Area**.

   a. **Signs Attached to a Wall With a Public Entrance or Facing a Public Right-of-Way.** The maximum sign area shall be two (2) square feet for every one (1) linear foot of the exterior wall to which it is affixed. The sign shall not to exceed seventy-five (75) percent of the width of the exterior wall to which it is attached.

   b. **Signs Attached to Any Other Wall.** The maximum sign area shall be one (1) square foot for every one (1) linear foot of the exterior wall to which it is affixed. The sign shall not exceed fifty (50) percent of the width of the exterior wall to which it is attached.

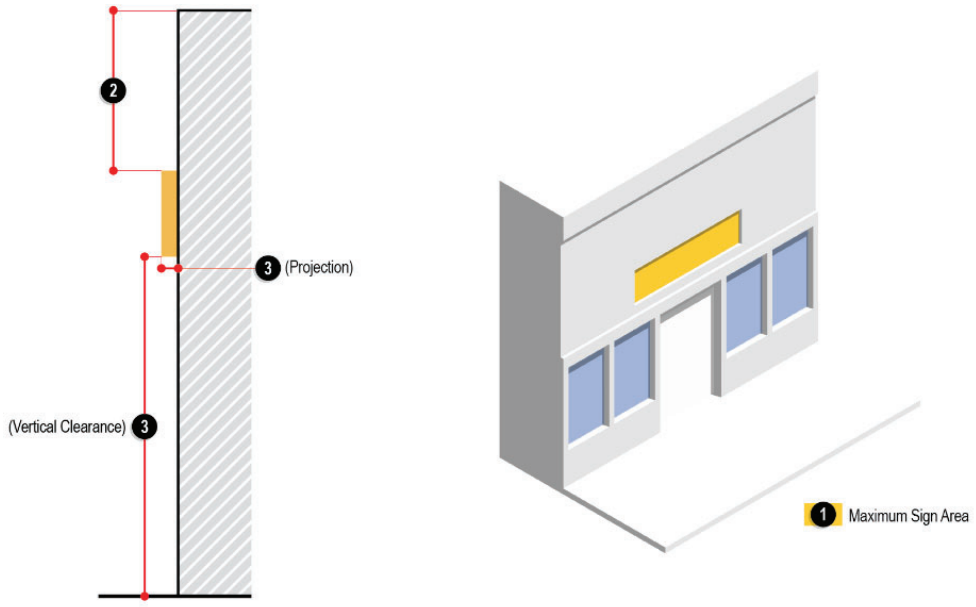
2. **Sign Height**. No wall sign shall be closer than one (1) foot from the highest roofline or the top of the parapet wall or mansard root.

3. **Projection and Clearance**.

   a. **Projection**. If the wall sign projects more than six (6) inches from the wall of the building or structure to which it is attached, it shall maintain a vertical clearance of at least eight (8) feet.

   b. **Maximum Projection**. No wall sign shall project more than twelve (12) inches from the wall of the building or structure to which it is attached. Any sign which projects more than twelve (12) inches from the wall will be defined as a projecting sign as regulated in Section 10-6-6(D).

***Figure 6.4. Wall Sign Area, Height, and Projection***




4. **Number of Signs**.

   a. Single tenant buildings shall be permitted a total of two (2) primary wall signs or one (1) primary wall sign per one hundred (100) linear feet of building frontage. One (1) additional wall sign shall be allowed per additional hundred (100) feet of building frontage. Only one (1) primary wall sign shall be displayed on any single building façade.

   b. Multi-tenant buildings shall be permitted one (1) wall sign per unit.

c. A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:

(1) In keeping with the overall design and architecture of the building,

(2) A minimum of ten (10) feet from the primary wall sign and other secondary wall signs,

(3) A maximum of fifty (50) percent of the size of the primary wall sign,

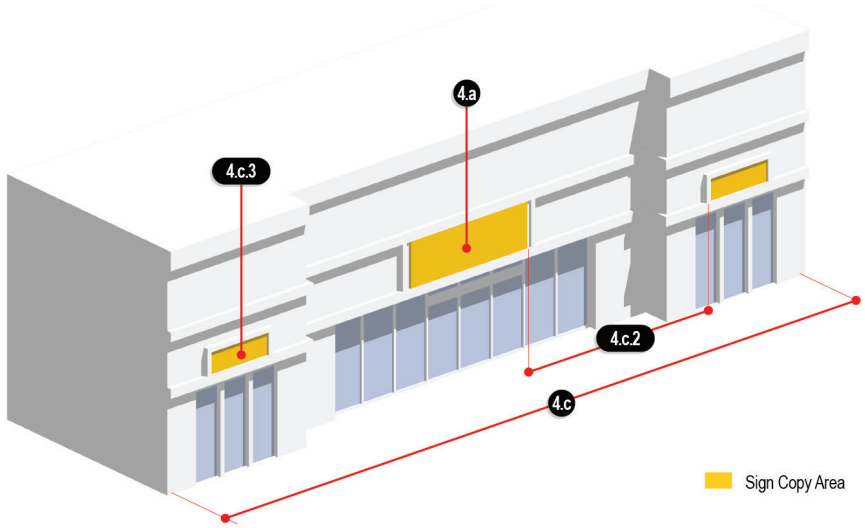
(4) Accessory to the building's primary wall sign(s), and

(5) The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 10-6-6(A)(1).

5. **Sign Copy**. If the sign copy utilized on a wall sign is either individually affixed letters, raceway letters, applied vinyl, or printed, etched, or otherwise incorporated directly on the sign's backing plate, the Zoning Administrator may approve an increase in sign copy area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.

6. **Other Provisions**. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

***Figure 6.5. Secondary Wall Sign Standards***



B. **Monument Signs.**

1. **General Monument Sign Standards**

a. **Sign Materials**. The following classes of sign materials shall be utilized in the determination of allowed sign area and sign height as detailed in Sections 10-6-3(A) and 10-6-3(B).

(1) **Base Quality Materials**.

(a) Stone veneer systems,

(b) Fiber cement,

(c) Wood,

(d) EIFs,

(e) Precast panels, or

(f) Other as determined by the Zoning Administrator.

(2) **High Quality Materials**.

(a) Masonry,

(b) Natural stone,

(c) Steel/wrought iron, or

(d) Other as determined by the Zoning Administrator.

b. **Landscape**.

(1) All monument signs shall be required to plant and maintain a landscape area at the base of the sign.

(2) The minimum area of the landscape area shall be equal to half (1/2) of the square footage of the sign area of the associated sign.

(3) Landscape areas shall be planted with one (1) shrub or native grass, per every three (3) square feet of required landscape area.

(4) Required shrubs and native grasses shall be approved by the Zoning Administrator as a landscape plan.

2. **Single-Tenant Monument Signs**.

   a. **Sign Dimensions**.

      (1) **Base Quality Single-Tenant Monument Signs**. Single-tenant monument signs utilizing base quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed thirty-two (32) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed eight (8) feet.

      (2) **High Quality Single-Tenant Monument Signs**. Single-tenant monument signs utilizing high quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed forty-eight (48) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed twelve (12) feet.

   b. **Number of Signs**. A maximum of one (1) single-tenant monument sign shall be permitted per every eight-hundred (800) continuous, linear feet of lot frontage.

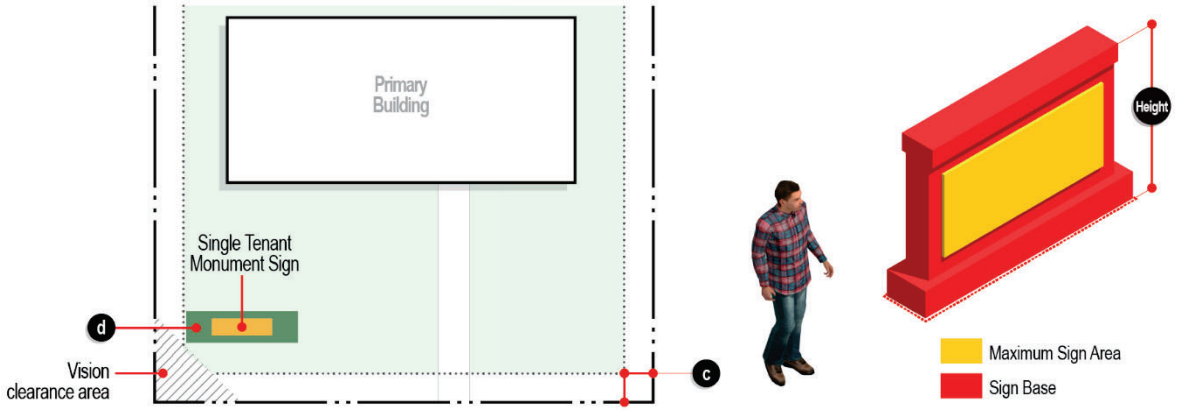
   c. **Location**. Single-tenant monument signs shall be located the minimum distance established below per district type from property lines, rights-of-way, and utility easements, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 10-5-6.

      (1) **Residential Districts**: Ten (10) feet

      (2) **Nonresidential Districts**: Five (5) feet

   d. **Landscape Requirement**. All single-tenant monument signs shall be required to plant and maintain a landscape area meeting the requirements of Section 10-6-6(B)(1)(d) at the base of the sign.

***Figure 6.6. Single-Tenant Monument Sign Standards***



3. **Multi-Tenant Monument Signs**.

   a. **Sign Dimensions**.

      (1) **Base Quality Multi-Tenant Monument Signs**. Multi-tenant monument signs utilizing base quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed thirty-two (32) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed ten (10) feet.

      (2) **High Quality Multi-Tenant Monument Signs**. Multi-tenant monument signs utilizing high quality sign materials shall meet the following dimensional standards.

         (a) **Sign Area**. The maximum sign area shall not exceed sixty-four (64) square feet.

         (b) **Sign Height**. The maximum sign height of single-tenant monument signs shall not exceed fourteen (14) feet.

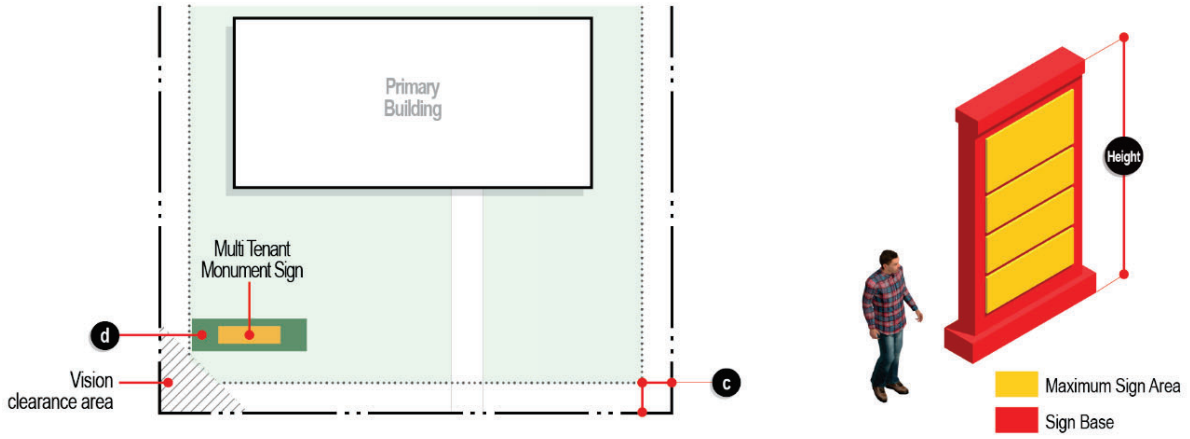
   b. **Number of Signs**. A maximum of one (1) multi-tenant monument sign shall be permitted per lot frontage.

   c. **Location**. Multi-tenant monument signs shall be located a minimum of five (5) feet from all property lines and rights-of-way, shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.

   d. **Landscape Requirement**. All multi-tenant monument signs shall be required to plant and maintain a landscape area meeting the requirements of Section 10-6-6(B)(1)(d) at the base of the sign.

   e. **Signs Within Landscaped Medians**. Any multi-tenant monument sign within a landscaped median shall be located outside vision clearance areas as specified in Section 10-5-6.

***Figure 6.7. Multi-Tenant Monument Sign Standards***



C. **Awning/Canopy Signs**.

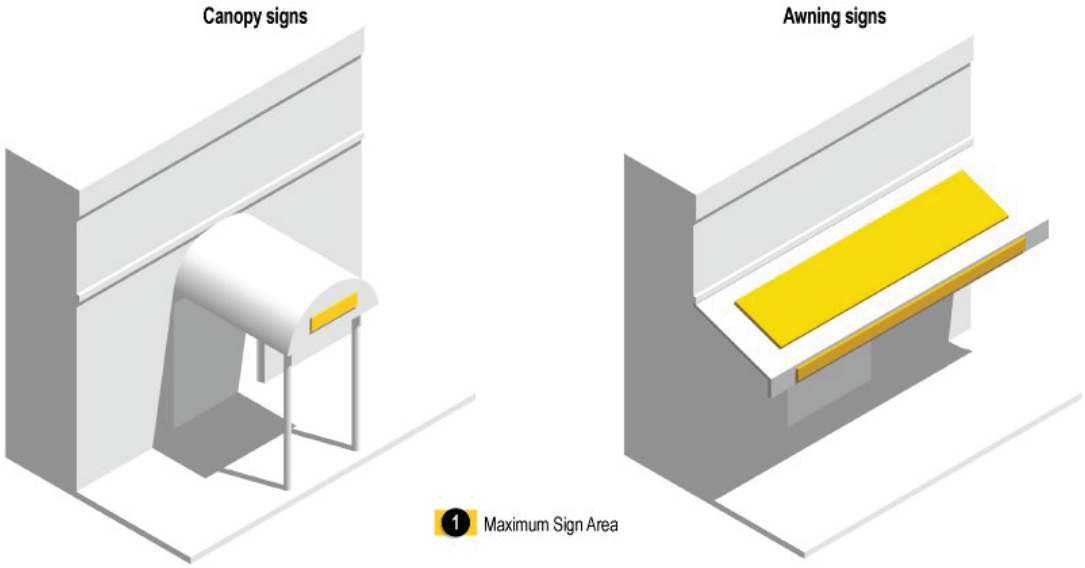
1. **Sign Area**. The maximum sign area of awning/canopy signs shall be fifty (50) percent of the face of the awning or canopy upon which the sign shall be printed or affixed. The area of the awning or canopy sign copy shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 10-6-6(A)(1).

2. **Other Provisions**.

   a. Signs required for public health, safety, and welfare that are posted on awnings/canopies, like "clearance" signs, shall not count towards allowed sign area.

   b. Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.

***Figure 6.8. Awning/Canopy Sign Standards***



D. **Projecting Signs**.

1. **Sign Area.** The maximum permitted sign copy area of projecting signs shall be sixteen (16) square feet.

2. **Height.** Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less.

3. **Clearance**. Projecting signs shall maintain a minimum vertical clearance of eight (8) feet.

4. **Number of Signs.** A maximum of one (1) projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.

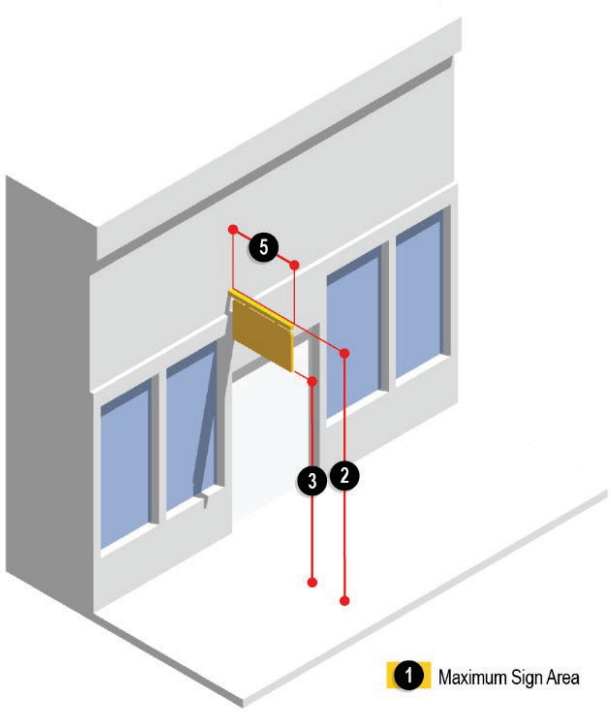
5. **Projection.**

   a. Signs which project over a public right-of-way may horizontally project a maximum of four (4) feet from the mean elevation of the building to which it is attached.

   b. Signs which project over private property may horizontally project a maximum of eight (8) feet from the mean elevation of the building to which it is attached.

6. **Other Provisions.** Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

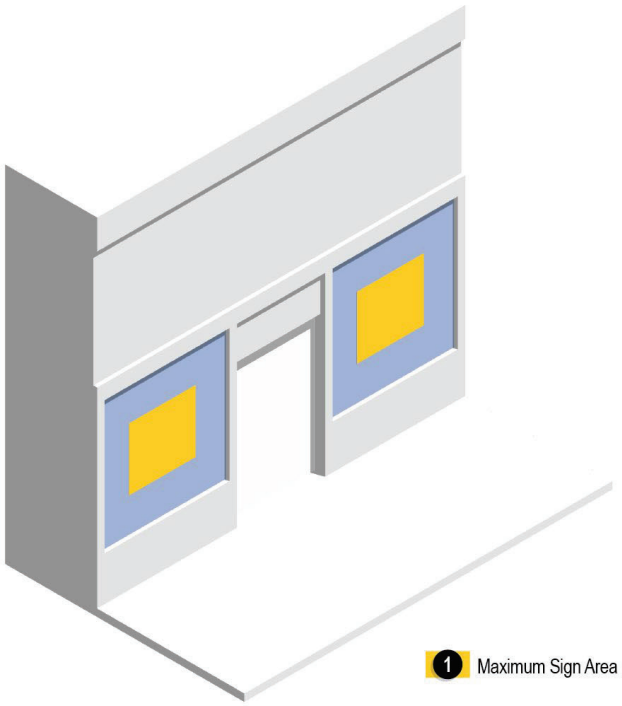
***Figure 6.9. Projecting Sign Standards***



E. **Window Signs**.

1. **Sign Area**. The maximum permitted sign area of a window sign shall be fifty (50) percent of the square footage of the individual window on which the sign shall be located.

***Figure 6.10. Window Sign Standards***



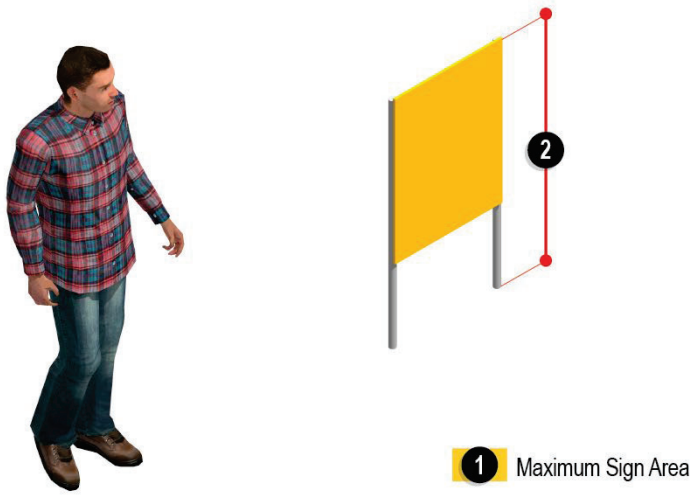
F. **On-Site Traffic Directional Signs**.

1. **Sign Area**. The maximum sign area of on-site traffic directional signs shall not exceed six (6) square feet. Permitted on-site traffic directional sign area shall not count towards aggregate sign area.

2. **Sign Height**. The maximum height of on-site traffic directional signs shall not exceed four (4) feet.

3. **Number of Signs**. The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property.

***Figure 6.11. On-Site Traffic Directional Sign Standards***



## 10-6-7. Temporary Sign Standards

A. **General Standards for Permitted Temporary Signs**.

1. **Concurrent Display**. A maximum of two (2) permitted temporary signs, as permitted per district, may be displayed per lot concurrently, with the exception of feather signs as detailed in Section 10-6-7(D).

B. **Wall Mounted Banner Signs**.

1. **Sign Area**.

a. The maximum sign area of wall mounted banner signs in residential districts or the B-1, B-2, A-1, OS, and PI Districts shall not exceed seven and one-half (7.5) percent of the total area of the face of the wall to which the sign is to be affixed.

b. The maximum sign area of wall mounted banner signs in the B-3, M-1, and M-2 Districts shall not exceed ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.

2. **Sign Height**. No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.

3. **Number of Signs**. A maximum of one (1) wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.

4. **Location**. Wall mounted banner signs shall be affixed to a building.

5. **Projection**. Wall mounted banner signs shall be affixed flat against the building to which they are mounted.

6. **Duration**. Wall-mounted banner signs shall be limited to ninety (90) days in any calendar year.

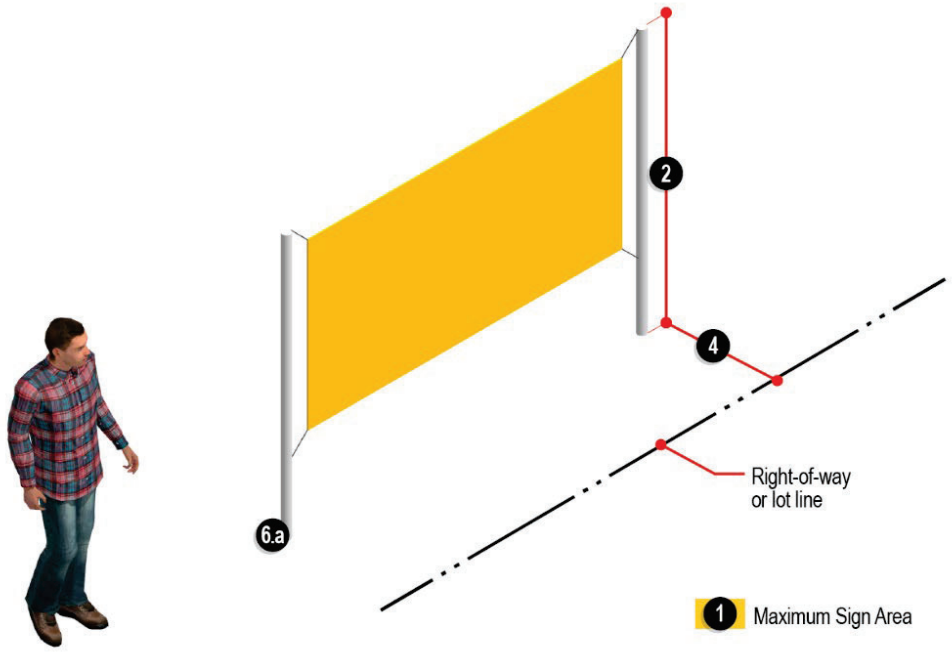
***Figure 6.12. Wall-Mounted Banner Sign Standards***



C. **Ground Mounted Banner Signs**.

1. **Sign Area**. The maximum sign area of a ground mounted banner sign shall not exceed thirty-two (32) square feet.
2. **Sign Height**. The maximum height of a ground mounted banner sign shall not exceed six (6) feet.
3. **Number of Signs**. A maximum of one (1) ground mounted banner sign shall be permitted per lot frontage.
4. **Location**. Ground mounted banner signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.
5. **Duration**. Ground mounted banner signs shall be limited to ninety (90) days in any calendar year.
6. **Other Provisions**.
   a. Ground mounted banner signs shall be securely anchored into the ground or secured in a portable base designed for such function.
   b. Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.13. Ground-Mounted Banner Sign Standards***



D. **Feather Sign**.

1. **Sign Area**. The maximum sign area of feather signs shall not exceed twenty-six (26) square feet.

2. **Sign Height**. The maximum height of a feather sign shall not exceed twelve (12) feet.

3. **Number of Signs**.

   a. A maximum of three (3) feather signs sixteen (16) square feet or less shall be permitted per lot frontage. Only one (1) feather sign shall be permitted per frontage when the sign is over sixteen (16) square feet in area.

   b. For multi-tenant buildings, only one (1) feather sign is permitted per business.

4. **Location**.

   a. Feather signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system, and shall not be located in a vision clearance area as detailed in Section 10-5-6.

   b. For multi-tenant buildings, feather signs must be twenty-five (25) feet from any other feather sign.

5. **Duration**.

   a. The permitted display period of a feather sign shall be a maximum of thirty (30) consecutive days.

   b. A total of three (3) nonconcurrent display periods shall be permitted per property per calendar year.

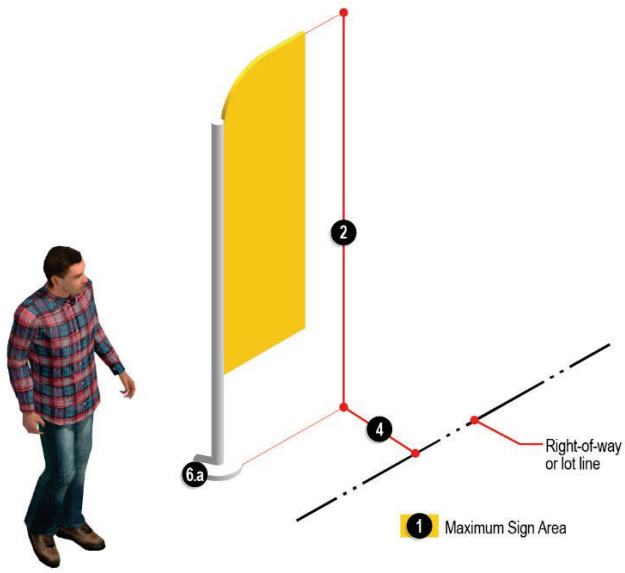
   c. Nonconcurrent display periods shall be separated by a minimum of thirty (30) days.

6. **Other Provisions**.

   a. Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.

   b. Feather signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.14. Feather Sign Standards***



E. **A-Frame/Sandwich Board Signs**.

1. **Sign Area**. The maximum allowed sign area of a-frame/sandwich board signs shall be eight (8) square feet.

2. **Height**. The maximum allowed height of a a-frame/sandwich board sign shall be four (4) feet.

3. **Number of Signs**. A maximum of one (1) a-frame/sandwich board sign shall be permitted per ground floor nonresidential tenant space.

4. **Location**.

   a. A-frame/sandwich board signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of three (3) feet.

   b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.

   c. All a-frame/sandwich board signs shall be within seven-hundred fifty (750) feet of the entrance of the associated business.

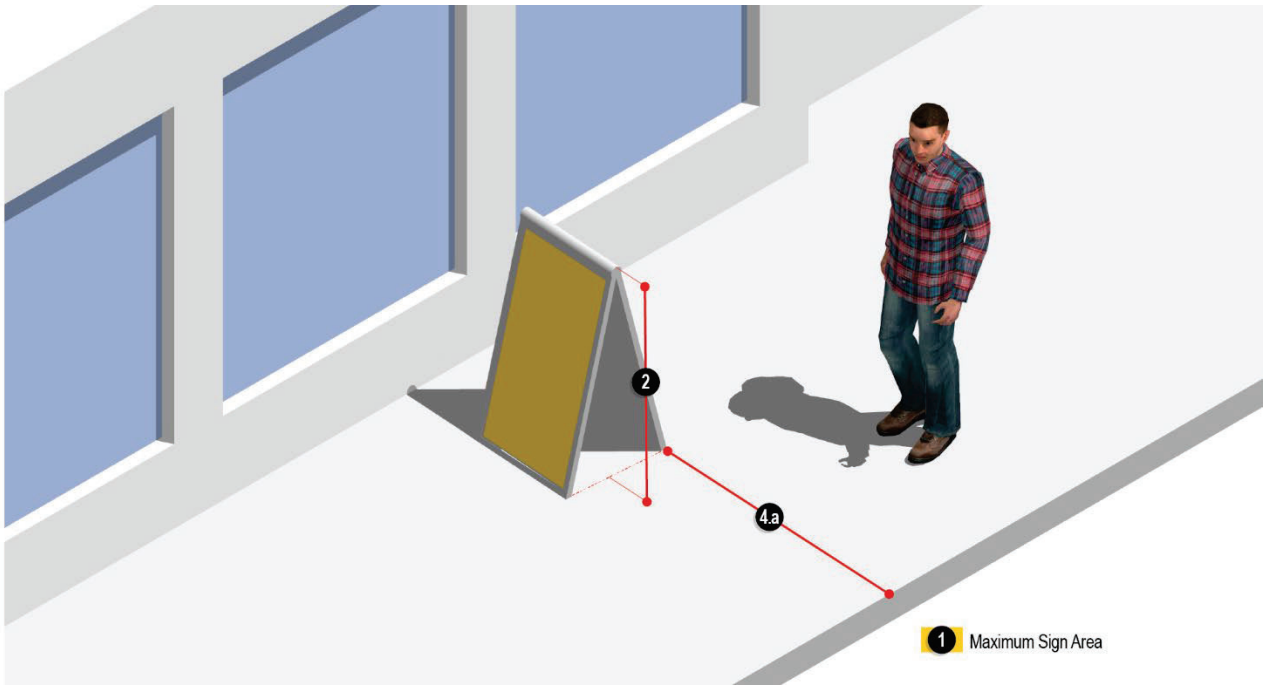
5. **Other Provisions For Parcels within the Downtown Overlay District**.

   a. A-frame/sandwich board signs shall be on-premises signs only, with the exception of B-2 zoned parcels.

   b. The property owner of B-2 zoned parcels may locate an A-Frame/Sandwich Board sign off premise within the public right-of-way within the Downtown Overlay District. The owner shall be required to provide a release or hold harmless to the City prior to the display of any such signs located within a public right-of-way.

6. **Duration of Display**. The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.

***Figure 6.15. A-Frame/Sandwich Board Sign Standards***



F. **Post Signs**.

1. **Sign Copy Area**.

   a. The maximum sign copy area of a post sign in a residential zoning district shall not exceed six (6) square feet.

   b. The maximum sign copy area of a post sign in a nonresidential zoning district shall not exceed thirty-two (32) square feet.

2. **Sign Height**. The maximum height of a post sign shall not exceed six (6) feet.

3. **Number of Signs**. A maximum of one (1) post sign shall be allowed per lot frontage.

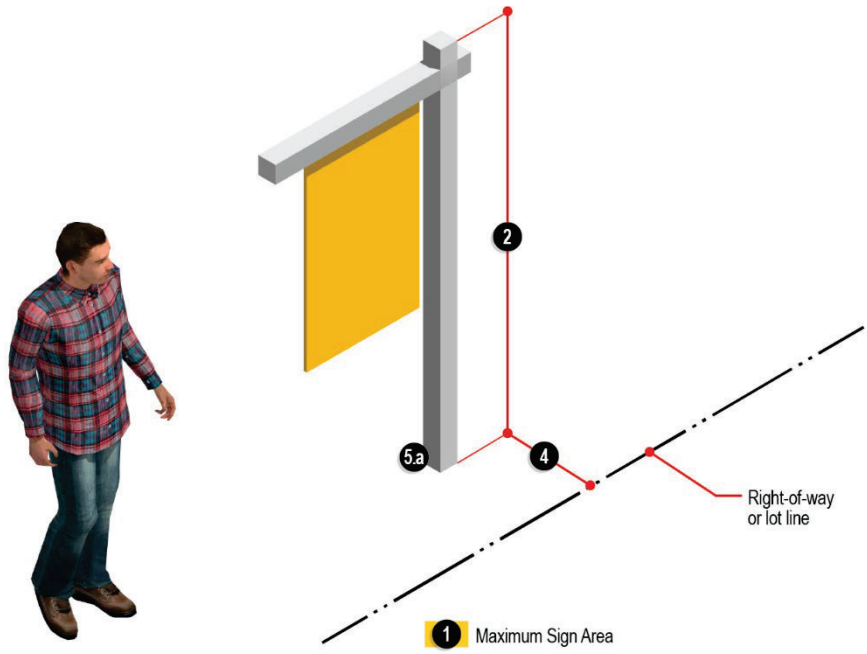
4. **Location**. Post signs shall be located a minimum of five (5) feet from all property lines and shall not block points of ingress or egress, be placed in any sidewalk or pedestrian circulation system and shall not be located in a vision clearance area as detailed in Section 10-5-6.

5. **Other Provisions**.

   a. Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.

   b. Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

***Figure 6.16. Post Sign Standards***



G. **Cold Air Inflatables**. Cold air inflatable signs shall be allowed in all districts with the exception of residential districts.

1. **Duration.** Cold air inflatable signs shall be allowed once per calendar year for a maximum of seventy-two (72) hours.

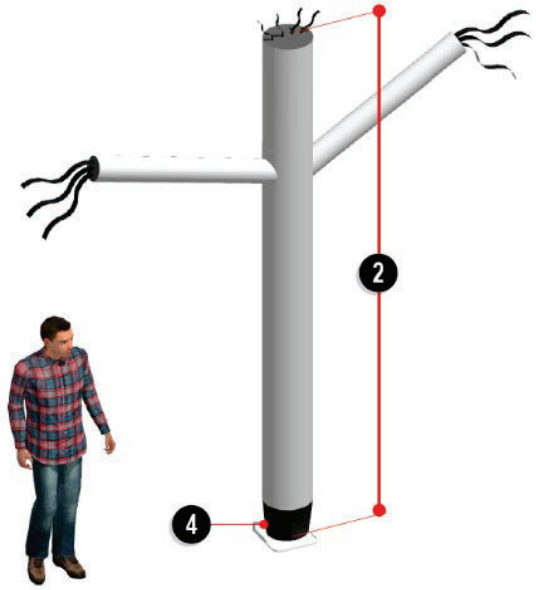
2. **Sign Height.** The maximum height of a cold air inflatable sign shall be twenty-five (25) feet as measured from grade.

3. **Location.** Inflatable signs shall not be installed below or interfere with any electrical conductors, phone conductors, CATV conductors, fire alarm conductors or any other similar installations.

4. **Supports Required.** The inflatable structure shall be ground-mounted or attached to supports and guy wires ground-mounted or securely attached to the building roof. No inflatable structure shall be permitted to be secured to any mechanical equipment, parapet walls or other items normally found on the roof of a structure.

5. **Encroachment.** Inflatable signs shall be anchored to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

***Figure 6.17. Cold Air Inflatable Sign Standards***



## 10-6-8. Comprehensive Sign Plan

A. **Intent**. The intent of the comprehensive sign program is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the comprehensive sign plan is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.

B. **Applicability**. Any building or development may elect to submit a comprehensive sign plan. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.

C. **Conditions**. The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.

D. **Evaluation Criteria**.

1. **Placement**. All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.

2. **Quantity**. The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.

3. **Size**. All signs shall be no larger than necessary for visibility and legibility but in no instance shall the sign area or sign height exceed the maximum established per sign type per district. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.

E. **Application**. A comprehensive sign plan shall be submitted on a form established by the Zoning Administrator. The application shall contain the following information as well as all other information required by the Zoning Administrator to ensure compliance with the comprehensive sign plan evaluation criteria.

1. Name, address, and telephone number of the applicant.

2. Location of building, structure, or lot to which or upon which the comprehensive sign plan shall apply.

3. Name of person, firm, corporation, or association developing the comprehensive sign plan.

4. Written consent of the owner or lessee of the building, structure, or land to which the proposed comprehensive sign plan is applicable.

5. Scale drawing of all signs included in the comprehensive sign plan indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eight (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by the Zoning Administrator.

6. A scale drawing indicating the location and position of all signs included in the comprehensive sign plan in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.

F. **Review and Action**. The Zoning Administrator shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

G. **Appeals**. Any applicant who receives a notice of denial from the Zoning Administrator may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted according to the applicant.

## 10-6-9. Prohibited Signs and Content

A. **Prohibited Signs**. The following sign types shall be prohibited in all districts:

1. Pole/Pylon Signs
2. Billboards
3. Roof Signs
4. Outline Lighting
5. Signs located on City property without the City's permission
6. Signs which encroach on the public right-of-way

B. **Prohibited Content**.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
    a. Content that is prohibited or restricted per state or federal statute.
    b. Text or graphics that advertise unlawful activity,
    c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
    d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Illinois Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Illinois Constitutions.

## 10-6-10. Safety, Maintenance, and Abandonment

A. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with applicable building and other codes adopted by the City.

B. All signs, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this Title. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Title.

C. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish.

D. If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this Title constructed, erected, or maintained in violation of the provisions of this title, he or she shall give written notice per the provisions of this Title. Such notice shall specify the manner in which the sign is unsafe or in violation of this Title.

E. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this Title.

# Chapter 7. Subdivision Standards

10-7-1. Intent and Purpose ..... 1
10-7-2. Lots ..... 2
10-7-3. Street Design and Improvements ..... 3
10-7-4. Circulation and Connectivity ..... 13
10-7-5. Easements ..... 13
10-7-6. Water, Sewer, and Stormwater ..... 14
10-7-7. Cluster Development ..... 15
10-7-8. Anti-Monotony Standards ..... 16
10-7-9. Park and Recreation Land and School Site Dedication ..... 18

## 10-7-1. Intent and Purpose

A. The regulations of this Chapter are adopted to:

1. Protect the interests of the landowner, the investor in land, the homeowner, and the municipal unit;
2. Conserve, protect, and enhance property and property values; to secure the most efficient use of land; and to facilitate the provisions of public improvements;
3. Provide for orderly growth and development; to afford adequate facilities for the safe and efficient means for traffic circulation of the public; and to safeguard the public against flood damage;
4. Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats; the location, width, and course of streets and highways; the installation of utilities, street pavements, and other essential improvements; and the provision of necessary public grounds for schools, parks, playgrounds, and other public open space; and
5. Establish procedures for the submission, approval, and recording of plats, to provide the means for enforcement of this title, and to provide penalties for violations.

B. **Provision of Improvements.** All improvements required by this Chapter shall be installed by the developer as part of a Subdivision as detailed in Section 10-8-6.

C. **Conformance With Standard Specifications and Ordinances.** All improvements required in this Chapter shall be as specified in the City's standard specifications for improvements, the Kendall County Stormwater Management Ordinance, and other applicable County ordinances.

## 10-7-2. Lots

A. **Conformance With District Standards.** All lots shall meet the minimum depth, width, and area requirements of the governing district, unless otherwise approved as a cluster development.

B. **Lot Size and Shape.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision, and for the type of development and use contemplated, as determined by the Planning and Zoning Commission and City Council.

C. **Orientation.** Where appropriate, lot orientation along an east-west longitudinal axis is recommended for increased energy efficiency for potential solar panels.

D. **Double Frontage and Reverse Frontage Lots**.

1. Double frontage and reverse frontage lots shall be avoided, except where necessary to overcome disadvantages of topography and orientation, and where a limited access highway, railroad right-of-way, major street, or similar situation exists.

2. In these instances, double frontage lots shall be provided with suitable screen planting when adjoining roadways as follows:

    a. **Local or Collector Roads.** Double frontage lots adjoining a local or collector road shall provide a type C transition yard as specified in Table 10-5-2(F)(3).

    b. **Arterial Roads.** Double frontage lots adjoining a local or collector road shall provide a type D transition yard as specified in Table 10-5-2(F)(3).

3. Double frontage lots may be subdivided and utilize a separate lot or outlot where the rear property line fronts an adjoining roadway for required transition yards.

E. **Subdivisions to Include Entirety of Parent Parcels.** Subdivisions must include and plan for the entire parcel or parcel(s) being divided and shall not exclude portions of the parcel or parcel(s) being divided from the subdivision.

F. **Access.**

1. All lots shall front or abut on a public street.

2. The fronting of residential lots on state and county highways or major thoroughfares, major collectors as designated in the comprehensive plan is prohibited. Each subdivision entrance shall be located not less than one thousand three hundred (1,300) feet apart, centerline to centerline, unless topography or existing street locations dictate otherwise.

3. Non-access provisions controlling ingress and egress to streets may be required by the Planning and Zoning Commission and City Council to assure traffic safety and to relieve congestion at intersections.

4. The distance between access points shall adhere to the City's standard specifications and be approved by the City Engineer.

## 10-7-3. Street Design and Improvements

A. **Street Network Design**

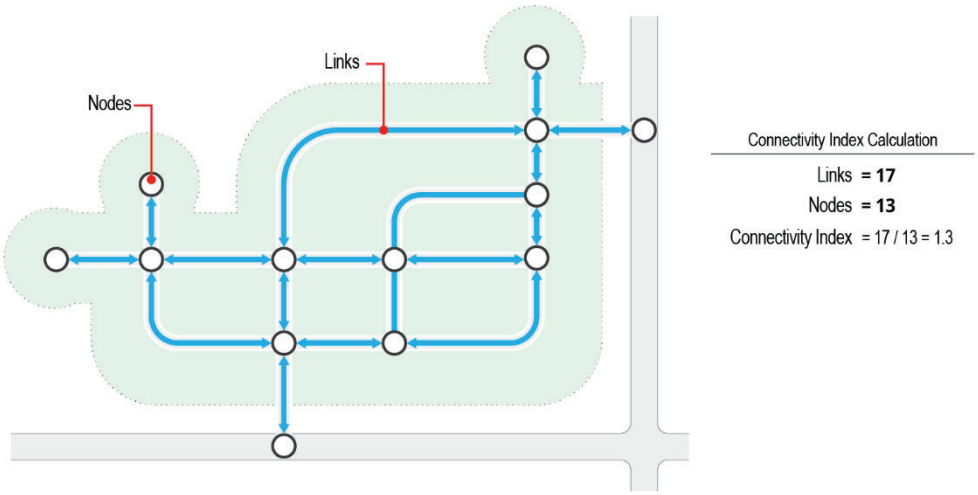
1. **General Street Layout**.

a. In general, streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth, and provide adequate public safety and convenience for motorists, cyclists, and pedestrians alike.

b. The proposed street layout shall also be coordinated with the existing street system of the surrounding area. Where a through street or a series of streets establishes a connection between two (2) public streets, such street shall be a public street.

c. **Connectivity Index**. A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and two-tenths (1.2).

***Figure 7.1. Connectivity Index Calculation***

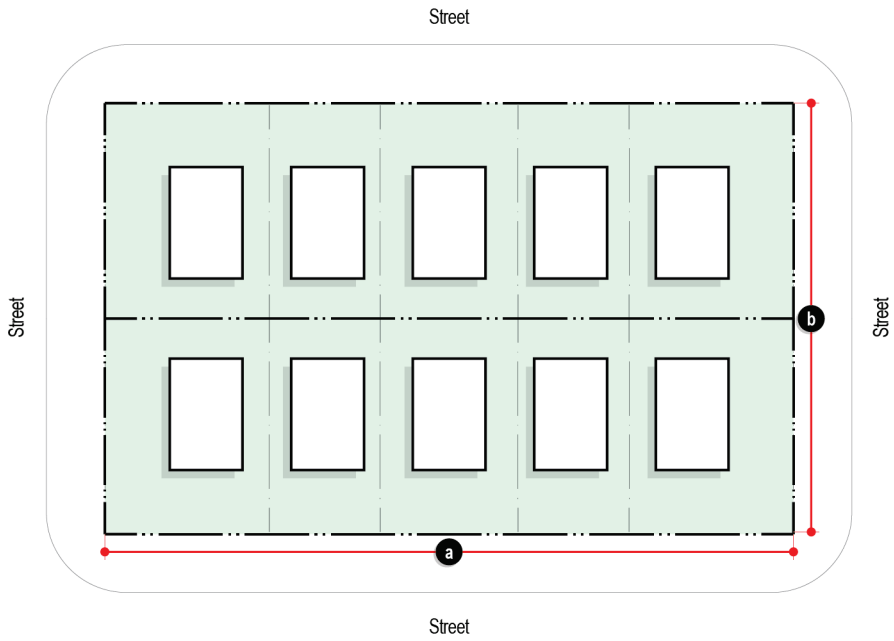


2. **Blocks.**

   a. **Length.** Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length. Shorter blocks of eight hundred (800) feet or less in length are encouraged.

   b. **Width.** Lots shall have sufficient width to provide two (2) tiers of lots of appropriate depth, except on boundaries of a proposed subdivision or where required to separate and discourage through traffic between residential subdivisions and nonresidential development.

***Figure 7.2. Blocks***



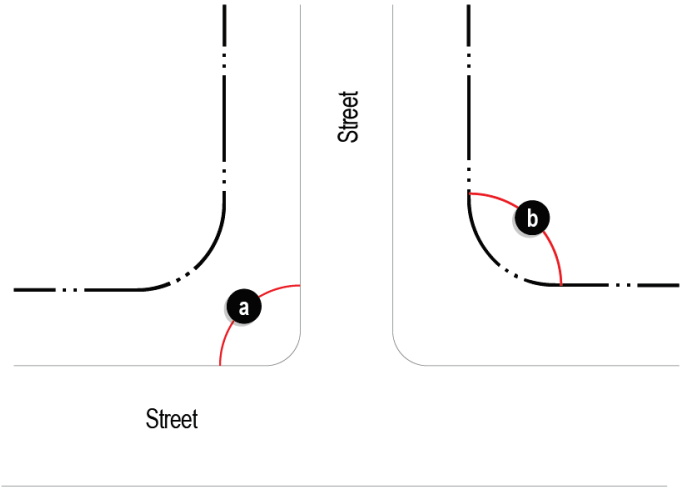

3. **Street Jogs.** Street intersection jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited. Horizontal changes in alignment shall have a radius of twenty (20) feet to permit safe vehicular turning movements.

4. **Street Intersections.**

   a. Streets shall be laid out so as to intersect at right angles. Proposed intersections at angles of less than eighty (80) degrees shall not be acceptable. Proposed intersections at less than ninety (90) degrees shall be approved only when the proposed layout enhances the subdivision's overall layout and circulation pattern or is required due to natural constraints on the site as determined by the Zoning Administrator.

   b. Property lines at minor street intersections shall be rounded with a minimum radius of twenty-five (25) feet. Property lines at major streets or highway intersections shall be rounded with a minimum radius of thirty (30) feet.

***Figure 7.3. Street Intersections***



5. **Cul-de-sacs.**

   a. Cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn-around.

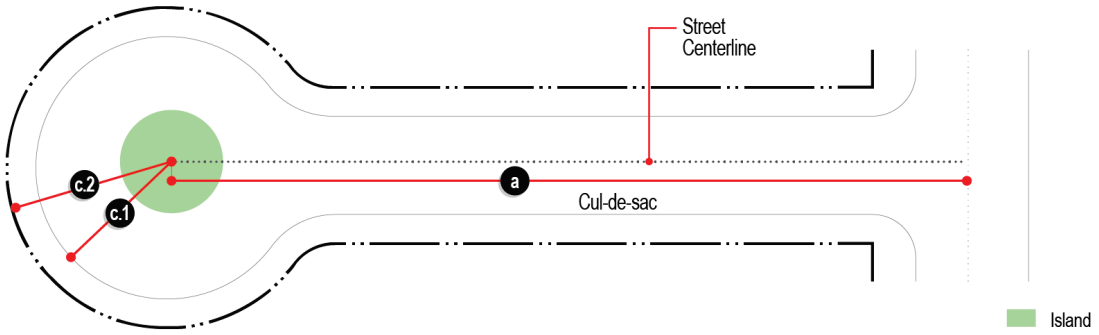
   b. **Islands.** Islands in the center of cul-de-sacs with a minimum radius of fifteen (15) feet shall be required. Islands shall use mountable curbing only that allows vehicular access to the islands. Islands may be planted with vegetation, however, such vegetation shall not exceed four (4) feet at maturity to allow for vision clearance across the cul-de-sac's diameter.

   c. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular paved area allowing for vehicular turn around and having a minimum radius of:

      (1) Fifty (50) feet from the center of the island to the outside curb.

      (2) Sixty (60) feet the center of the island to the edge of right-of-way.

***Figure 7.4. Cul-De-Sac Standards***



6. **Street Stubs**.

   a. In new developments the subdivider shall terminate streets as stubs at the outer perimeter boundaries of the development based on the criteria below. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:

      (1) The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.

      (2) The street by its general configuration, in relationship to the existing development of the area, serves any collector function.

      (3) The street extends into an undeveloped area in such a manner as to serve any future collector function.

      (4) The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.

   b. Street stubs shall be clearly demarcated and identified for future street extension by street signage.

   c. All street stubs shall terminate with a turn-around for vehicles.

   d. All stub streets shall conform to the City's adopted version of the International Fire Code.

   e. The City Engineer may deem that the street stub is impractical due to topographic conditions, environmental constraints, property shape, or property accessibility.

7. **Dead End Streets**. Dead end streets shall not be permitted except as street stubs per the requirements of this section.

B. **General Improvement Requirements.**

1. **Sidewalks.** Concrete sidewalks shall be at least five (5) feet in width.

2. **Shared Use Paths.** Shared use paths shall be at least eight (8) feet in width.

3. **Bicycle Facilities**.

   a. Bicycle lanes shall be at least four (4) feet in width.

   b. Shared bicycle and vehicle lanes and bike lanes shall be delineated in accordance with NACTO standards.

4. **Parkways**.

   a. Parkways shall be at least seven (7) feet in width, however, parkways may be reduced to five (5) feet in width along minor streets or lower-traffic volume street types as approved by the City.

   b. Parkways shall be located between the back of curb and sidewalk.

   c. **Street Trees.** A minimum of one (1) canopy tree shall be planted per every forty (40) linear feet of parkway. Where overhead utility line conflicts are present, a minimum of one (1) understory tree shall be planted every twenty (20) feet. The spacing of trees shall take into consideration site-specific conditions and clear vision triangles.

      (1) **Substitution on Private Property Allowed.** Up to twenty-five (25) percent of the street trees required in Section 10-7-3 (B)(4)(c) may be planted on private property within the subdivision provided the following are met.

         (a) The trees located on private property shall be located within the same subdivision as the parkway trees they will be substituted for.

         (b) The trees shall be located within the required front yard on each subject lot.

         (c) The trees provided on private property shall be provided in addition to any landscaping required per Section 10-5-3.

         (d) The trees provided on private property shall meet the planting specifications of Section 10-5-3(A) above.

         (e) The substitution of street trees on private property shall enhance the visual quality of the neighborhood and achieve the same visual effects as trees planted in parkways as proposed by the developer and approved by the Zoning Administrator.

   d. A complete streetlight system shall be installed in the required parkway in all subdivisions.

5. **On-Street Parking**.

   a. On-street parking shall be parallel.

   b. On-street parking spaces shall have the following minimum dimensions:

      (1) Width: Eight (8) feet.

      (2) Length: Twenty-three (23) feet.

   c. On-street parking spaces shall be delineated with striping with a minimum width of four (4) inches. For all types of local streets, the striping of the on-street parking spaces may be provided but shall only be required when no curbing is provided.

d. On-street parking spaces shall be visually delineated from drive aisles with striping or other means.

6. **Medians**.

a. Medians shall have a minimum width of ten (10) feet.

b. Medians shall taper to a minimum of four (4) feet in width at intersections.

c. Medians shall be planted with a minimum of fifteen (15) shrubs or native grasses every fifty (50) linear feet. Landscaped elements shall be maintained privately by a homeowners association or another organization associated with the development in which they are located.

C. **Street Design Requirements.**

1. **Right of-Way Widths.** The minimum right-of-way widths of proposed streets shall be as detailed in Table 10-7-3(C)(1).

| Table 10-7-3(C)(1): Minimum Right-of-Way Widths | |
|---|---|
| **Type of Street** | **Minimum Right-of-Way Widths (Feet)** |
| *Arterial* | 85 |
| *Collector* | 70 |
| *Local Nonresidential* | 80 |
| *Local Residential* | 66 |

2. **Paving Widths.** The minimum paving widths from curb face shall be as detailed in Table 10-7-3(C)(2).

| Table 10-7-3(C)(2): Minimum Paving Widths | |
|---|---|
| **Type of Street** | **Minimum Paving Width (Feet)** |
| *Arterial* | 51 |
| *Collector* | 41 |
| *Local Nonresidential* | 39 |
| *Local Residential* | 30 |

3. **Required Street Design Elements.** Required street design elements shall be as established per street type in Table 10-7-3(C)(3).

a. A "●" indicates an element that is required on one (1) side of a given street.

b. A "○" indicates an element that is required on both sides of a given street.

c. A "◊" indicates an element that is required.

d. A "□" indicates an element that is required at the discretion of the City.

| Table 10-7-3(C)(3): Required Street Design Elements | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **Required Street Design Element** | | | | | | |
| **Type of Street** | *Sidewalk* | *Shared Use Path* | *Parkway* | *Bicycle Lane* | *Shared Bicycle & Vehicle Lane* | *On-Street Parking* | *Median* |
| *Freeway or Expressway* | As required by the IDOT | | | | | | |
| *Arterial* | • | • | ○ | ○ | | | ◊ |
| *Collector, Bike Lane & Median* | • | • | ○ | ○ | | | ◊ |
| *Collector, On-Street Parking* | • | • | ○ | | □ | ○ | |
| *Local Nonresidential, Bike Lane & Median* | ○ | | ○ | ○ | | | ◊ |
| *Local Nonresidential, On-Street Parking* | ○ | | ○ | | □ | ○ | |
| *Local Residential* | ○ | | ○ | | □ | ○ | |

*Figure 7.5. Arterial Design Standards*

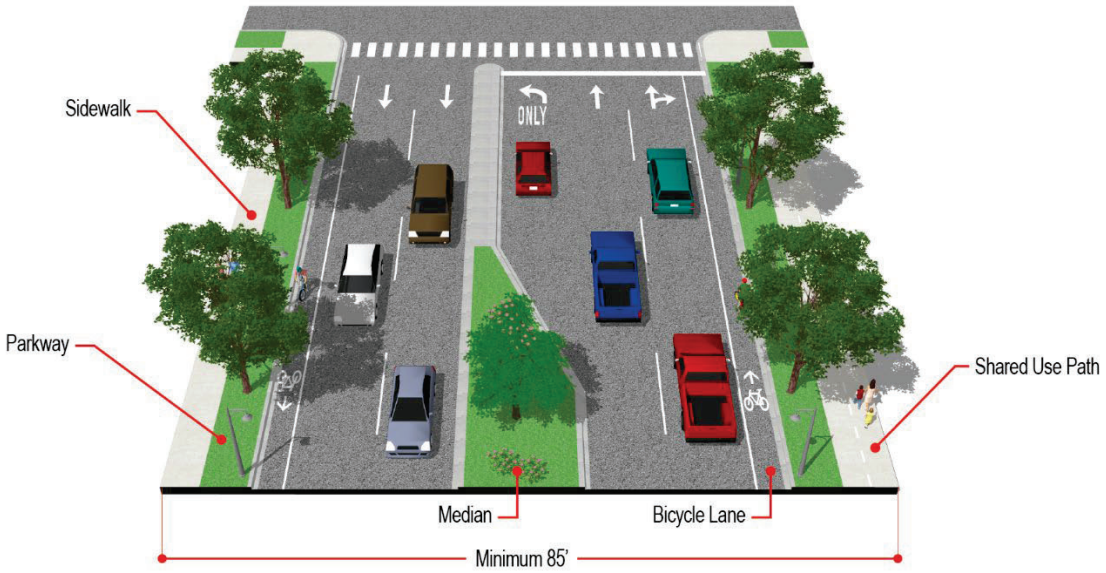



*Figure 7.6. Collector Street With Bicycle Lane and Median Standards*

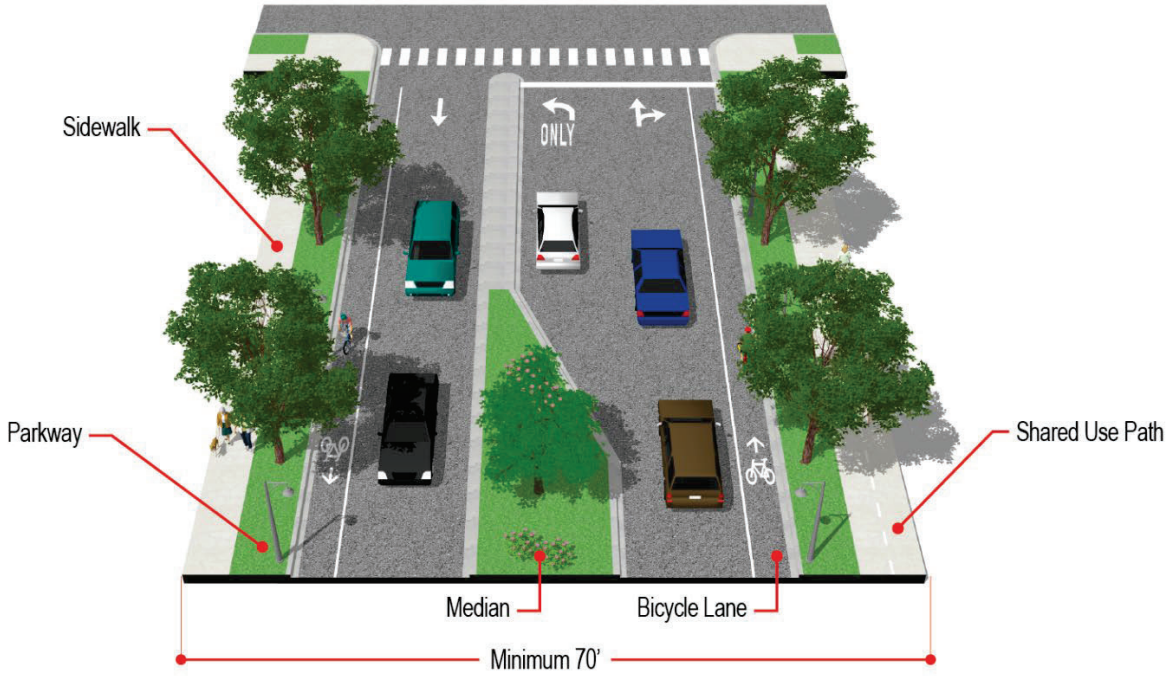


*Figure 7.7. Collector Street With On-Street Parking Standards*

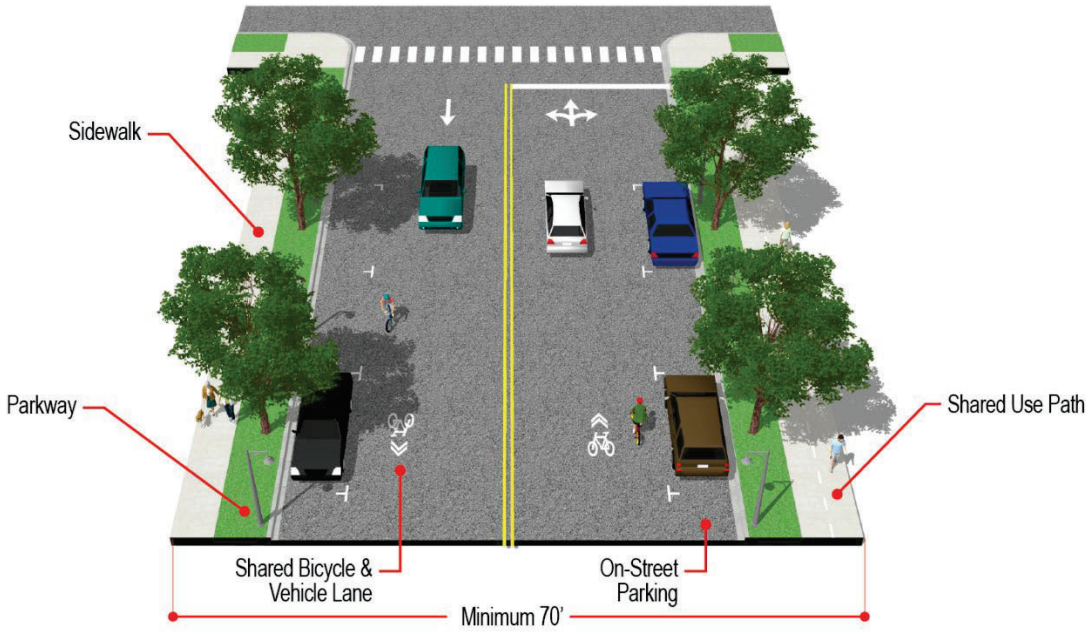



*Figure 7.8. Local Nonresidential Street With Bicycle Lane and Median Standards*

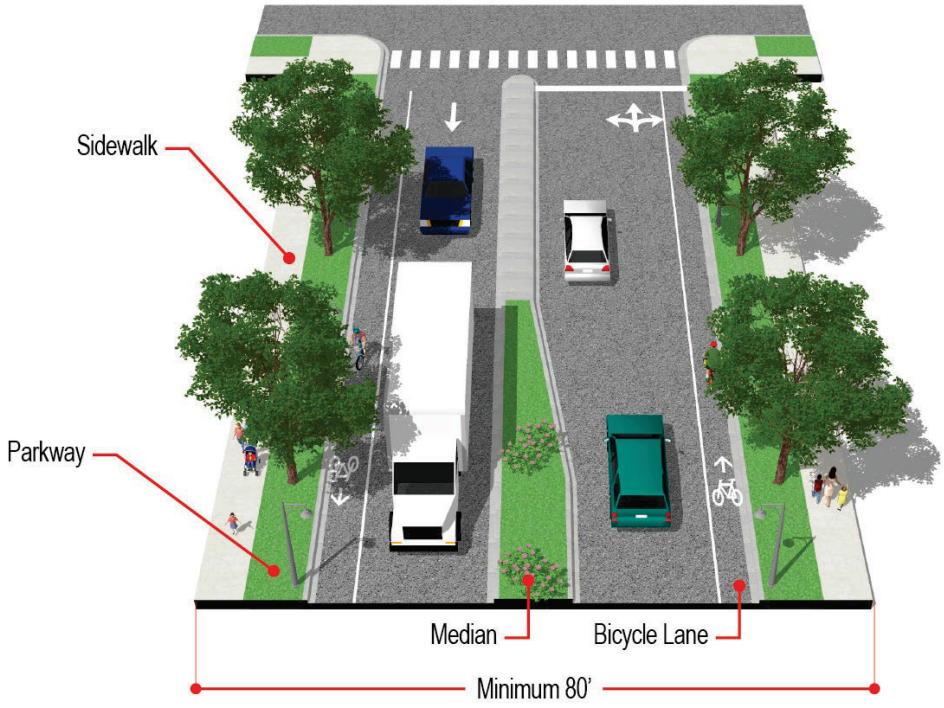


*Figure 7.9. Local Nonresidential Street With Bicycle Lane and Median Design Standards*

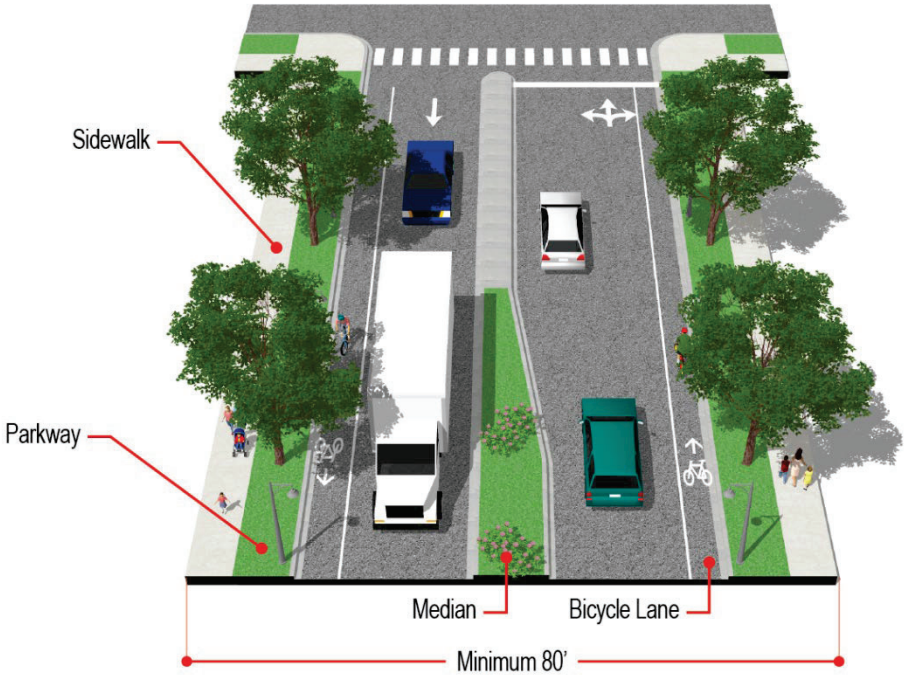
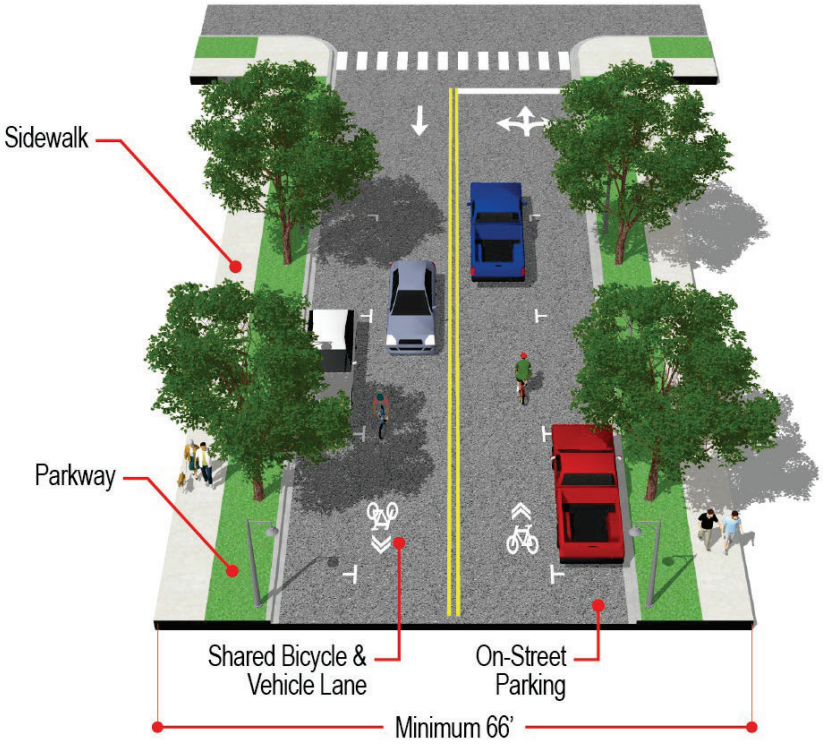



*Figure 7.10. Local Residential Street Design Standards*



## 10-7-4. Circulation and Connectivity

A. **Half Streets.**

1. Half streets shall be prohibited, except where the Planning and Zoning Commission deems them essential to the reasonable development of the subdivision and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

2. A right-of-way width of not less than forty (40) feet, and a pavement width of not less than twenty-two and one-half (22½) feet, shall be required for the half street.

3. Where a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted and constructed within such tract.

4. In cases where half streets are accepted, the owner and subdivider shall be required to grade and improve the half street, the same as all other subdivision streets.

B. **Alleys.**

1. **All Alleys.** All alleys shall be privately maintained.

2. **Commercial and Industrial.** Alleys shall be provided for all commercial and industrial districts, except that the City may waive this requirement where another definite and assured provision is made for service access, such as off-street loading and parking consistent with, and adequate for, the uses proposed.

3. **Residential.** Alleys are encouraged in subdivisions in the R-2D, R-3, and R-4 Districts and when provided shall have a minimum right-of-way width twenty (20) feet. Alleys shall be prohibited in the A-1, R-1, and R-2 Districts, unless deemed necessary by the City Engineer because of topography or other exceptional circumstances.

4. **Dead End.** Dead end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by the City Engineer.

5. **Obstructions.** No obstructions shall be permitted in areas reserved for alleys.

## 10-7-5. Easements

A. **Utility Easements Required.**

1. Utility easements at least ten (10) feet wide shall be provided at the rear of all lots and shall be centered on the rear or side lot lines, unless otherwise approved by the City Council due to topography, natural features, or other site constraints.

2. Utility easements may be required at other locations than the rear of lots and at greater widths than ten (10) feet to accommodate proposed utilities and to provide space for future utilities, as deemed appropriate by the City Engineer.

3. Utility easements shall be provided along both sides of all road right-of-ways.

B. **Stormwater Control Facilities Easements Required.** Easements shall be required for all stormwater control facilities and for overflow routes.

C. **Watercourse Easements Required.** Where a watercourse, drainage channel, stream, or other body of water traverses a subdivision, appropriate dedications or easement provisions, with adequate width to accommodate the observed, computed, or anticipated stormwater drainage through and from the subdivision shall be made. The width of the easement shall depend on the area of land drained by the watercourse and shall be of adequate width to allow access for construction and maintenance equipment.

D. **Transition Area Easements.** Transition zone easements may be required in accordance with the standards of Section 10-5-3(F). If said easement is to also be used for public utilities, only such plant materials that have an ultimate growth not exceeding fifteen (15) feet shall be used.

## 10-7-6. Water, Sewer, and Stormwater

A. **Water System Connection Required.**

1. All parcels within a subdivision shall be required to connect to the United City of Yorkville's Public Water Supply System, including required water main extensions off-site, to the sizes required by the City.

2. All subdivisions shall provide a looped, double fed water system, and extensions to the boundaries of the development, as directed by the City.

B. **Sanitary Sewer Connection Required.**

1. All parcels within a subdivision shall be required to provide connection to the sanitary sewer system, including required sewer extensions off-site, to the sizes and depths required by the City.

2. The sanitary sewers shall be extended to the far boundaries of the development, as directed by the City.

C. **Stormwater Drainage Required.**

1. Surface water drainage improvements consisting of storm sewers or open channels, inlets, catch basins, manholes, and/or detention facilities, shall be designed and constructed to adequately drain the area being developed and any other areas that naturally drain through the area being developed.

2. If the natural surface water drainage will be changed by the construction of the subdivision, adequate provision shall be made for collection and diversion of such surface waters into public areas or drains which the subdivider has a right to use. Surface waters shall not be deposited on the property of adjoining landowners in a manner that causes erosion or other damage.

3. The property owner shall maintain any drainage course across their property and shall keep their property free from features that restrict the natural drainage.

## 10-7-7. Cluster Development

Cluster development is allowed in residential subdivisions in the R-1, R-2, and R-2D Districts to encourage and accommodate, in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas and encourage compact, walkable design of subdivisions and neighborhoods.

A. **Resources to be Conserved**. To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.

B. **Maximum Density per Acre**. The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table 10-7-7(B).

| Zoning District | Maximum Density |
|---|---|
| R-1 | 3.63 dwelling units/acre |
| R-2 | 4.36 dwelling units/acre |
| R-2D | 2.90 dwelling units/acre |

C. **Maximum Dimensional Standards Reduction**. The dimensional standards established in Table 10-3-9(A) may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.

D. **Density Bonus**. The maximum gross density per acre, per district, may be exceeded by a maximum of thirty (30) percent if either the natural resource conservation or subdivision design standards below are met.

1. **Natural Resource Conservation.** A minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the City Council and shall be directly tied to the amount of land area placed in a conservation easement.

    a. Native landscapes,

    b. Mature tree stands,

    c. Prime farmland,

    d. Critical habitat, and/or

    e. Other as approved by the Zoning Administrator.

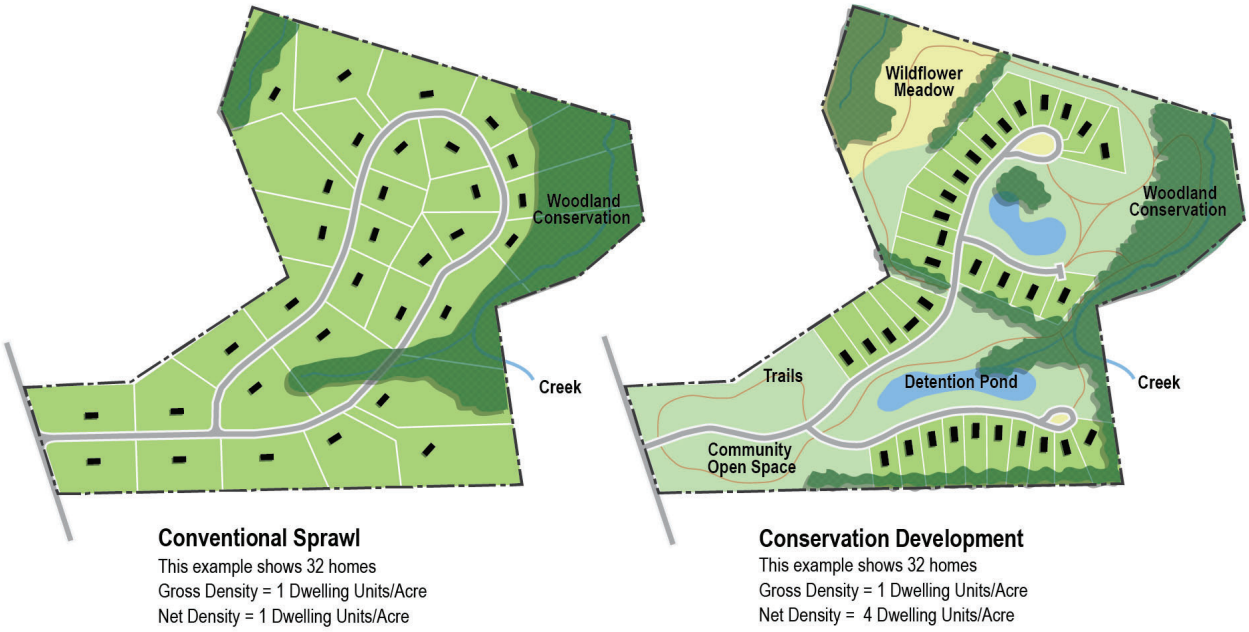
2. **Subdivision Design.** The subdivision provides an enhanced pedestrian environment throughout the neighborhood by fulfilling at least one (1) of the following standards. The maximum allowed density bonus shall be as determined by City Council and shall be directly tied to the enhancements to the pedestrian environment provided.

    a. At least twenty (20) percent of blocks in the subdivision are eight-hundred (800) feet or less in length.

    b. At least twenty (20) percent of the cul-de-sacs in the subdivision are four-hundred (400) feet or less in length.

E. **Planned Unit Development Required.** Any subdivision employing cluster development techniques shall require approval through the Planned Unit Development Process as specified in Section 10-8-8.

*Figure 7.11. Cluster Development*




## 10-7-8. Anti-Monotony Standards

A. **Building Variety Standards.**

1. No new single-family or duplex dwelling units shall be similar in appearance to any other single-family or duplex dwelling units within two (2) units on either side of the subject property or on any of the five (5) units across the street from the subject property.

2. On cul-de-sac turnarounds, no single-family or duplex dwelling shall be similar in appearance to another dwelling on the turnaround.

B. **Similarity Standards.** Any two (2) dwelling units shall be considered similar in appearance if they are identical or nearly identical to one another in any three (3) or more of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, or combination);

2. Similar roof pitch at an angle of ten (10) degrees or less;

3. Dimensions (height and/or length) of the front wall closest to the front lot line that are within twenty (20) percent the same as either the height or width shall constitute similarity;

4. Shape of the front elevation silhouette;

5. Relative location and size of windows on the front elevation;

6. Relative location and dimensions of garage door(s), if included on the front elevation; and

7. Type(s) of exterior building cladding materials on the front elevation. The following differences in construction material shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.

    a. Four (4) inch exposure horizontal siding;

b. Eight (8) inch exposure horizontal siding;

c. Brick facing;

d. Vertical siding;

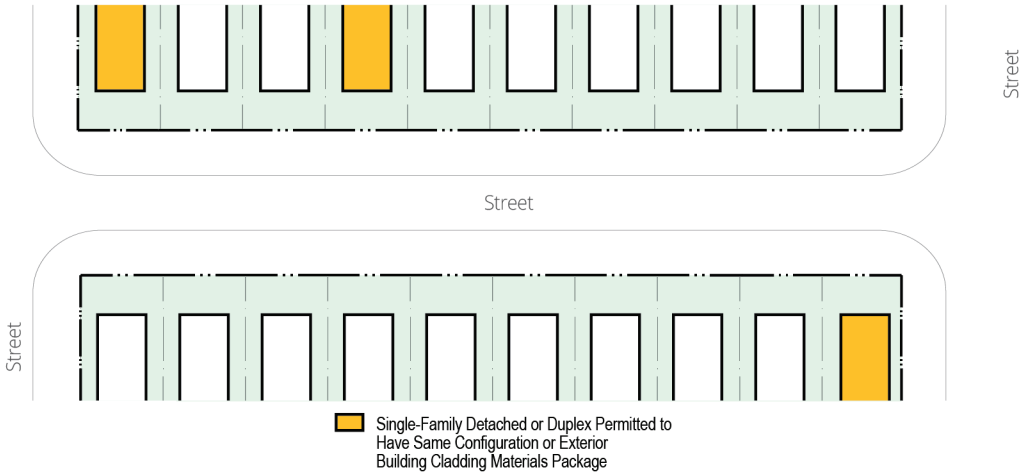
e. Stone facing; and

f. Stucco/staccato board and trim.

g. When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.

h. Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.

***Figure 7.12. Anti-Monotony Standards***



## 10-7-9. Park and Recreation Land and School Site Dedication

As a condition of approval of a final plat of a subdivision, the developer shall dedicate land for park and recreational purposes and for school sites to serve the needs of residents of the development, or a cash contribution in lieu of the land dedication, or a combination of both, at the discretion of the City, in accordance with the criteria and formula below.

A. **Criteria For Requiring Park and Recreation Land Dedication.**

1. **Requirements and Population Ratio.** The quantity of land required for park dedication shall result directly from the total population of the proposed development. The total requirement shall be five and one half (5 ½) acres of land per one thousand (1,000) residents. The required five and one-half (5 ½) acres shall be allocated into different types of recreation areas as shown in Table 10-7-9(A)(1), or as may be required by City Council at its discretion.

**Table 10-7-9(A)(1): Parkland Dedication Requirements**

| Type of Recreation Area | Size Range | Minimum Acres Per 1,000 People |
|---|---|---|
| *Play lot* | Minimum - 8,000 square feet | n/a |
| *School/park (neighborhood playground)* | Minimum - 5 acres | 1.25 |
| *Neighborhood park* | Minimum - 3 1/2 acres | 1 |
| *District-wide park or play field* | Minimum - 4 acres, up to 30 acres | 1.25 |
| *Community-wide recreation park* | Minimum - 12 acres, up to 30 acres | 2 |
| *Total* | | 5.5 |

B. **Criteria For School Site Dedication.**

1. **Requirement and Population Ratio.** The required dedication of land for school sites shall depend on the quantity of students projected to be generated within the subdivision. The land dedication requirement shall be determined by obtaining the ratio of the maximum number of students to be served in each such school classification as defined in Table 10-7-9(B)(1) and the minimum number of acres for a school site of each school classification defined in Table 10-7-9(B)(1). The product shall be the number of acres of land required for sufficient school sites to serve the estimated children in each such school classification.

**Table 10-7-9(B)(1): School Dedication Requirements**

| School Classification Grade | Maximum Number of Students For Each School Classification | Minimum Number of Land Acres For Each School Site For Such Classification |
|---|---|---|
| *Elementary Schools - Grades K-5* | 600 students | 11 acres |
| *Junior High Schools - Grades 6-8* | 900 students | 19 acres |
| *High Schools - Grades 9-12* | 2,300 students | 48 acres |

C. **Contribution in Lieu Procedure.** At the City's discretion, it may require the developer to pay a contribution in lieu of the land dedication required. The cash contribution required in lieu of park and recreation and/or school facilities shall be per the City's adopted ordinances. The cash contributions in lieu of park and recreation land dedication shall be held in trust solely for the acquisition of park and recreation land which will be available to serve the needs of the residents of the subdivision.

D. **Estimated Population Per Dwelling Unit.** Table 10-7-9(D) of population density shall be used to calculate the quantity of dedicated acres of land for parkland or schools or to determine the required cash contribution in lieu of.

**Table 10-7-9(D): Estimated Population Per Dwelling Unit**

| Type of Unit | Preschool | Elementary | Junior High | High School | Adults | Total Per Dwelling Unit |
|---|---|---|---|---|---|---|
| | 0-4 Years | 5-10 Years | 11-13 Years | 14-17 Years | 18+ Years | All Ages |
| *Dwelling, Single-Family* | | | | | | |
| *2 Bedroom* | 0.113 | 0.136 | 0.048 | 0.020 | 1.700 | 2.017 |
| *3 Bedroom* | 0.292 | 0.369 | 0.173 | 0.184 | 1.881 | 2.899 |
| *4 Bedroom* | 0.418 | 0.530 | 0.298 | 0.360 | 2.158 | 3.764 |
| *5 Bedroom* | 0.283 | 0.345 | 0.248 | 0.300 | 2.594 | 3.770 |
| *Dwelling Duplex, Dwelling, Townhome* | | | | | | |
| *1 Bedroom* | 0.000 | 0.000 | 0.000 | 0.000 | 1.193 | 1.193 |
| *2 Bedroom* | 0.064 | 0.088 | 0.048 | 0.038 | 1.752 | 1.990 |
| *3 Bedroom* | 0.212 | 0.234 | 0.058 | 0.059 | 1.829 | 2.392 |
| *4 Bedroom* | 0.323 | 0.322 | 0.154 | 0.173 | 2.173 | 3.145 |
| *Dwelling, Multi-Family* | | | | | | |
| *Efficiency* | 0.000 | 0.000 | 0.000 | 0.000 | 1.294 | 1.294 |
| *1 Bedroom* | 0.000 | 0.002 | 0.001 | 0.001 | 1.754 | 1.758 |
| *2 Bedroom* | 0.047 | 0.086 | 0.042 | 0.046 | 1.693 | 1.914 |
| *3 Bedroom* | 0.052 | 0.234 | 0.123 | 0.118 | 2.526 | 3.053 |

*Note: Estimated population per dwelling unit formula is based on standards in use in the Village of Sleepy Hollow, Illinois*

# Chapter 8. UDO Review and Approval Procedures

10-8-1. Administrative Authorities ..... 1
10-8-2. General Application Requirements ..... 4
10-8-3. Permits, Certificates, and Administrative Review ..... 5
10-8-4. Board/Commission General Review and Action Procedures ..... 10
10-8-5. Special Uses ..... 11
10-8-6. Subdivision Procedures ..... 15
10-8-7. Required Improvements. ..... 20
10-8-8. Planned Unit Development ..... 23
10-8-9. Variations ..... 28
10-8-10. Appeals ..... 30
10-8-11. Text Amendments ..... 31
10-8-12. Map Amendments ..... 32
10-8-13. Annexations ..... 34
10-8-14. Economic Incentive/Development Agreement ..... 35

## 10-8-1. Administrative Authorities

A. **Zoning Administrator.** The Director of the Department of Community Development shall be the Zoning Administrator and shall enforce and administer the regulations of this Title, including the following responsibilities:

1. Assist in providing public information relative to all matter pertaining to this title and open records for public inspection, as deemed required by law.
2. Receive and review applications for all procedures related to this Title.
3. Receive applications for County mile and one-half reviews and forward to the Planning and Zoning Commission and City Council.
4. Forward materials to the applicable review and/or decision-making committees as applicable.
5. Interpret the regulations when questions arise, including but not limited to:
    a. Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and permit their establishment.
    b. Determine the parking or loading class of a use which is not contained by name in a parking or loading class.
6. Maintain permanent and current records pertaining to this Title, including, but not limited to, all maps, amendments, variations, appeals, and publications thereof.
7. Administer the comprehensive plan and interpret the provisions pertaining to building and site design considering such factors as contextual appropriateness, consistency with the City's general policies, and community need or benefit.

8. Identify all nonconforming structures and uses.
9. Delegate other duties as may be placed upon them by this Title.

B. **Zoning Officer.** The Building Code Official shall be the Zoning Officer and be responsible for enforcing this Title, including the following responsibilities:

1. Issue all certificates of use and occupancy and maintain records thereof.
2. Conduct inspections of building, structures, and use of land to determine compliance with the terms of this Title.
3. Issue violation notices and citations for violations of this Title.
4. Require that all construction or work of any type be stopped when such work is not in compliance with this Title; and revoke any permit which was unlawfully issued.
5. Review all cases of encroachment in required yards.
6. Issue citations and notify violators from decisions made by the Administration Adjudication Hearing Officer, Planning and Zoning Commission and City Council.

C. **Plan Council.** The Plan Council may consist of the City Administrator, Community Development Director, City Engineer, Building Code Official, Public Works Director, Director of Parks and Recreation, Police Chief, Sanitary District Director, Fire District representative, or designee from each respective department. The Plan Council shall have the following responsibilities and procedures:

1. The Plan Council shall meet on an as needed basis and the petitioner(s) shall also be present at the meeting.
2. The City Administrator shall have final authority regarding members and meeting schedule for the Plan Council.
3. Review all development applications, requests, and documents including but not limited to site plans, concept plans, annexations, planned unit developments, map amendments, text amendments, special use, variance, preliminary and final plats for compliance with City ordinances, standards, and policies.
4. Work cooperatively with the applicant(s) to find mutually acceptable site design and improvement solutions to specific site problems, in accordance with City ordinances, standards and policies.
5. Prepare recommendations based upon review of site plans and documents to the applicant(s), committee(s), and Planning and Zoning Commission prior to holding of a public hearing on the application.

D. **Economic Development Committee.** The Economic Development Committee consists of four (4) City Council members which are appointed by the mayor and shall have the following authorities and responsibilities:

1. Review development applications and serve as an advisory body to any petitioner(s) seeking approval on all documents including but not limited to text amendments, map amendments, planned unit developments, variations, special uses, and plat applications.
2. Comments and advice given by the Economic Development Committee to any petitioner(s) is for general informational knowledge and to address any potential issues with an application with regards to City ordinances, standards, and policies.

E. **Planning and Zoning Commission.** The Planning and Zoning Commission, which has been created and appointed by the mayor, shall have the following authorities and responsibilities.

1. To hear and make recommendations to the Mayor and City Council on all applications including but not limited to text amendments, map amendments, planned unit developments, variations, special uses, and plat applications.
2. To initiate, direct, and review, from time to time, studies of the provisions of this Title, and to make reports of its recommendations to the Mayor and City Council.

3. To perform such duties of a Plan Commission as authorized by division 12 of the Illinois Municipal Code (65 ILCS 5/11-12-1 et seq.).

4. To hear and make recommendations to the Mayor and City Council on all matters upon which it is required to pass under this Title.

5. To prepare and recommend to the Mayor and City Council a comprehensive plan or updates thereto for the present and future development or redevelopment of the City.

6. To hear and act upon requests for interpretations of this Title and appeals of decisions made by the Zoning Administrator or Zoning officer.

7. To hear and decide all matters referred to it and upon which it is required to pass under the zoning ordinance as prescribed by statute.

8. To perform such duties of a Zoning Board of Appeals as authorized by division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).

9. Grant authorized Variations from the regulations as stated in Section 10-8-9 of this Title.

10. To perform such additional duties as are outlined in this Ordinance, the City of Yorkville Code of Ordinances, or the Illinois Municipal Code.

## 10-8-2. General Application Requirements

A. **Authorization**.

1. An application for any request or procedure, except for amendments, may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for an amendment may be filed by an owner, lessee, agent, or contract purchaser of property located in the City or by the City Council, Planning and Zoning Commission, Zoning Administrator, or City Administrator.

B. **Filing**.

1. An application for any request or procedure shall be filed with the Zoning Administrator.
2. The application shall be on forms provided by the City and shall be filed in such number as the instructions provide.
3. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
4. The application shall include all information, plans, and data, specified in the forms provided by the City and sufficient to determine whether the application will conform to the requirements set forth in this Title.

C. **Completeness**.

1. The Zoning Administrator shall determine whether the application is complete.
2. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied.
3. **Dormant Applications.**
    a. If the Zoning Administrator determines that the application is incomplete, it will become dormant under these circumstances:
        (1) The applicant has been notified of such deficiencies and has not responded or provided a timeline for completing the application within ninety (90) days from the time of notification.
        (2) The applicant has not responded in writing to a request for information or documentation from staff or the initial Planning and Zoning Commission review within six (6) months from the date of that request.
        (3) The applicant has not responded to a request for legal or engineering deposit replenishment for City incurred costs and fees within ninety (90) days from the date of the request.
    b. If the Zoning Administrator has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.
    c. Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant.
4. Once the Zoning Administrator has determined that the application is complete, the application shall be scheduled for consideration at the appropriate meeting, as needed.

D. **Fees**.

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the City Council provided in Section 1-7-9 of the Yorkville Municipal Code.
2. No fees shall be waived, and no fees shall be refunded except those authorized by the Mayor, City Administrator, or their designee in their sole discretion.

E. **Withdrawal of Application**. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by the Planning and Zoning Commission or City Council. Such withdrawal shall be in writing.

F. **Successive Applications**.

1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial unless there is substantial new evidence available or if a significant mistake of law or of fact affected the prior denial.
2. Such subsequent applicant shall include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator shall decide as to whether the subsequent application provides substantial new evidence.
4. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

## 10-8-3. Permits, Certificates, and Administrative Review

A. **Summary of Administrative Review and Action.** Table 10-8-3(A) summarizes the Administrative Review and Approval Procedures and identifies the administrator that serves as the review and decision-making body.

**Table 10-8-3(A): Summary of Administrative Review and Approval Procedures**

| Administrative Review Procedure | Zoning Administrator | Zoning Officer |
|---|---|---|
| Building Permit | ○ | ● |
| Certificate of Occupancy | ○ | ● |
| Lot Split | ● | |
| Sign Permit | ○ | ● |
| Temporary Use Permit | ● | ○ |
| *Key:* | | |
| ● = Review and Decision Making Body | | |
| ○ = Review Body | | |

B. **Building Permit.**

1. **Permit Required.** A building permit issued by the Zoning Officer shall be required for the construction, reconstruction, enlargement, or relocation of any building or structure. It shall be unlawful for any person to erect, move, add to, or structurally alter any building or structure, or to use or change the use of any building or land without a building permit.
2. **Placement.** The permit shall be posted in a prominent place on the premises prior to and during the period of construction, reconstruction, enlargement, or moving.
3. **Compliance.** Before a building permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this Title.
4. **Requirements.**
   a. **Site Plan.** Every application for a building permit submitted to the officer shall be accompanied by a site plan and/or plat of survey, drawn to scale, showing the lot and the building site and the location of existing building on the lot, accurate dimensions of the lot, yards and building or buildings, together with locations and uses, together with such other information as may be necessary to the enforcement of this title.
   b. **PIN Number and Address.** Every application shall include the Property Index Number (PIN), lot number, and/or address of the parcel where the improvement is being located.
   c. **Fees.** No approval shall be issued until appropriate fees have been paid as stated in Section 1-7-9 of the Yorkville Municipal Code.

5. **Review Process.**

   a. A building permit application shall be reviewed by both the Zoning Officer and Zoning Administrator or an appointed designee of their choosing.

   b. The Zoning Officer and Zoning Administrator or their appointed designee will ensure that every application is in compliance with this Title and all other adopted municipal regulations.

   c. Site plan review is required prior to the issuance of a building permit to certify compliance and shall be required for any development meeting one of the following criteria.

      (1) New development, including the construction or placement of any new building(s) or expansion of any existing building.

      (2) Any development which will increase the overall impervious lot coverage of a parcel.

      (3) Any development subject to off-street parking and loading requirements.

   d. The Zoning Officer shall act upon each application after it is filed in compliance with the provisions of this Title and provide the applicant(s) with a fee receipt.

   e. In the case that an application is not in compliance with this Title or the application provided insufficient information then the Zoning Officer shall notify the applicant, in writing, of said official's refusal to issue an approval detailing the reason(s) for the refusal.

6. **Expiration and Lapse of Approval**. The applicant shall have six (6) months from the date of approval to secure a building permit to carry out the proposed improvements. If a building permit has not been obtained within six (6) months of the date of approval, the approval shall expire. An extension of the time requirements may be requested in writing and granted by the Zoning Administrator for good cause shown by the applicant, provided a written request is filed with the City at least two (2) weeks prior to the respective deadline.

C. **Certificate of Occupancy.**

1. A Certificate of Occupancy shall be required for any of the following, except buildings incidental to agricultural operations other than residences:

   a. Occupancy and use of a building hereafter erected or enlarged.

   b. Change in the use of an existing building.

   c. Occupancy and use of vacant land except for the raising of crops.

   d. Change in the use of land to a use of a different classification except for the raising of crops.

   e. Any change in the use of a nonconforming use.

2. No such occupancy, use or change of use shall take place until a Certificate of Occupancy therefor shall have been issued.

3. **Review Process.**

   a. A Certificate of Occupancy shall be reviewed by both the Zoning Officer and Zoning Administrator.

   b. The Zoning Officer and Zoning Administrator shall ensure that every application is in compliance with this Title and all other adopted municipal regulations.

   c. **Zoning Officer Action.** The Zoning Officer shall act on an application for a Certificate of Occupancy within ten (10) business days after a written request for the same has been submitted to the Zoning Officer.

4. **Temporary Certificate of Occupancy.** Pending the issuance of such a certificate, the Zoning Officer may issue a temporary Certificate of Occupancy for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance.

    a. **Renewal.** Such temporary certificate may be renewed an additional six (6) months, but it shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the City relating to the use or occupancy of the land or building, or any other matter covered by this title, and such temporary certificates shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

5. **Records Of Action.** A record of all certificates of occupancy shall be kept on file by the Zoning Officer and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

D. **Lot Splits.**

1. **Applicability**. A lot split is a subdivision which meets any one (1) if the following conditions.

    a. The split of a single lot into three (3) or fewer lots.

    b. Subdivisions solely for the creation of public right of way or other public tracts of land.

    c. Lot line or boundary adjustments to a filed Final Plat.

    d. Correction of errors or omissions on a filed Final Plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.

2. **Lot Split Review Criteria.**

    a. **Comprehensive Plan Alignment**. The Lot Split is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.

    b. **Compliance**. The Lot Split is consistent with the provisions of this Title and the governing zoning district.

3. **Zoning Administrator Review and Action.** Upon the determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 2 above. Based upon their review, the Zoning Administrator shall approve or deny the Lot Consolidation/Split application in writing.

4. **Advancement To Variance.** The Zoning Administrator may advance any Lot Consolidation/Split application to a Subdivision in instances that, in the opinion of the Zoning Administrator, require public input and review by the Planning and Zoning Commission to approve or deny. Any Lot Consolidation/Split advanced to a Subdivision shall follow the procedure in Section 10-8-6.

E. **Sign Permit.**

1. **Purpose**. A Sign Permit shall be required prior to the display, copy change, construction, erection, or alteration of a sign, and its structural components, on any property to verify compliance with all applicable standards of this Title and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.

2. **Exemptions**. Signs exempt from a permit are listed in Section 10-6-4 of this Title.

3. **Sign Permit Review Criteria**. To approve the issuance of a Sign Permit, the Zoning Administrator and Zoning Officer shall make an affirmative finding that all applicable provisions of this Title, the Building Code, and all other City ordinances are met.

4. **Review Process.**

    a. A Sign Permit application shall be reviewed by both the Zoning Officer and Zoning Administrator.

b. The Zoning Officer and Zoning Administrator shall ensure that every application complies with this Title, the Building Code, and all other adopted municipal regulations.

c. **Zoning Officer Action.** Based upon their review, the Zoning Officer shall approve or deny the Sign Permit application in writing.

5. **Expiration and Lapse of Approval**. A Sign Permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

6. **Comprehensive Sign Plan**. Signage may also be approved through a Comprehensive Sign Plan as specified in Section 10-6-8.

F. **Temporary Use Permit.**

1. **Purpose.** A Temporary Use Permit shall be required prior to the commencement of a Temporary Use identified in Table 10-3-12.

2. **Temporary Use Permit Review Criteria**. To approve a Temporary Use Permit, the Zoning Administrator shall make an affirmative finding that the following criteria are met:

a. **Land Use Compatibility**. The Temporary Use shall be compatible with the purpose and intent of this Title and the district in which it will be located. The Temporary Use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The Temporary Use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity, given the nature of the activity, its location on the site, and its relationship to parking and access points.

b. **Compliance with Other Regulations**. A Building Permit or temporary Certificate of Occupancy may be required before any structure used in conjunction with the Temporary Use Permit is approved, constructed, or modified. All structures and the site shall meet all applicable building code, UDO, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the use or event, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use.

c. **Hours of Operation and Duration**. The duration and hours of operation of the Temporary Use shall be consistent with the intent of the event or use, and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Zoning Administrator at the time of approval of the Temporary Use Permit.

d. **Traffic Circulation**. The Temporary Use shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls, as determined by the City Engineer.

e. **Off-Street Parking**. Adequate off-street parking shall be provided for the Temporary Use, as determined by the Zoning Administrator, and it shall not create a parking shortage for any of the other existing uses on the site.

f. **Public Conveniences and Litter Control**. Adequate on-site restroom facilities and on-site solid waste containers may be required as deemed appropriate by the Zoning Administrator. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.

g. **Appearance and Nuisances**. The Temporary Use shall be compatible in intensity, appearance, and operation with surrounding land uses, and shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

h. **Other Conditions**. The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, screening/buffering

requirements, and guarantees for site restoration and cleanup following the Temporary Use. Conditions may include, but shall not be limited to:

(1) Modifications or restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristics.

(2) If the permit applicant requests the City to provide extraordinary services or equipment or if the Zoning Administrator otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect public health or safety, the applicant shall pay to the City a fee sufficient to reimburse the City for the costs of these services if not provided by the applicant. This requirement shall not apply if the event or use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

3. **Review Process.**

a. A Temporary Use Permit shall be reviewed by both the Zoning Officer and Zoning Administrator or an appointed designee of their choosing.

b. The Zoning Officer and Zoning Administrator shall ensure that every application complies with this Title, the Building Code, and all other adopted municipal regulations.

c. **Zoning Administrator Review and Action.** Upon determination of completeness, the application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection (F)(2) above. Based upon their review, the Zoning Administrator shall approve or deny the Temporary Use Permit application in writing.

## 10-8-4. Board/Commission General Review and Action Procedures

A. **Summary of Board/Commission Review and Approval Procedures.** Table 10-8-4(A) summarizes the Board and Commission Review and Approval procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

| Table 10-8-4(A): Summary of Board/Commission Review and Approval Procedures | | | | |
|---|---|---|---|---|
| **Petition Review Procedure** | **Plan Council** | **Economic Development Committee** | **Planning and Zoning Commission** | **City Council** |
| Special Use | A | A | R[1] | D |
| Subdivision | A | A | R | D |
| Planned Unit Development | A | A | R[1] | D |
| Variation | A | A | R[1] | D |
| Appeal | | | D | |
| Text Amendment | | A | R[1] | D |
| Map Amendment | A | A | R[1] | D |
| Annexations | A | A | | D |
| Economic Incentive/Development Agreement | A[2] | A | | D |
| *Key:* | | | | |
| A = Advisory Body | | | | |
| R = Recommending Body | | | | |
| D = Decision Making Body | | | | |
| 1 = Public Hearing Notice Required | | | | |
| 2 = Optional Review Step at the Zoning Administrator's discretion | | | | |

B. **Notice Requirements.**

1. **Notice Requirements by Procedure.** Table 10-8-4 (B)(1) summarizes the notice requirements per Board and Commission review and approval procedure.

| Table 10-8-4(B)(1): Notice Methods by Board/Commission Review and Action Procedure | | |
|---|---|---|
| **Petition Review Procedure** | **Published Notice** | **Mailed Notice** |
| Special Use | ● | ● |
| Special Use Major Amendment | ● | ● |
| Planned Unit Development | ● | ● |
| Planned Unit Development Major Amendment | ● | ● |
| Variation | ● | ● |
| Map Amendment | ● | ● |
| Text Amendment | ● | |
| Annexations | ● | ● |
| Economic Incentive/Development Agreement | | |
| *Key:* | | |
| ● = Required Notice Method | | |

2. **Published Notice.** The City shall cause a notice to be published in a newspaper of general circulation within the City. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date.

3. **Mailed Notice.** The applicant shall mail notice by certified mail properly addressed as shown on the county tax assessor's rolls and with sufficient postage affixed thereto, with return receipt requested, to all owners of record whose lot or portion of a lot lies within five-hundred (500) feet of the applicable site's outermost property line.

    a. **Affidavit Required.** The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of all owners of record entitled to notice and served, and attach thereto all United States Post Office return receipts as documentation of compliance with provisions in this subsection 3. Such affidavit and the return receipts must be submitted to the Zoning Administrator no later than twenty-four (24) hours in advance of the public hearing.

4. **Cost of Notice**. All costs associated with mailed and published notice, as required by this UDO, shall be the responsibility of the applicant.

C. **Recording of Documents**. Recording of documents as required by the City in instances of special use, variation, subdivision, consolidation, amendment, or Planned Unit Development or otherwise required by state statutes, shall be completed by the City Clerk and at the expense of the applicant. Notice of all fees shall be furnished to the applicant by the Zoning Administrator and paid prior to the recording of documents.

## 10-8-5. Special Uses

A. **Purpose.** The Special Use process is intended to provide the City additional discretion in the approval process for uses which, because of their unique characteristics, require additional consideration due to the potential impact on neighboring land and of the public need for the particular use at the particular location.

B. **Procedure.** The Special Use process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

1. **Plan Council.** The Plan Council shall review the application and report to the Planning and Zoning Commission its findings and recommendations.

    a. A community meeting of area/neighborhood property owners explaining the proposed Special Use conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission public hearing date.

2. **Economic Development Committee.** The Economic Development Committee shall review the application and report to the Planning and Zoning Commission its findings and recommendations.

3. **Planning and Zoning Commission.** The Planning and Zoning Commission shall hold a public hearing on the application. The Planning and Zoning Commission shall report to the City Council its findings and recommendations, including the recommended stipulations of conditions and guarantees as part of the approval.

4. **City Council.** The City Council shall consider the Planning and Zoning Commission's recommendation, the Zoning Administrator report, and public comment received at the Planning and Zoning Commission public hearing, and shall approve, conditionally approve, or deny the Special Use, or refer the Special Use back to the Planning and Zoning Commission for further consideration.

5. **Recordation.** Any approved Special Use shall be recorded with the City Clerk.

C. **Protest.** In the event of written protest against any proposed Special Use, signed and acknowledged by the owners of twenty (20) percent of the frontage adjacent thereto, or across an alley, or directly opposite therefrom, such Special Use shall not be granted except by the favorable vote of two-thirds (⅔) of all members of the City Council. In such cases of written protest, a copy of the written protest shall be served by the protestor(s) on the applicant for the proposed Special Use and a copy upon applicant's Attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed Special Use.

D. **Standards.** No Special Use shall be recommended by the Planning and Zoning Commission or approved by the City Council unless the following are found:

1. The establishment, maintenance or operation of the Special Use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within or near the neighborhood in which it is to be located.

3. The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage or other necessary facilities have been or shall be provided.

5. Adequate measures shall be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

6. The proposed Special Use is not contrary to the objectives of the City's adopted Comprehensive Plan.

E. **Conditions and Guarantees.** Prior to the granting of any Special Use, the Planning and Zoning Commission may recommend and the City Council may require conditions and restrictions, upon establishment, location, construction, maintenance, and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection F of this section. In all cases in which Special Uses are considered the Planning and Zoning Commission may recommend and the City Council may require such evidence and guarantees as it may deem necessary as proof that the conditions in connection with the Special Use are being and will be complied with as required.

F. **Approval.** Any application for a Special Use which fails to receive a majority vote for favorable recommendation or favorable recommendation with conditions from the Planning and Zoning Commission shall not be approved except by the favorable vote of two-thirds (⅔) of all the members of the City Council, and any Special Use application which receives the favorable recommendation or favorable recommendation with conditions from the Planning and Zoning Commission may be denied by a majority vote of the City Council.

G. **Expiration and Lapse of Approval.** In any case where a Special Use has been granted pursuant to the provisions of this chapter, such approval shall become null and void unless it is constructed and in active use within three (3) years of the date of issuance. An applicant may request an extension of an additional year, to be approved by a majority vote of the City Council.

H. **Amendments to Approved Special Uses.**

1. **Determination of Level of Change**. Upon receiving a Special Use amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Section 10-8-5(H)(2) below.

2. **Major Amendment.** A major amendment is any proposed change to an approved Special Use that results in one or more of the following:

a. Increase in the intensity of the site's use,

b. Additional noise, glare, odor, or other impacts that are detectable from off-site

c. Affects the subject property in a manner that inhibits its continued use or reuse, or

d. Results in a change inconsistent with any standards or conditions imposed by the City Council in approving the Special Use, as determined by the Zoning Administrator

3. **Minor Amendment.** A minor amendment is any proposed change to an approved Special Use that is consistent with the standards and conditions upon which the Special Use was approved, which does not alter the concept or intent of the Special Use and is not considered a major amendment as detailed in Section 10-8-5(H)(2).

4. **Approval Process.**

   a. **Major Amendments.** A major amendment to an approved Special Use shall follow the procedure for a Special Use approval set in Section 10-8-5(B).

   b. **Minor Amendments.**

      (1) **Zoning Administrator Review.** The minor amendment shall be reviewed by the Zoning Administrator for compliance with the Comprehensive Plan and the applicable standards of this UDO. The Zoning Administrator shall then make a recommendation to City Council to approve or deny the application.

      (2) **City Council Review.** The minor amendment shall be reviewed by the City Council to ensure that the application meets the applicable review criteria. Based on the review, the City Council shall approve or deny the application. Any amendment shall not be approved except by the favorable vote of two-thirds (⅔) of all the members of the City Council. Any minor amendment shall be approved by the City Council by ordinance.

      (3) **Recordation.** The minor amendment shall be recorded with the City Clerk.

*Figure 8.1. Special Use Procedure*



## 10-8-6. Subdivision Procedures

A. **Purpose.** The purpose of this section is to establish the procedures regarding the subdivision, development, and platting of land, the preparation of plats, installation of utilities, and extension of streets and highways.

B. **General Provisions.**

1. **Zoning District Compliance.** No subdivision shall be approved unless it conforms to all of the requirements of this Title. Whenever there is a discrepancy between minimum standards or dimensions of this Title, building codes or other adopted regulations, codes, or ordinances, the most restrictive shall apply.

2. **Comprehensive Plan Conformance.**

   a. All proposed subdivisions shall conform to the most recently adopted Comprehensive Plan.

   b. The arrangement, character, extent, width, grade, and location of all streets shall conform to all the elements of the Comprehensive Plan and shall be designed in accordance with sound planning and engineering principles as well as the improvement provisions outlined in this Section.

3. **Subdivision Review Criteria.**

   a. **Comprehensive Plan Alignment**. The Final Plat is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.

   b. **Compliance**. The Final Plat is consistent with the provisions of this Title and the governing zoning district.

C. **Subdivisions.**

1. **Applicability.** Any subdivision of land dividing or consolidating two (2) or more lots or parcels.

2. **Easements.** When a subdivision will result in a lot having inadequate access to utility easements, dedication of easements will be required in accordance with the requirements of the Zoning Administrator and the City Engineer.

3. **Access and Streets.** The splitting of land shall provide each lot with access to a public street or highway, so that access to each lot is assured.

4. **Preliminary Plan.** The petitioner or landowner may submit for a Preliminary Plan prior to a Final Plat.

   a. Approval of the Preliminary Plan is tentative only and shall be effective for a period of twelve (12) months. If the Final Plat has not been recorded within this time limit, the Preliminary Plan must again be submitted for approval, unless upon application by the subdivider, the City Council grants an extension. An extension period shall not exceed two (2) twelve-month periods.

   b. The procedure for a Preliminary Plan will follow the procedures outlined in Section 10-8-6(C)(7) of this Title.

5. **Final Plan.** The petitioner or landowner may submit directly for a final plat.

6. **Plat of Subdivision, Plat of Resubdivision or Plat of Consolidation Requirements.**

   a. **Size.** The plat of subdivision shall be drawn in ink, at a scale of one (1) inch equals one hundred (100) feet or larger, on a nonfading, stable, Mylar material.

   b. **Numbering.** When more than one (1) sheet is used for any document, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the document and shall show the relation of that sheet to the other sheets.

c. **Information.**

(1) **Legal Description.** Legal descriptions shall commence at the intersections of section lines and/or quarter section lines when reasonably practical to do so. The developer shall also submit the final plat to the City in digital form, in a format acceptable to the City. The coordinate system for the final plat shall be the Illinois State Plane Coordinate System, East Zone, NAD 83, or the current National Spatial Reference System.

(2) **Monuments.** All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted as the representation thereof, or by legend, except lot corners need not be shown.

(3) **Exterior Boundary Lines.** The exact length and bearing of all exterior boundary lines, public grounds, meander lines, and easements, unless they parallel a noted boundary.

(4) **Widths.** The exact width of all easements, streets, and alleys.

(5) **Lot Lines.** The dimensions of all lot lines, to the nearest one-hundredth of a foot.

(6) **Setback Lines.** Building setback lines on all lots.

(7) **Consecutive Numbering.** All lots consecutively numbered within consecutively numbered blocks.

(8) **Lot Angles.** The number of degrees, minutes, and seconds of all lot angles or bearings of same, other than ninety (90) degrees, except that when the line in any tier of lots is parallel, it shall be sufficient to mark only the outer lots. When any angle is between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle between the main chords shall be shown.

(9) **Circular Curves.** When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place; and, either on it, or preferably in adjoining table, shall be noted its bearing and length, the radius of the circle of which the curve is a part, and the central angle extended. The lot lines on the street sides may be shown in the same manner, or by bearings and distances. When a circular curve of thirty-foot radius or less is used to round off the intersection between two (2) straight lines, it shall be tangent to both straight lines; it shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to a point of intersection of the straight lines.

(10) **Street Names.** The name of each road or street in the plat shall be printed thereon, which name shall not duplicate the name of any other street, unless it is an extension thereof.

(11) **Abutment.** Abutting state highway lines and streets of adjoining plats shown in their proper location by dotted lines. The width, names, and recording document numbers of these streets and highways and plats shall also be given.

(12) **Dedicated Lands.** All lands dedicated to public or private use, including roads, streets, and existing easements, shall be clearly marked and recording document numbers shown on the plat.

(13) **Watercourses and Drainage.** All watercourses, drainage ditches, and other existing features pertinent to subdivision.

(14) **Access to Lakes or Streams.** Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which the access is provided to the lake or stream, together with a small-scale drawing, clearly indicating the location of the subdivision in relation to the lake or stream, and the location of the area over which access is provided.

(15) **Survey Monuments.** The description and location of all survey monuments placed in the subdivision shall be shown upon final plat. Permanent monuments shall be of concrete, reinforced with one (1) number four

vertical rod, and not less than five (5) inches in diameter by twenty-four (24) inches long or four (4) inches square by twenty-four (24) inches in length, set flush with the adjacent ground. Each permanent monument shall have a suitable mark in the center of the top. Concrete monuments shall be erected at a minimum of two (2) exterior boundary corners. Metal monuments not less than one-half inch in diameter and twenty-four (24) inches in length shall be placed in the ground at all lot corners, intersections of streets, intersections of streets and alleys with plat boundary lines, and at all points on street, alley, and boundary lines where there is a change in direction or curvature. All monuments and stakes shall be set in the ground before the streets and alleys are accepted for public maintenance.

(16) **Survey.** A surveyor holding a current, valid registration in Illinois shall perform the survey, and if the error in the latitude and departure closure of the survey is greater than the ratio of 1/5,000, the plat may be rejected.

(17) **Certificates of Approval.** The current City approved certificates of approval to be shown on final plat, as applicable:

(a) Surveyor.

(b) Owner.

(c) Notary.

(d) City Administrator.

(e) Township Highway Commissioner, if applicable.

(f) County Supervisor of Highways, if applicable.

(g) Illinois Department of Transportation, if applicable.

(h) City Clerk.

(i) City Planning and Zoning Commission, Chairman.

(j) City Council Certificate.

(k) County Clerk.

(l) County Recorder.

(m) City Engineer.

7. **Procedure.** The subdivision process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

a. **Plan Council.** The Plan Council shall review the Final Plat and report to the Planning and Zoning Commission its findings and recommendations.

(1) A community meeting of area/neighborhood property owners explaining the proposed Subdivision conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission meeting.

b. **Economic Development Committee.** The Economic Development Committee shall review the Final Plan and report to the Planning and Zoning Commission its findings and recommendations.

c. **Planning and Zoning Commission.** After reviewing the Final Plat, the Planning and Zoning Commission shall recommend either approval or denial of the Final Plan to City Council in writing and its reasons for such recommendation.

d. **City Council.** The Final Plat shall be reviewed by the City Council to ensure that the application meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the Final Plat. Any final plat shall be approved by the City Council by ordinance.

e. **Recording of Final Plat.** The Final Plat shall be recorded by ordinance with the County Recorder of Deeds, within ninety (90) days from the date of final approval, or final approval shall be considered null and void. This requirement shall not apply when delay in recording a plat is due to circumstances beyond the control of the City or developer. All necessary fees owed to the City shall satisfied in relation to the project and any required security posted prior to the recordation of the final plat is also required.

D. **Amendments to Approved Subdivisions.**

1. **Determination of Level of Change.** Upon receiving a Subdivision Amendment application, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria in Section 10-8-6(D)(2) below.

2. **Major Amendment.** A major amendment is any proposed change to an approved Subdivision that results in one or more of the following changes:

   a. Increase in density,

   b. Increase in the number of dwelling units,

   c. Reduce open space by more than five (5) percent,

   d. Modify the proportion of the housing types proposed,

   e. Change parking areas in a manner that is inconsistent with those in the approved subdivision,

   f. Alter alignment of roads, utilities, or drainage, or

   g. Result in any other change inconsistent with any standard or condition imposed by the City Council in approving the Subdivision as determined by the Zoning Administrator.

3. **Minor Amendment**. A minor amendment is any proposed change to an approved Subdivision that is consistent with the standards and conditions upon which the Subdivision was approved, which does not alter the concept or intent of the Subdivision and is not considered a major amendment as detailed in Section 10-8-6(D)(2).

4. **Approval Process.**

   a. **Major Amendments.** A major amendment to an approved Subdivision shall follow the procedure set in Section 10-8-6(C)(7).

   b. **Minor Amendments.** A minor amendment to an approved Subdivision shall be reviewed as follows.

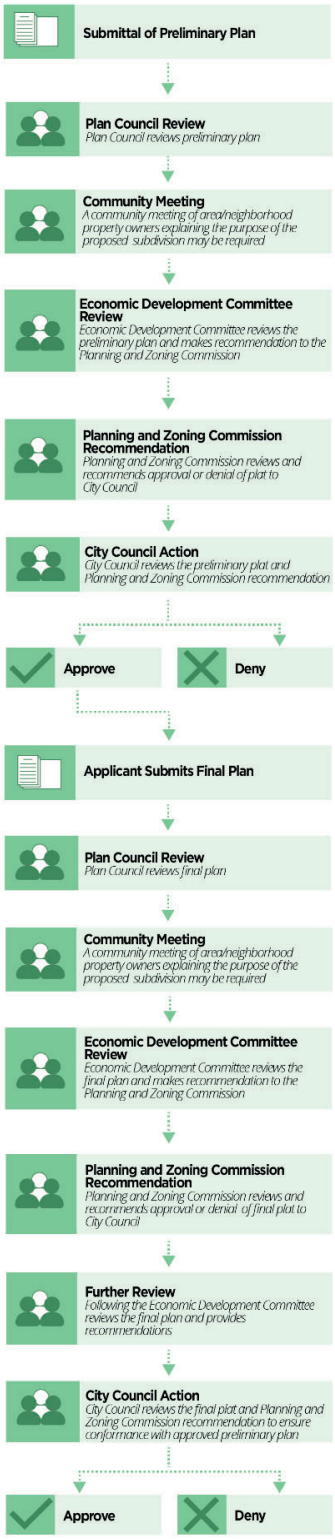
      (1) **Zoning Administrator Review.** The minor amendment shall be reviewed by the Zoning Administrator for compliance with the Comprehensive Plan and the applicable standards of this UDO. The Zoning Administrator shall then make a recommendation to City Council to approve or deny the application.

      (2) **City Council Review.** The minor amendment shall be reviewed by the City Council to ensure that the application meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the minor amendment. Any minor amendment shall be approved by the City Council by ordinance.

      (3) **Recordation.** An approved minor amendment shall be recorded by ordinance with the County Recorder of Deeds, within ninety (90) days from the date of final approval, or final approval shall be considered null and void. This requirement shall not apply when delay in recording a plat is due to circumstances beyond the

control of the City or developer. All necessary fees owed to the City shall be satisfied in relation to the project and any required security posted prior to the recordation of the final plat is also required.

***Figure 8.2. Subdivision Procedure***



## 10-8-7. Required Improvements.

1. **Improvement Requirements Prior to Filing Final Plat.** Upon approval of both the Final Plan and the plans and specifications for the required subdivision improvements by the Planning and Zoning Commission, Director of Public Works, and the City Engineer, and upon approval of the appropriate agencies as evidenced by state and county permits, where required, the applicant may construct and install the required subdivision improvements prior to filing the final plat with the Planning and Zoning Commission for final approval or post a construction guarantee for the public improvements. If construction does not begin within four (4) years of Final Plat approval, the subdivider may be required to revise the plat to comply with new City requirements.

2. **Subdivision Securities.**

   a. **Construction Guarantee.** In lieu of construction in Section 10-8-7(E) of this chapter, the subdivider shall post with the City prior to recordation of the Final Plat, a construction guarantee in the form of an irrevocable letter of credit or irrevocable performance bond, payable to the United City of Yorkville, sufficient to cover the full cost, plus twenty (20) percent, of the required improvements, as estimated by the engineer employed by the subdivider and approved by the City Engineer, to ensure the satisfactory installation of required improvements as outlined in this chapter, and contained in the approved plans and specifications prior to the recording of the final plat. A surety or bank recognized by the State of Illinois, and carrying a rating sufficient to cover the cost of construction, and approved by the City Attorney, shall issue the bond or letter of credit posted. The subdivider shall use the standard bond form or letter of credit form used by the City. Construction guarantee shall not be reduced to below twenty (20) percent of the approved engineer's estimate prior to acceptance of the public improvements by the City. The construction guarantee shall not expire for at least one (1) year. Subsequent renewals of the construction guarantee shall also be for a period of at least one (1) year.

   b. **Projects Nearing Two (2) Years.** Projects nearing (2) two years into construction will receive a status inquiry letter from the City Engineer and require an updated public improvement completion (PIC) schedule.

   c. **Projects Nearing Three (3) Years.** Projects nearing (3) three years into construction will receive a status inquiry letter from the City Engineer with a punchlist of uncompleted improvements and will require an updated PIC schedule.

   d. **Projects Nearing Four (4) Years.** Projects nearing four (4) years into construction will receive a status inquiry letter from the City Engineer with a punchlist of uncompleted improvements, require an updated PIC schedule and formal notification that the project will be in default if an extension is not requested and approved prior to the four-year construction deadline.

   e. **Projects Over Four (4) Years.** Projects over four (4) years into construction will receive notification of default from the City Engineer, at the City Council direction, indicating that the letter of credit or performance bond is subject to a demand for call within sixty (60) days of the date of the notice should the developer not seek an extension for completion.

   f. **Reduction of Subdivision Securities.** Final acceptance, approval of land improvements and corresponding reduction or release of letters of credit and/or performance bonds shall be as follows:

      (1) The City Engineer shall issue a written recommendation including the basis for approving, denying, or modifying a request for reduction. The recommendation shall include the amount of the reduction based upon the engineer's estimate of probable cost as adjusted by an inflation factor from the initial date of issuance of the letter of credit or performance bond to the date of reduction. In order to calculate the inflation factor, the "Engineering News Record" construction cost index shall be used. The City Engineer shall also determine the remaining amount of the letter of credit and/or performance bond after the reduction.

      (2) The City Engineer's written recommendation shall be forwarded to the City Administrator for approval.

(3) Following the City Administrator's concurrence with the City Engineer's recommendation, the reduction shall be deemed approved or denied and the City Engineer is authorized to issue a letter to implement the decision.

(4) In the event the City Administrator does not concur with the City Engineer's recommendation, the Mayor shall have the final authority to approve or deny the City Engineer's recommendation.

(5) A developer may appeal the decision of the City Administrator to the Mayor, who shall review and make a final determination to affirm or reverse the City Administrator's initial decision.

(6) The City Administrator or designee shall issue reports quarterly or more frequently as deemed appropriate, to the Mayor and City Council that summarize letter of credit and/or performance bond reduction requests that have been received and actions taken pursuant to those requests.

3. **Construction Warranty.**

a. The subdivision irrevocable performance bond or letter of credit shall be released after an appropriate City Council action accepting the improvements for public ownership. Except as provided in subsection (b) of this section, this subdivision letter of credit or performance bond will not be released until a one-year maintenance bond or letter of credit is posted with the City Clerk for ten (10) percent of the land improvement cost, to ensure that all improvements will properly function as designed, with no defects before the City Council formal acceptance.

b. A maintenance guarantee shall be required for all landscaping but shall not be required for improvements that are on private property that do not serve, benefit, or impact properties other than the one (1) being developed.

c. It is a violation of this Code to fail to complete an infrastructure component that results in harm to the public improvement system or in the potential failure of the system.

4. **Filing.** Not more than ten (10) months after Final Plan approval, four (4) copies of the proposed Final Plans and specifications, engineer's estimates prepared and sealed by a professional engineer currently registered with the State of Illinois, and subdivision bond or letter of credit, shall be filed with the City Engineer, and shall provide all necessary information for the following, as applicable:

a. Streets,

b. Curbs and gutter,

c. Storm drainage, including storm sewers and stormwater detention, building storm drains (footings, roof, etc.),

d. Comprehensive drainage plan, including grades of surface drainageways,

e. Sanitary sewerage system,

f. Water supply and distribution,

g. Public utility locations,

h. Streetlights,

i. Sidewalks,

j. Street signs, guardrails, and other special requirements,

k. Parkway trees, and

l. Payment in full of all City fees.

5. **Construction and Inspection.**

   a. Written notice to proceed shall be obtained from the City Engineer prior to beginning any work covered by the approved plans and specifications for the above improvements. Authorization to begin work will be given upon receipt of all necessary permits, including all culvert permits required when proposed new or changed subdivision roads intersect any presently existing road, and work must proceed in accordance with construction methods of this section and the City's standard specifications for improvements.

   b. The subdivider shall pay all expenses incurred by the United City of Yorkville to provide field inspections and testing of all construction work and materials before, during, and after construction.

   c. On-street parking during build out of the development shall be limited to one (1) side only of all streets. In general, parking will not be allowed on the side of the street where fire hydrants are located. The developer shall post signage, as required by the Yorkville Police Department.

   d. Dumpsters, work trailers, and construction materials shall not be stored or located in roadways or public rights-of-way at any time, without exception.

   e. The subdivider is required to submit an acknowledgment of public improvement completion (PIC) schedule in a form approved by the City Attorney and City Engineer. The PIC schedule shall include the following information:

      (1) The schedule when public improvements are to be completed.

      (2) The schedule shall state that the City will place as a condition in the Final Plat of subdivision approval ordinance or PUD ordinance that the development must have all streets, sewers, water mains, streetlights, and other public improvements installed in a workmanship-like manner within four (4) years of initial construction.

      (3) The schedule will require the subdivider/developer to provide proof by a title search that all accepted infrastructure is free and clear of all liens and encumbrances.

      (4) The schedule shall state that the subdivider/developer will maintain the public improvements until they are approved and accepted by the City.

6. **As-Built Plans.** After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, a map showing the actual location of all valves, manholes, stubs, sewer and water mains, and such other facilities as the Director of Public Works shall require. This map shall bear the signature and seal of an Illinois registered professional engineer. The presentation of this map shall be a condition of final acceptance of the improvements, and release of the subdivision bond or letter of credit assuring their completion. The coordinate system for as built drawings shall be NAD27 Illinois State planes, east zone, U.S. foot (IL-E). The "as built" plans shall be submitted on reproducible Mylar, and digitally in a format acceptable to the City.

7. **Acceptance of Dedication, Improvements.**

   a. Final acceptance of the dedication of open space or other public areas shall mean the responsibility for the maintenance of the same. Approval of the Final Plat does not constitute final acceptance.

   b. Recordation of the Final Plat shall be dependent on presentation of proof of responsibility for the maintenance of all community improvements.

   c. All public improvements shall be accepted only by resolution of the City Council, after a formal petition for approval has been submitted by the subdivider to the City Clerk. Such petition shall be filed after completion of the public improvements. The City Engineer and the Director of Public Works shall, make recommendations in report form to the City Council. All petitions shall be acted upon by the City Council within thirty (30) days from receipt of such recommendations of the City Engineer and Director of Public Works. A maintenance bond will then be

required in the amount of ten (10) percent of the cost of the land improvements, as specified in this title, after City Council acceptance.

## 10-8-8. Planned Unit Development

A. **Purpose and Intent.** The purpose of the regulations, standards, and criteria contained in this Section is to provide an alternate procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Section. The objective of the Planned Unit Development process is to accommodate a higher level of design and amenity than is possible to achieve under otherwise applicable UDO regulations. The end result can be a product which fulfills the objectives of City plans and policies, including but not limited to the Comprehensive Plan, while departing from the strict application of the regulations of this UDO. The Planned Unit Development is intended to permit and encourage such flexibility and to accomplish the following purposes:

1. To promote long term planning pursuant to the City of Yorkville Comprehensive Plan and other relevant plans and City policies.

2. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.

3. To provide more efficient use of land.

4. To preserve natural features and provide open space areas and recreation areas in excess of that required under this UDO.

5. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.

6. To unify buildings and sites through design.

B. **General Provisions.**

1. Any development encompassing four (4) or more acres in area shall be approved as a Planned Unit Development in accordance with this UDO.

2. Each Planned Unit Development shall be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Unit Development solely upon an already existing Planned Unit Development except to the extent such Planned Unit Development has been approved as part of a development master plan.

3. The burden of providing evidence and persuasion that any Planned Unit Development is necessary and desirable shall rest with the applicant.

C. **Planned Unit Development Relation to Base District Standards**.

1. A Planned Unit Development, if approved, shall be a Special Use.

2. A Planned Unit Development, if approved, may allow for modifications to the standards of the base district. All such modifications shall be referred to as site development allowances.

3. Notwithstanding any limitations on Variations which can be approved as contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the Planned Unit Development application and demonstrates how each site development allowance would be compatible with surrounding development; is necessary for proper development of the site; and is aligned with a minimum of one (1) of the modification standards detailed in Section 10-8-8(D).

4. All approved site development allowances shall be delineated in the ordinance approving the Planned Unit Development as a Special Use as it applies to the subject property.

D. **Modification Standards.** An applicant seeking a site development allowance shall be required to justify their request through the provision of tangible benefits to the City of Yorkville by meeting a minimum of one (1) of the modification standards detailed below.

1. **Landscape Conservation and Visual Enhancement**. The Planned Unit Development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.

2. **Sustainable Design**. The Planned Unit Development is designed with consideration given to various methods of site design and building location, architectural design of individual buildings, employment of an alternative energy system or solution, and landscaping design capable of reducing energy consumption and improving onsite stormwater management.

3. **Public Gathering Space**. The Planned Unit Development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale, and celebratory lighting such as string lights, and/or other features. The public gathering space is integrated into the overall design of the Planned Unit Development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.

4. **Placemaking**. The Planned Unit Development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces, etc.

5. **Universal Design**. the Planned Unit Development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.

6. **High Quality Building Materials**. The Planned Unit Development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this UDO.

7. **Age-Targeted Development.** The Planned Unit Development includes residential dwelling units, amenities, and design characteristics intended to accommodate the lifestyles and needs of senior citizens.

8. **Affordability**. The Planned Unit Development includes residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the Kendall County median income.

9. **Provision of a Public School.** The Planned Unit Development includes a facility that directly supports the functioning or operation of the Yorkville Community Unit School District or another public school district.

10. **Provision of a Regional Park.** The Planned Unit Development includes a park of sufficient size and with high quality amenities adequate to draw visitors and provide recreational opportunities for residents throughout the region in addition to serving residents of Yorkville. The regional park is integrated into the design of the Planned Unit Development and has a direct relationship to the other main buildings and uses on-site.

11. **Funding or Construction of Public Roadways.** The Planned Unit Development includes the construction of roadways adjacent to the subject site as planned in the City of Yorkville Comprehensive Plan, Kendall County Long-Range Transportation Plan, or another transportation plan adopted by a local, County, or regional entity.

12. **Regional Utility Improvements.** The Planned Unit Development involves the construction of a utility improvement identified in the City or Yorkville Comprehensive Plan or other policy document adopted by a local, County, or regional entity.

E. **Standards of Review.** The following standards for review shall be utilized in the review of a Planned Unit Development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. The standards of review in this Section shall be considered in addition to the standards for Special Use Permits as specified in Section 10-8-5. No application for a Planned Unit Development shall be approved unless the City Council finds that the application meets all of the following standards:

1. **Plan and Policy Alignment**. The Planned Unit Development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the City.

2. **Integrated Design with Identifiable Centers and Edges**. The Planned Unit Development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.

3. **Public Welfare**. The Planned Unit Development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

4. **Compatibility with Adjacent Land Uses**. The Planned Unit Development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.

5. **Impact on Public Facilities and Resources**. The Planned Unit Development is designed so that adequate utilities, road access, stormwater management, and other necessary facilities will be provided to serve it. The Planned Unit Development shall include such impact fees as may be reasonably determined by the City Council. These required impact fees shall be calculated in reasonable proportion to the impact of the Planned Unit Development on public facilities and infrastructure.

6. **Archaeological, Historical or Cultural Impact**. The Planned Unit Development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.

F. **Procedure.**

1. **Plan Council Review.** Plan Council shall review and discuss the Planned Unit Development and make a recommendation to approve, approve with modifications, or deny the Planned Unit Development based on the applicable review criteria to the Planning and Zoning Commission.

   a. A community meeting of area/neighborhood property owners explaining the proposed Special Use for Planned Unit Development conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission public hearing date.

2. **Economic Development Committee.** The Economic Development Committee shall review the Planned Unit Development and report to the Planning and Zoning Commission its findings and recommendations.

3. **Public Hearing, Review, and Recommendation by the Planning and Zoning Commission**. The Planning and Zoning Commission shall hold a public hearing on the proposed Special Use for Planned Unit Development, and, at the close of the public hearing and after consideration of the staff report and public comment, make a recommendation to the City Council to approve, approve with modifications, or deny the Planned Unit Development based on the applicable review standards. The Zoning Administrator, on behalf of the Planning and Zoning Commission, shall transmit a report containing its recommendation to approve, approve with modifications, or deny the application to the City Council.

4. **City Council Action**. The City Council shall hear the proposed Planned Unit Development, and, at the close of the meeting and after consideration of the Planning and Zoning Commission recommendation, Zoning Administrator Report, and public comment either:

    a. Approve the application,

    b. Approve the application with modifications,

    c. Deny the application,

    d. Refer the application back to the Planning and Zoning Commission for further review, or

    e. Postpone further consideration pending the submittal of additional information, including any application requirement previously waived.

G. **Amendments to Approved Planned Unit Development.**

1. **Determination of Level of Change**. Upon receiving a Planned Unit Development Amendment application, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in Section 10-8-8(G)(2) below.

2. **Major Amendment.** A major amendment is any proposed change to an approved Planned Unit Development that results in one or more of the following changes:

    a. Increase density,

    b. Increase the height of buildings,

    c. Reduce open space by more than five (5) percent,

    d. Modify the proportion of housing types,

    e. Change parking areas in a manner that is inconsistent with this UDO,

    f. Increase the approved gross floor area by more than five hundred (500) square feet,

    g. Alter alignment of roads, utilities, or drainage, or

    h. Result in any other change inconsistent with any standard or condition imposed by the City Council in approving the Planned Unit Development and/or the approved Site Plan, as determined by the Zoning Administrator.

3. **Minor Amendment**. A minor amendment is any proposed change to an approved Planned Unit Development that is consistent with the standards and conditions upon which the Planned Unit Development was approved, which does not alter the concept or intent of the Planned Unit Development and is not considered a major amendment as detailed in Section 10-8-8(G)(2).

4. **Approval Processes.**

    a. **Major Amendment.** A major amendment to an approved Planned Unit Development shall follow the procedure set in Section 10-8-8(F).

    b. **Minor Amendment.**

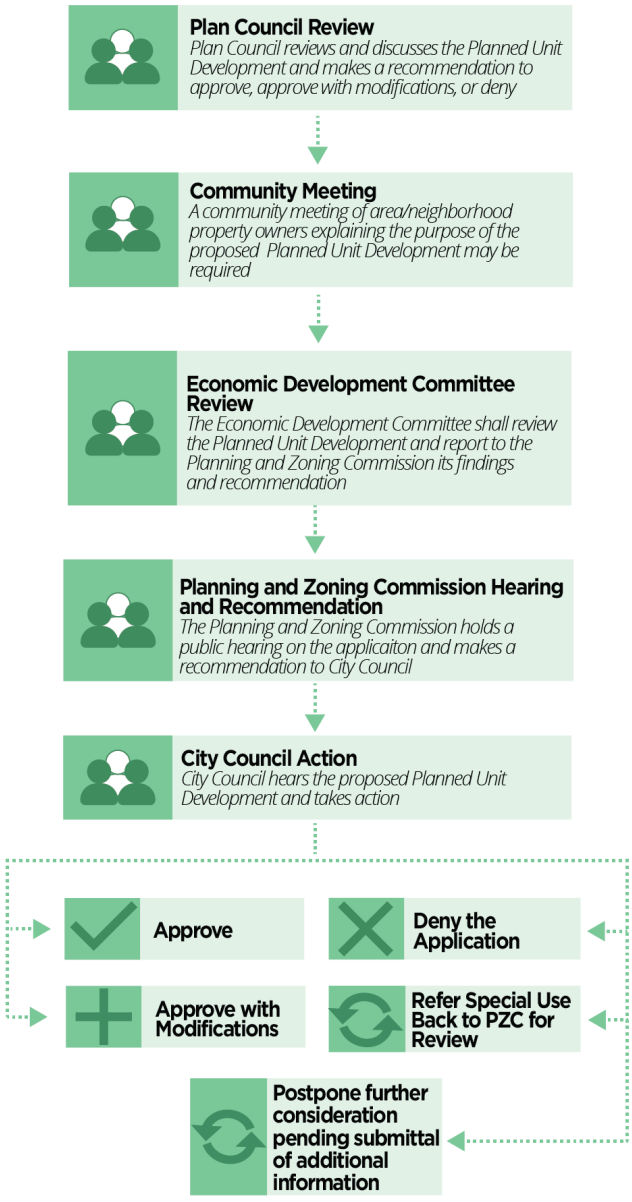
        (1) **Zoning Administrator Review.** The minor amendment shall be reviewed by the Zoning Administrator for compliance with the Comprehensive Plan and the applicable standards of this UDO. The Zoning Administrator shall then make a recommendation to City Council to approve or deny the application.

(2) **City Council Review.** The minor amendment shall be reviewed by the City Council to ensure that the application meets the applicable review criteria. Based on the review, the City Council shall approve or deny the application. Any amendment shall not be approved except by the favorable vote of two-thirds (⅔) of all the members of the City Council. Any minor amendment shall be approved by the City Council by ordinance.

(3) **Recordation.** The minor amendment shall be recorded with the City Clerk.

H. **Expiration and Lapse of Approval.** For any Planned Unit Development in which there has been no Building Permit issued nor any portion of the property platted after three (3) years since approval by the City Council, the Planned Unit Development shall be considered null and void and shall be brought back before the Planning and Zoning Commission and the City Council for consideration prior to any development on the property. The underlining zoning of the Planned Unit Development shall not expire, only the Planned Unit Development overlay shall expire.

***Figure 8.3. Planned Unit Development Procedure***



## 10-8-9. Variations

A. **Authority.** The Planning and Zoning Commission, after a public hearing, may recommend a Variation to the regulations of the UDO in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Planning and Zoning Commission holds a public hearing and makes findings of fact in accordance with the standards of this section, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this UDO.

B. **Authorized Variations.** Variations from the regulations of this title shall be granted by the Planning and Zoning Commission only in accordance with the standards established in subsection (C) of this section and may be granted only in the following instances:

1. To permit any yard or setback less than the yard or setback required by the zoning district, but by no more than twenty-five (25) percent.

2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient size or widths of the lot or lots. In no event shall the respective size and width of the lot or lots be less than ninety (90) percent of the required area and width. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot width and area set forth in this title.

3. To reduce the applicable off-street parking facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the applicable regulations, whichever number is greater.

4. To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served as specified in Section 10-5-1(G).

5. To allow for the deferment, or land banking, of required parking facilities for a reasonable period.

6. To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the applicable regulations as specified in Chapter 4.

7. To exceed any of the authorized Variations allowed under this subsection when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is, by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding, reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one (1) or more of the regulations of the district in which said lot of record or zoning lot or structure is located.

C. **Standards for Variations.**

1. The Planning and Zoning Commission shall not grant a Variation from the regulations of this UDO unless it shall make findings based upon the evidence presented that the standards for hardships set forth in the Illinois Municipal Code are complied with in addition to the following:

   a. A particular hardship to the owner would result because of the physical surroundings, shape, or topographical conditions of the subject property, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

   b. The conditions upon which the petition for a Variation is based are unique to the subject property and are not applicable, generally, to other properties within the same zoning district.

   c. The difficulty or hardship is not created by any person presently having an interest in the property.

   d. The Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

e. The proposed Variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger to the public, or substantially diminish or impair property values within the neighborhood.

f. The proposed Variation is consistent with the official comprehensive plan and other development standards and policies of the City.

2. **Land Banked Parking Facilities Review Standards.**

a. Sufficient evidence is provided by the applicant that supports the reduced parking needs.

b. Approval of a land bank parking plan which illustrates the area proposed for land banking of parking spaces in an area suitable for parking at a future time.

c. Landscaping of the land banked area must be in full compliance of the zoning regulations with this title and, at a minimum, landscaped with turf. As a result of the site plan review process, the Zoning Board of Appeals Planning and Zoning Commission may require additional landscaping of the land banked area.

d. The land banked area cannot be used for any other use and must be part of the same zoning lot and all under the same ownership.

e. As part of the variance process, the applicant must show the area to be banked on the overall site plan and marked as "Land Banked Future Parking".

3. **Conditions.** The Planning and Zoning Commission may impose such conditions and restrictions upon the premises benefited by a Variation as may be necessary to comply with the standards established in this subsection to reduce or minimize the effect of such Variation upon other property in the neighborhood and to better carry out the general intent of this title.

4. **Procedure.** The variation process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

a. **Plan Council.** The Plan Council shall review the variation request and report to the Planning and Zoning Commission its findings and recommendations.

b. **Economic Development Committee.** The Economic Development Committee shall review the variation request and report to the Planning and Zoning Commission its findings and recommendations.

c. **Planning and Zoning Commission.** The Planning and Zoning Commission shall hold a public hearing on the application. The Planning and Zoning Commission shall report to the City Council its findings and recommendations, including the recommended stipulations of conditions and guarantees as part of the approval.

d. **City Council.** The application shall be reviewed by the City Council to ensure that the application meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the application.

5. **Expiration and Lapse of Approval.** Where a Variation has been granted pursuant to the provisions of this section, such approval shall become null and void unless construction thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Zoning Administrator.

## 10-8-10. Appeals

A. **Purpose.** An Appeal may be taken to the Planning and Zoning Commission for any order, requirement, decision, interpretation, or determination of the regulations of this title made by the Zoning Administrator by any individual aggrieved by the action taken under. The Planning and Zoning Commission shall hear the Appeal, hold a public meeting, and render a decision.

B. **Initiation.** An Appeal may be taken within thirty (30) days of the action of the Zoning Administrator by filing a notice of Appeal specifying the grounds thereof, who shall forward such Appeal to the Planning and Zoning Commission.

C. **Procedure.**

1. **Planning and Zoning Commission.** The Planning and Zoning Commission shall review the Appeal at a regularly scheduled meeting. The Planning and Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination relating to this title, made by the Zoning Administrator subject to the criteria in Section 10-8-10(D).

D. **Appeal Review Criteria.** An Appeal of administrative decisions shall be granted only if the Planning and Zoning Commission makes one of the following findings.

1. The decision constituted an erroneous application or interpretation of this UDO.

2. The decision constituted an abuse of the administrative official's discretion to interpret or apply this UDO.

3. The decision was rendered based upon an erroneous material fact.

E. **Record of Action.** The Planning and Zoning Commission's decision shall be filed and recorded with the City Clerk.

## 10-8-11. Text Amendments

A. **Initiation of Text Amendments.** Text Amendments to this UDO may be proposed by the Mayor and City Council, the Planning and Zoning Commission, City staff, majority beneficiary of land trust, contract purchaser, any property owner, or an authorized agent.

B. **Text Amendment Review Criteria.**

1. The proposed Text Amendment is consistent with the purpose of this UDO and the City's Comprehensive Plan.

2. The Text Amendment will not adversely affect the public health, safety, or general welfare.

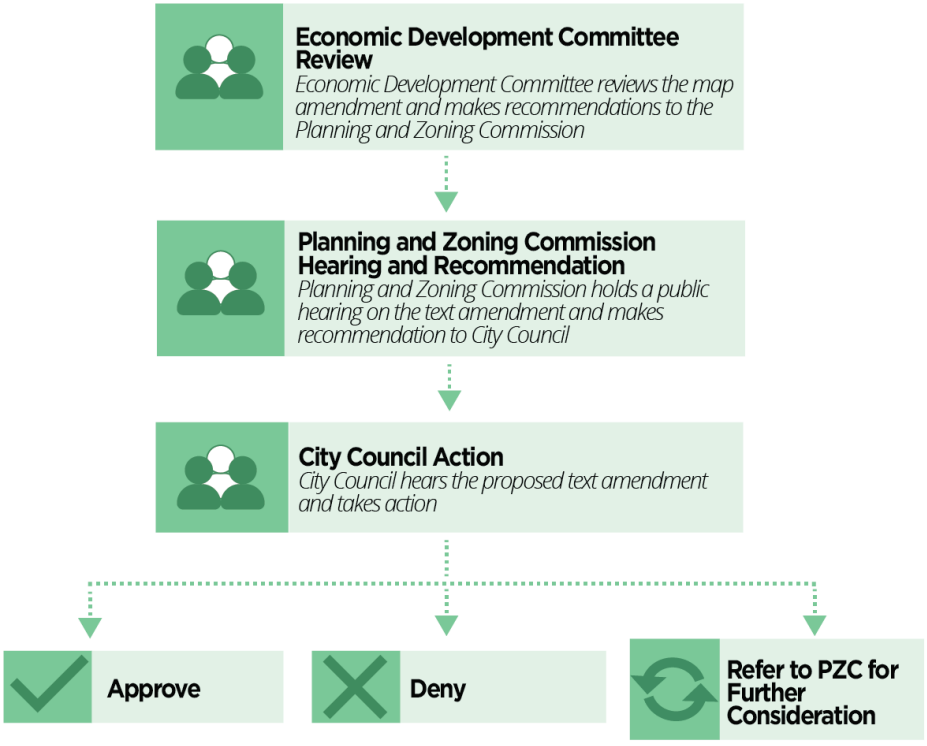
C. **Procedure.** The text amendment process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

1. **Economic Development Committee.** The Economic Development Committee shall review the text amendment request and report to the Planning and Zoning Commission its findings and recommendations.

2. **Planning and Zoning Commission.** The Planning and Zoning Commission shall hold a public hearing on the application. The Planning and Zoning Commission shall report to the City Council its findings and recommendations, including the recommended modifications and guarantees as part of the approval.

3. **City Council.** The City Council, upon receiving the recommendation of the Planning and Zoning Commission, may approve or deny a proposed Text Amendment in accordance with applicable Illinois Statutes or may refer to the Planning and Zoning Commission for further consideration.

***Figure 8.4. Text Amendment Procedure***



## 10-8-12. Map Amendments

A. **Initiation of Amendments**. Map Amendments may be proposed by the subject property owner, the Mayor and City Council, the Planning and Zoning Commission, Zoning Administrator, or another City official.

B. **Map Amendment Review Standards.** The Planning and Zoning Commission shall approve Map Amendments only if the following standards are satisfied.

1. The proposed Map Amendment is consistent with the Comprehensive Plan and the purposes of this UDO.

2. The proposed Map Amendment is consistent with the Comprehensive Plan and the purposes of this UDO.

3. The proposed Map Amendment is consistent with the existing and planned uses and zoning of nearby properties.

4. The subject property is suitable for the purposes of the proposed zoning district.

5. The proposed Map Amendment will not result in an individual parcel zoned in one zoning district that is not shared by any adjacent parcels, and

6. The proposed parcel(s) to be rezoned shall meet the minimum frontage and area requirements of the requested zoning district as specified in Section 10-3-9(A).

C. **Procedure.** The map amendment process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

1. **Plan Council.** The Plan Council shall review the map amendment request and report to the Planning and Zoning Commission its findings and recommendations.

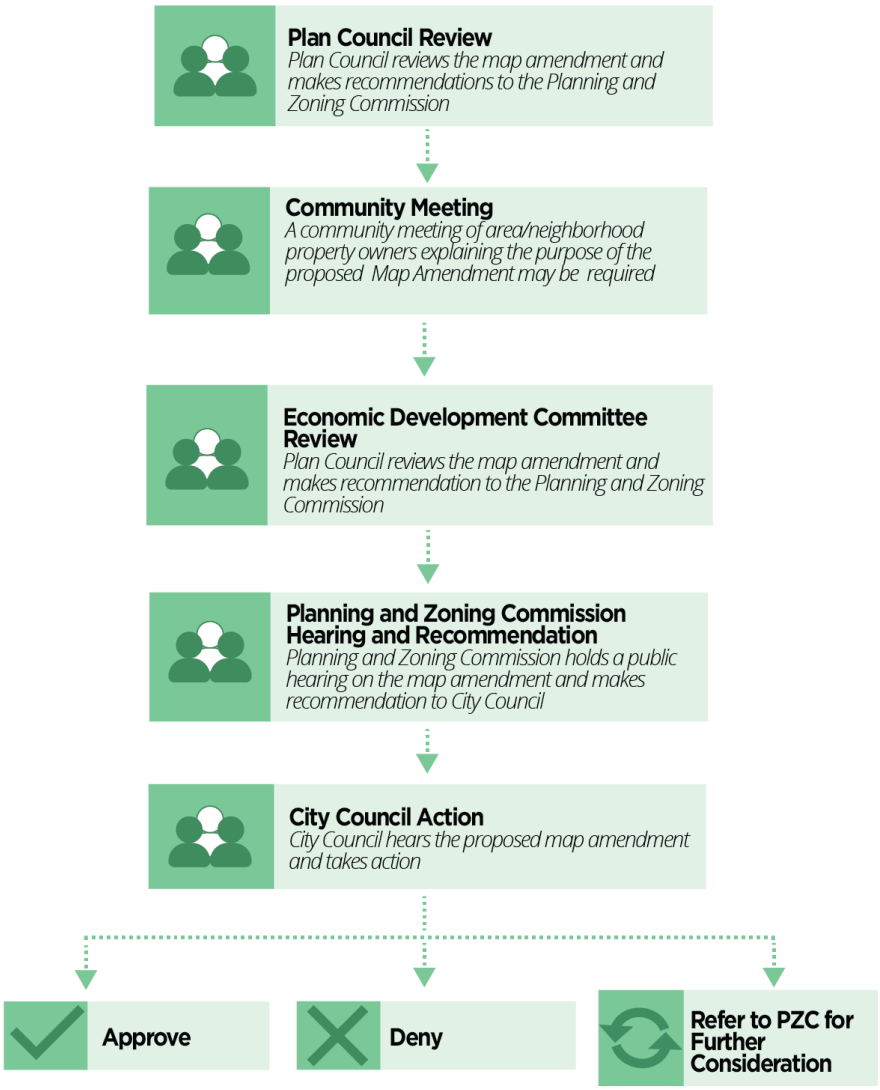
   a. A community meeting of area/neighborhood property owners explaining the proposed Map Amendment conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission public hearing date.

2. **Economic Development Committee.** The Economic Development Committee shall review the map amendment request and report to the Planning and Zoning Commission its findings and recommendations.

3. **Planning and Zoning Commission.** The Planning and Zoning Commission shall hold a public hearing on the application. The Planning and Zoning Commission shall report to the City Council its findings and recommendations.

4. **City Council.** The City Council, upon receiving the recommendation of the Planning and Zoning Commission, may approve or deny a proposed Map Amendment in accordance with applicable Illinois Statutes or may refer to the Planning and Zoning Commission for further consideration.

*Figure 8.5. Map Amendment Procedure*



## 10-8-13. Annexations

A. **Petition for Annexation.** All Annexations shall be initiated by the filing of a petition with the Zoning Administrator. Such petitions shall be verified under oath by all the record title owners, including mortgage holders, of all the lands included within the Annexation.

B. **Procedure.** The annexation process will require the review of the following bodies unless otherwise determined by the Zoning Administrator:

1. **Plan Council.** Plan Council shall review the application for annexation and report to the City Council its findings and recommendations as part of the approval.

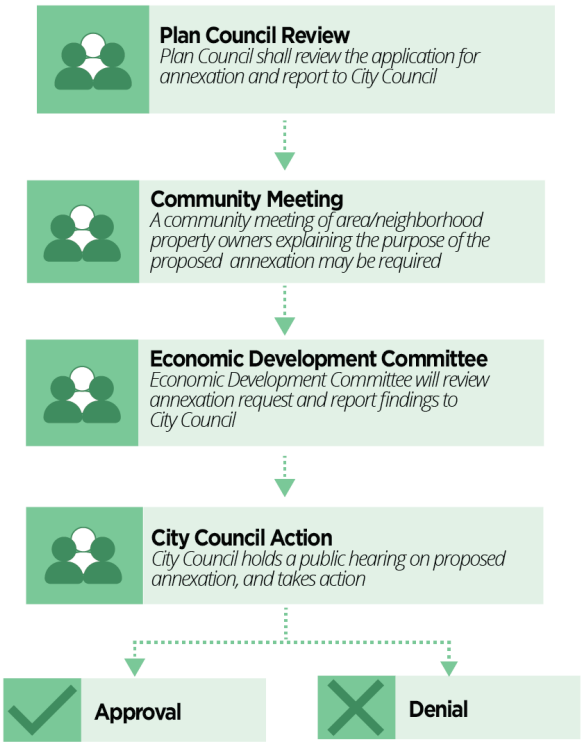
    a. A community meeting of area/neighborhood property owners explaining the proposed Annexation conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission public hearing date.

2. **Economic Development Committee.** The Economic Development Committee shall review the annexation request and report to the City Council its findings and recommendations.

3. **City Council.** The City Council shall hold a public hearing on the proposed annexation. The City Clerk shall publish notice of the public hearing as required in Section 10-8-4(B). City Council shall approve or deny a proposed by a majority vote in accordance with applicable Illinois Statute.

C. **Request for Zoning Map Amendments.** All petitions for Annexation agreement requesting a zoning classification other than the R-1, Single-Family Suburban Residence Zoning District shall be processed in the same manner as a petition for a request for a Map Amendment as provided in Section 10-8-12 for lands within the jurisdictional limits of the City. All such requests for a Map Amendment or Variations shall be accompanied by the fees as provided in Section 10-7-9 of the Yorkville Code of Ordinances and the said fees shall be paid at the time of filing the petition for Annexation agreement.

***Figure 8.6. Annexation Procedure***



## 10-8-14. Economic Incentive/Development Agreement

A. **Petition for Economic Incentive/Development Agreement.** Economic Incentive and Development Agreements are negotiated between the municipality and the developer and/or owner on a project-by-project basis. Such items considered as part of an economic incentive or development agreement are the amount of tax sharing, timing of payments, performance and compliance requirements and any other details. Applications will be evaluated on the merits of their impact to create or maintain jobs; further development; strengthen the commercial or industrial sector; enhance the tax base; and be in the overall best interest of the municipality.

B. **Procedure.** The economic incentive/development agreement process will require review of the following bodies unless otherwise determined by the Zoning Administrator:

1. **Plan Council.** The Plan Council shall review the economic incentive/development agreement request and report to the City Council its findings and recommendations.

2. **Economic Development Committee.** The Economic Development Committee shall review the economic incentive/development agreement request and report to the City Council its findings and recommendations.

3. **City Council.** The City Council, upon receiving the recommendation of the Economic Development Committee, may approve or deny a proposed economic incentive/development agreement in accordance with applicable Illinois Statutes or may refer to the Economic Development Committee for further consideration.

***Figure 8.7. Economic Incentive/Development Agreement Procedure***



# Chapter 9. Nonconforming Buildings, Structures, and Uses

10-8-1. Continuance of Uses and Structures ..... 1
10-8-2. Nonconforming Uses ..... 1
10-8-3. Nonconforming Structures ..... 2
10-8-4. Elimination of Nonconforming Buildings, Structures, and Uses ..... 3
10-8-5. Exempted Buildings, Structures, and Uses ..... 3

## 10-8-1. Continuance of Uses and Structures

A. Any lawfully established use of a building or land on January 1, 2024, including any use which is rendered nonconforming by a subsequent amendment to this title, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued subject to the provisions of this chapter.

B. Any lawfully established building or structure on January 1, 2024, including any building or structure which is rendered nonconforming by a subsequent amendment to this title, that does not conform to the regulations for the district in which it is located shall be deemed to be a legal nonconforming building or structure and may be continued in use subject to the provisions of this chapter.

## 10-8-2. Nonconforming Uses

A. **Relocation**. A nonconforming use shall not be relocated in whole or in part to any other location on the same property or to any other property unless the nonconforming use complies with all of the regulations of the zoning district into which it relocates.

B. **Change in Use.** A nonconforming use of land shall not be changed to any other use except to a land use, specifically enumerated in the list of permitted uses for the zoning district in which the land is located. Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use.

C. **Expansion.** A nonconforming use shall not be extended, expanded, enlarged, or increased in any manner including, but not limited to, the following:

1. A nonconforming use that does not involve a structure or which is accessory to the nonconforming use of a structure shall not be expanded or extended to any land area not occupied by such nonconforming use.

2. A nonconforming use shall not be expanded within a structure to any portion of the floor area that was not occupied by such nonconforming use. A use permitted in the district in which it is located may expand in a nonconforming structure.

D. **Abandonment.** A nonconforming use of any land or structure, including any accessory uses, shall not be reestablished subsequent to abandonment as follows:

1. Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a

nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.

2. Where there is a change in use, regardless of whether or not such change was made in compliance with all applicable codes and ordinances, the nonconforming use of any land or structure shall not be reestablished. Any subsequent use of such land or structure shall comply with the regulations of the zoning district in which it is located and with the provisions of the other titles of this UDO.

3. Where no building or structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.

## 10-8-3. Nonconforming Structures

A. **Relocation.** A nonconforming structure shall not be relocated in whole or in part to any other location on the same property or to any other property unless the nonconforming structure complies with all of the provisions of this UDO.

B. **Maintenance, Repair, Alteration and Enlargement.**

1. A nonconforming structure which is designed or intended for a use that is not permitted in the zoning district in which it is located may be maintained or repaired, not including structural alterations, subject to compliance with all of the regulations of the zoning district in which it is located and with the provisions of the other titles of this Code, but such nonconforming structure shall not be altered or enlarged, unless such alteration or enlargement and the use thereof, conform to all of the regulations of the zoning district in which it is located, and does not extend or intensify the nonconforming use.

2. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

   a. When the alteration is required by law, or

   b. When the alteration will actually result in elimination of the nonconforming use, or

   c. When a building is in a residential district containing residential nonconforming uses, it may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

3. A nonconforming structure which is nonconforming only with respect to the bulk regulations for the zoning district in which it is located may be maintained, repaired, altered, or enlarged, provided that the maintenance, repair, alteration, or enlargement does not establish any additional nonconformity and complies with all of the regulations of the zoning district in which it is located and the provisions of the other titles of this UDO.

C. **Damage and Destruction.**

1. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its fair market value prior to such damage, the building or other structure can be rebuilt or used thereafter only for conforming principal and accessory uses and in compliance with the provisions of the district in which it is located.

2. In the event the damage or destruction is less than fifty (50) percent of its market value, the building or structure may then be restored to its original condition and the occupancy or use of such building or structure may be continued which existed at the time of such partial destruction.

3. In either event, restoration, or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and completed within twenty-four (24) months.

4. The methodology for determining the extent of damage with regard to fair market value shall be as recommended by the Zoning Administrator and approved by the City Administrator.

## 10-8-4. Elimination of Nonconforming Buildings, Structures, and Uses

The period of time during which the following nonconforming uses, buildings, or structures may continue or remain nonconforming shall be limited from January 1, 2024, or when any use, building or structure is rendered nonconforming by a subsequent amendment to this title. Every such nonconforming use, building or structure shall be completely eliminated or removed from the premises at the expiration of the period of time specified below:

A. Any nonconforming use of a building or structure having an assessed valuation not in excess of five hundred (500) dollars shall be removed after two (2) years.

B. All nonconforming advertising devices, such as pennants, flags, movable signs, or portable outdoor displays in any business district shall be removed after two (2) years.

C. Any nonconforming signs and any and all billboards and outdoor advertising structures shall be removed after five (5) years.

D. Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building, shall be removed after a period of two (2) years.

E. In all residence districts uses permitted only in the B-2 Mixed-Use Business and B-3 General Business Districts or the manufacturing districts, and which use is located in a building, all or substantially all of which is designed or intended for a residential accessory purpose, shall be entirely discontinued and shall thereafter cease operation in accordance with the following amortization schedule:

**Table 10-8-4(E): Amortization Periods**

| Description of Use | Amortization Period |
|---|---|
| Uses permitted in the B-2 and B-3 Districts | 15 Years |
| Uses permitted only in the Manufacturing Districts | 15 Years |

F. Requests for extensions to the elimination period may be sought before the City Council. In no case shall an extension be granted for a period longer than two (2) years.

## 10-8-5. Exempted Buildings, Structures, and Uses

Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located but is nonconforming only in the particular manner thereinafter specified, the building and use thereof shall be exempt from the requirements of Section 10-8-4 and Section 10-8-3(B) of this chapter as follows:

A. In any residence district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.

B. Legally nonconforming duplex units zoned R-2, Single-Family Traditional Residence District are exempt from subsection 10-15-3.C of this chapter; however if the total structure containing both units of the duplex building is damaged or destroyed by any means to the extent of seventy-five (75) percent or more of its fair market value prior to such damage, the building shall be rebuilt or used only for conforming principal and accessory uses in compliance with the R-2, Single-Family Traditional Residence District.

C. In any residence district where a use permitted in the B-1 Local Business District occupies ground floor space within a multi-family dwelling located on a corner lot.

D. In any business or manufacturing district where the use is less distant from a residence district than that specified in the regulations for the district in which it is located.

E. In any district where an established building, structure or use is nonconforming with respect to the standards prescribed herein for any of the following:

1. Lot coverage;
2. Lot size per dwelling unit;
3. Yards front, side, rear or transitional;
4. Off-street parking and loading;
5. Lot size;
6. Building height;
7. Gross floor area.

F. In any district, unless otherwise limited or restricted by an annexation agreement, agricultural uses that exist upon annexation of the property and become legal nonconforming shall continue to be legal nonconforming uses and shall not be subject to elimination by abandonment or amortization.

# Appendix A. Standard Specifications For Improvements

10-A-1. General Provisions ..... 1
10-A-2. Roads ..... 2
10-A-3. Sidewalk ..... 5
10-A-4. Drive Approaches ..... 5
10-A-5. Parkways and Park Sites ..... 6
10-A-6. Street Lighting ..... 6
10-A-7. Storm Sewer System ..... 8
10-A-8. Water System ..... 12
10-A-9. Sanitary Sewer System ..... 13
10-A-10. Traffic Study ..... 16
10-A-11. Driveway and Parking Lot Paving ..... 18

## 10-A-1. General Provisions

A. These Standards apply to all infrastructure improvements, and may be modified as needed upon the advice of the City Engineer for special identified situations or conditions. All contractors shall give the City Engineer's office a minimum 48-hour notice of all work and of all required approvals. Failure to obtain these required approvals will require extensive testing, removal and replacement, and a ban for a minimum of one year, from working on the City's right-of-way. Subdividers that have been unfaithful in previous City agreements or developments, or who owe the City payments, will not be allowed to have work performed for them within the public right-of-way. Resident engineering inspection shall be provided through the City Engineer's office, and all such costs shall be charged to the developer by the United City of Yorkville. Required written approvals will not be given until outstanding bills are paid in full. The developer's improvement Letter of Credit or other subdivision securities will also be liable for all such costs. The developer shall be responsible for layout and staking engineering, as well as for record drawings by a registered Professional Engineer. These Specifications for Improvements shall become a part of each and every project approved by the United City of Yorkville, and no other specifications will take precedence.

B. All improvements included in the United City of Yorkville's Standard Specifications for Improvements, unless noted herein, shall conform to the latest editions of the State of Illinois "Standard Specifications for Road and bridge Construction", the "Manual on Uniform Traffic Control Devices", and all amendments thereto. These documents shall be considered as included within the City of Yorkville Standard Specifications for Improvements, and in the case of a conflict of requirements, the most stringent shall apply.

C. Prior to starting construction of any project, the developer shall attend a pre-construction meeting and bring a representative from each contractor, a list of all contact persons that can be reached at any time, and a complete schedule of all work to be performed.

D. No work is to start until the City Engineer and the City Administrator have approved the engineering plans, and the pre-construction meeting has been held. The City Engineer must approve any changes to the approved plans in writing. The City Engineer or a representative will, upon discovery of improper material or·installation practices, issue a written document

to the contractor, stating that failure to stop and correct such deficiencies will- result in the City's refusal to accept such improvements to issue any further building permits, or to perform required inspections.

E. The subdivider shall obtain and keep in force insurance coverage for Worker's Compensation, and Employer's Liability, Commercial General Liability, Commercial Automobile Liability, and Umbrella Liability, as described in IDOT's "Standard Specifications for Road and Bridge Construction". The United City of Yorkville shall be named as an additional insured. The insurance coverage shall remain in effect until the City accepts the entire development.

F. The City will not consider acceptance of the public improvements in a development until it is at least fifty (50) percent built out, or three years after the roadway binder course is paved, whichever is sooner.

G. Blasting will not be allowed.

## 10-A-2. Roads

A. All roadways shall conform to the Illinois Department of Transportation (hereinafter termed IDOT) "Standard Specifications for Road arid Bridge Construction", unless modified herein. Horizontal and vertical geometric for right-of-ways and roadways shall conform to the City Standards, listed in Figure 2.

B. Surface course must not be placed until at least seventy- (70%) percent of the adjacent, private improvements are in place. However, in no case shall the surface course be placed until the binder course has been in place for at least one full winter season. In no case shall the surface course be delayed more than three (3) years after the binder course has been installed.

C. The sub grade shall be graded and compacted to a hard, uniform surface, matching the slopes of the surface course. It shall have no rutting and shall completely drain to the outer edges. It shall be proof rolled by the contractor with a fully loaded (gravel) 10-cubic yard dump truck and witnessed by and approved in writing by the City Engineer's representative (hereafter termed City Engineer) before proceeding to build the roadway. All unsuitable subgrade shall be removed and replaced with compacted, stable clay material or shall be replaced with compacted CA6 limestone on an approved, non-woven roadway fabric (6.5 oz. minimum). Other geo-grids may be required for certain conditions. All bituminous mixtures shall be delivered and handled so that the bituminous mixture immediately behind the paver screen is at or above 270 degrees F. All asphalt delivered to the project shall be covered when the temperature is at or below 70 degrees F.

D. All subgrades, other than approved granular subgrades, shall be completely covered with a subgrade fabric (Amoco 4551 or approved equal), with a full 18 inches of overlap. Subgrade Fabric shall also be used on lime-stabilized sub grades. It shall be placed neat and tight, without wrinkles, tears, or defects. Construction equipment shall not be allowed to drive on the fabric until it has a minimum of four inches cover of granular base material. The City Engineer shall approve in writing the subgrade fabric installation prior to placing base material. The subgrade fabric shall extend a minimum of twelve inches beyond the back of each curb.

E. In areas where undercutting of the sub grade is required, the bottom of the excavation shall be lined with a woven geotextile (Amoco 2002 or approved equal) and backfilled with CA-3 aggregate.

F. The aggregate base course shall be compacted to a minimum of 95% Modified Proctor and shall be free of all dirt and debris. The course shall be proof rolled, as described above, and witnessed by and approved in writing by the City Engineer before proceeding to build the roadway. A bituminous prime coat shall be applied to the aggregate base course prior to paving.

G. The bituminous concrete binder course shall be placed only upon the written approval of the City Engineer. All asphalt must be laid utilizing a good-quality, properly-functioning, tracked or wheeled asphalt laying machine, utilizing fully-automatic, electronic sensing control from a stringline for the initial course, and from a minimum fifteen (15 ') foot ski for all other lifts. The bituminous binder course shall be proof rolled as described above, and witnessed by, and approved in writing, by the City Engineer before proceeding with the surface course. All repairs must be made as directed by the City Engineer. All bituminous pavement patches shall be at least fifty (50%) percent thicker than the pavement being patched.

H. Also, the binder course shall be bump tested by the contractor, and witnessed by the City Engineer, and all areas exceeding one-half inch (1/2") bumps, including header joints and any patch joints, shall receive a leveling course prior to surfacing. Areas of excessive patching will automatically receive a level course prior to surfacing. Prior to any leveling course or surface course, the streets shall be flushed clean and free of all dirt and debris. A bituminous tack coat will be required. Minimum temperature requirements for laying asphalt will be 5 degrees F higher than that allowed by IDOT specifications.

I. The bituminous concrete surface course shall be placed only upon the written approval of the City Engineer. All asphalt must be laid utilizing good-quality, properly functioning, tracked or wheeled asphalt laying machine, utilizing fully automatic, electronic sensing control from a minimum 15-foot ski. Tue surface course shall be bump tested by the contractor and witnessed by the City Engineer. All bump test penalties specified by IDOT specifications shall be quadrupled, and areas that have an excessive amount of one-half inch (1/2") bumps shall be completely removed and replaced, not just the bump itself. Minimum temperature requirements for laying bituminous surface course will be five (5) degrees F higher than that allowed by IDOT specifications. The surface elevation of the asphalt at the concrete gutter shall be ¼ inch higher than that of the adjacent concrete. All streets shall have a cross slope of 2% from the centerline to the concrete curb.

J. Areas of segregated binder course and/or surface course shall be removed and replaced at the direction of the City Engineer. Segregated asphalt is the uneven distribution of course and fine materials in the asphalt characterized by pavement textures different from the surrounding material, and can usually be seen by the naked eye.

K. Pavements constructed from Portland Cement Concrete shall be designed in conformance with American Concrete Pavement Association Publications IS 184P and IS 061P, as amended.

L. Combination concrete curb and gutter will be required- on all roadways. All curb and gutter shall be placed on an aggregate base with a minimum thickness of four inches, but in no case shall the curb and gutter sub grade be higher than one inch below the adjacent roadway subgrade. The height of the gutter flag shall be ten (10") inches, unless directed otherwise by the City Engineer. As noted previously, the roadway subgrade fabric will extend over the curb and gutter subgrade, and beyond by a minimum of twelve (12") inches. Tue concrete curb and gutter shall be reinforced with two #4 deformed bars, placed three (3") inches from the bottom, spaced twelve (12") inches apart, centered on the total width of the curb and gutter. Machine-placed concrete curb and gutter is to be utilized wherever practical, utilizing a minimum Class X concrete, and a five (5%) percent minimum air-entrainment. Plastizers will be allowed, but chlorides will not. An approved spray-on curing compound with red fugitive coloring shall be applied immediately after finishing, and a sealer, WR Meadows TIAC, or approved equal, shall be applied after seven days. The resident engineer shall be notified of these applications, and proof of purchase, with material specifications, will be required. Tue concrete curb and gutter shall have the required slip bar expansion joints, and¾ inch deep sawed contraction joints will be required every 15-20 feet, within 24 hours after each pour. Minor honeycombing on the two outer, vertical surfaces will be allowed, but they must be patched in an approved manner, and witnessed by the City Engineer, prior to backfilling. The clay backfill behind the curb shall be placed and compacted prior to placing aggregate b□e course.

M. Roadway extensions and stubs will be required as part of the development, with full improvements where needed, for future growth. Additional lanes, access improvements, traffic signalization, etc., may be required, at the developer's expense. The developer shall reimburse the City for two of each street name and regulatory signs and posts required, and the City will install them. All signs shall be high-intensity, as approved by the Director of Public Works. All pavement markings shall be thermoplastic. The developer shall reimburse the City for the cost of replacing any signs that are missing, stolen, or damaged prior to final acceptance.

N. The developer, to comply with these Standard Specifications for Improvements, shall improve existing roadways running through, or adjacent to, the development.

O. Half-streets are discouraged, but where they are necessary, on advice of the City Engineer, the minimum width street will be twenty-four (24') feet from the edge of pavement to the back of curb, on the development side of the roadway. Street lighting, sidewalk, and landscaping on the development side will be required. Temporary tee tum-arounds will be required on all streets stubbed for future roadway extension, as recommended by the City Engineer, and shown on the Final Plat. Paving for the tee will extend from right-of-way line to right-of-way line, to a length of fifteen (15 ') feet, and two radii of fifteen (15') feet. The pavement beyond the road edge shall be three (3") inches of bituminous concrete surface course, on a

ten- (1 0") inch CA6 aggregate-compacted base, with pavement fabric. Concrete c□b and gutter will not be required around the tee, and sidewalk will not required through the tee. The developer extending the street in the future shall remove the excess paving and base, place topsoil, and seed the area disturbed, construct the additional curbing so that the curb and gutter is continuous and uninterrupted from one development to another, and resurface for a distance of thirty (30') feet, including header joints, as approved by the City Engineer.

P. When a development includes construction along State and County highways, or other heavily traveled road, the developer shall post advance-warning signs. The developer shall consult with the Yorkville Police Department concerning the types and locations of signs, and shall obtain a permit from the appropriate jurisdictional agency prior to erecting the signage.

Q. The City may require the roadway design to include traffic-calming measures. These measures may include, but not be limited to, curvilinear roadway layout, landscaping beyond the requirements of the Landscape Ordinance, traffic tables, and fog lines.

R. If a development includes the construction or modifications of traffic signals, the new signals shall be designed to have light-emitting diode (LED) lights. The traffic signal shall also have a battery backup device.

S. All new roadways shall be designed in accordance with IDOT Circular 95-11, or the most recently adopted IDOT standard for the design of flexible and full-depth bituminous pavements. The following minimum design criteria shall be used when applying the design method:

| | |
|---|---|
| Design period = 20 years | Class II Roadway |
| Traffic Factor Equations for 80,000 lb. | 2.0% traffic growth rate |
| Vehicles AC viscosity of AC-20 | Subgrade Support Rating of Fair |

T. **Local Residential Roadways**. Local Residential Roadways are intended to carry an average daily traffic (ADT) volume of less than 1000. The right-of-way width shall be 66 feet. The bituminous .concrete surface course shall be a minimum of 1.5 inches in thickness of Class "I" Superpave mixture. The bituminous concrete binder course shall be a minimum of 2.5 inches in thickness. The aggregate stone base shall be 10 inches in thickness of clean, crushed CA-6 gradation gravel or limestone. The roadways shall be bound with B-6.12 combination concrete curb and gutter to a width of thirty feet from back of curb to back of curb (B-B). The street radius for all intersecting streets shall be a minimum of thirty feet to the back of curb. The edge of pavement shall be cleaned and sealed with rubberized asphalt cement hot-poured joint sealer.

U. **Estate Residential Roadways**. Estate Residential Roadways are intended to carry an average daily traffic (ADT) volume of less than 1000. The right-of-way width shall be 70 feet. The bituminous concrete surface course shall be a minimum of 1.5 inches in thickness of Class "I" Superpave mixture. The bituminous concrete binder course shall be a minimum of 2.5 inches in thickness. The aggregate stone base shall be ten inches in thickness of clean, crushed CA-6 gradation gravel or limestone .. The roadway surface shall be 28 feet wide with two 12.5-foot wide through-lanes. The lane edges shall be striped with a four-inch thermoplastic pavement marking. The roadway up to and including the aggregate stone base shall be 32 feet wide to provide a 2-foot wide aggregate shoulder (nominal thickness of at least 12 inches), and also to allow for future widening. Mailbox turnouts will be paved, using driveway specifications to determine thickness.

V. **Minor Collector Roadways.** Minor Collector Roadways are intended to carry 1000-2500 ADT. The right-of-way width shall be 70 feet. The bituminous concrete surface course shall be a minimum of 1.5 inches in thickness of Class "I" Superpave mixture. The bituminous concrete binder course shall be a minimum of 4.5 inches in thickness. The aggregate stone base shall be 12 inches in thickness of clean, crushed CA-6 gradation gravel or limestone. The roadways shall be bound with B-6.12 combination concrete curb and gutter to a width of 34 feet B-B. The street radius for all intersecting streets shall be a minimum of thirty feet to the back of curb. Minor collector roadways may provide direct access to adjacent private lots. The edge of pavement shall be cleaned and sealed with rubberized asphalt cement hot-poured joint sealer.

W. **Collector Roadways and Commercial/Industrial Roadways.** Collector Roadways are intended to carry 2500--12,000 ADT. The right-of-way width shall be 80 feet. These design standards shall also apply to all roadways directly serving

commercial or industrial zoned areas. The bituminous concrete surface course shall be a minimum of 1.5 inches in thickness of Class "I" Superpave mixture. The bituminous concrete binder course shall be a minimum of 4.5 inches in thickness. The aggregate stone base shall be 12 inches in thickness of clean, crushed CA-6 gradation gravel or limestone. The roadways shall be bound with B-6.12 combination concrete curb and gutter to a width of39 feet B-B. The street radius for all intersecting streets shall be a minimum of 40 feet to the back of curb. Collector roadways shall not provide direct access to adjacent lots in residential-zoned areas. The edge of pavement shall be cleaned and sealed with rubberized asphalt cement hot-poured joint sealer.

X. **Major Collector Roadways**. Major Collector Roadways are intended to carry more than 12,000 ADT. The right-of-way width shall be 100 feet. The bituminous concrete surface course shall be a minimum of 1.5 inches in thickness of Class "I" Superpave mixture. The bituminous concrete binder course shall be a minimum of six inches in thickness (2 lifts required). The aggregate stone base shall be 16 inches in thickness of clean, crushed CA-6 gradation gravel or limestone. The roadways shall be bound with B-7 .18 combination concrete curb and gutter to a width of 51 feet (four 12-foot lanes) B-B. The City Engineer may require an additional 12-foot center tum lane, as deemed appropriate. The street radius for all intersecting streets shall be a minimum of 50 feet to the back of curb. The edge of pavement shall be cleaned and sealed with rubberized asphalt cement hot-poured joint sealer.

Y. An alternative bituminous base course may be approved by the City Engineer, and B6-18 or B6-24 combination concrete

Z. **Boulevards.** Boulevard-style roadways shall have a minimum width of 28 feet B-B for approaches to intersections. The minimum pavement width in other areas shall be 20 feet B-B.

## 10-A-3. Sidewalk

A. Non-reinforced, concrete sidewalks will be required on both sides of all roadways. They shall be a minimum of four (4') feet wide where four (4') feet wide walks now exist, and five (5') feet wide in all other locations. All sidewalks shall be five (5;') inches in thickness. They will be a minimum of six (6") inches in thickness across driveway approaches. All sidewalks shall have an aggregate base of CA 7, with a minimum thickness of two inches (five inches across driveway approaches). All concrete shall be Class X, with a minimum of five (5%) percent air-entrainments. Sidewalks shall slope two (2%) percent towards the street. Approved curing and sealing compounds are required, as specified previously for concrete curb and gutter. The back of the sidewalk shall be placed twelve (12") inches from the right-of-way line, unless directed otherwise. The sidewalk shall have a light broom finish. Formed contraction joints are required, at a spacing of five (5') feet. Expansion joint material, one-half inch in thickness, and full-depth, shall be placed every 100 feet. The subgrade for the sidewalk shall be uniform, neat, and compacted to a minimum 90% modified proctor.

B. Spalling or chips will not be allowed to be patched. All such areas will be removed from contraction joint to contraction joint, and replaced. All sidewalks will be in place prior to acceptance of the public improvements by the City, which includes in front of vacant lots. These areas must be protected during future construction.

C. No sidewalks are required in Estate-residential subdivisions. However, in the event sidewalks are not provided, a paved trail that abuts every lot must be provided, that meets the City's standards, specifically a ten (10') foot width, with an exit and entrance identification, consisting of two (2") inches of asphalt on eight (8") inches of CA6 aggregate. Dedicated easements at least fifteen (15') feet wide must be provided for the trail.

## 10-A-4. Drive Approaches

A. Drive approaches must be constructed to one of the following:

1. Six inches, minimum of Class X concrete, with a minimum of five (5%) percent air-entrainment, over six inches minimum CA6 aggregate base over a 90% modified proctor compacted subgrade, with curing and sealing treatments, as specified above, under concrete curb and gutter. Expansion joint material, one-half (1/2") thick find full-depth, shall be installed at the curb and at the sidewalk.

2. Two inches, minimum of Class I bituminous concrete surface course, over a minimum base of eight (8") inches of CA6 aggregate over a 90% modified proctor compacted subgrade. The concrete sidewalk will be constructed through the drive approach, and any construction damage to the concrete sidewalk or curb will cause removal and replacement of those improvements. Drive approaches will not be constructed steeper than eight (8%) percent.

3. In Estate-residential subdivisions, all driveways must be paved with brick, asphalt, or concrete, and must have a concrete culvert with flared end sections. Culvert diameter shall be twelve (12") inches or greater, as required by the City.

## 10-A-5. Parkways and Park Sites

A. All parkways, park sites, and other open spaces shall be landscaped and designed in accordance with the City of Yorkville' s Landscape Ordinance and the Park Development Standards, as amended from time to time.

B. Any existing trees within a development deemed by the Parks Department and Public Works Department to be dead, dying, or of an undesirable species shall be removed by the developer. The developer shall not remove or cut down any trees without the prior consent of the Parks Department and Public Works Department, or as indicated in the approved landscape plan.

## 10-A-6. Street Lighting

A. All streets shall have a complete street lighting system designed by a professional engineer. A street light will be required at all intersections, all curves, at all ends of cul-de-sacs, and at a maximum spacing of 300 feet. In Estate-residential subdivisions, street lights shall be required at intersections, and at a maximum spacing of 500 feet, with lights also placed at curves and a he end of dead-end streets. The poles shall be concrete with butt-type foundations. The City Engineer may require a streetlight to be placed at other points, as may be necessary in the public interest in unusual or special conditions. They shall be located at side lot lines, and on the opposite side of the street from the' water main, wherever possible, and shall be set two feet from back of curb to face of pole. Occupancy permits cannot be issued until all streetlights in that phase of the development are installed, complete, and operational.

B. AU exterior lighting of private property in new developments shall be designed, located, and mounted at heights no greater than twenty (20') feet above grade for non-cutoff lights, and forty- (40') feet above grade for cutoff lights. The lighting plan, photometrics, and shop drawings for lighting equipment shall be submitted prior to issuance of a building permit. Glare shall be minimized to the extent practical by orienting lights away from the public right-of-way and abutting properties, or by planting vegetation to provide screening. Exterior lighting shall be designed, located, and mounted so that the maximum illumination measured horizontally at the lot line does not exceed one (l ') foot-candle.

C. **Light Distribution.** Luminaries of the Type II distribution as approved by the Illuminating Engineering Society (herein termed IES) shall be used, except at intersections where Type II or Type IV IES distribution shall be used. The City Engineer may designate the IES Type V distribution luminaries be used in the public interest under unusual or special conditions.

D. **Individual Control.** On individual control of lights, the photoelectric control shall be mounted on top of the luminaire.

E. **Line Drop.** Voltage drop shall be no greater than three (3%) percent from power supply to the last pole, with no wire size smaller than No. Six (6) Type RHH or RHW Underground Service Cable (USC). All streetlights shall operate at 120 volts, except for those on major streets.

F. **Power Supply Location.** Connection to the power supply shall be made to comply with Commonwealth Edison Company rules and regulations, as amended fro time to time.

G. **Conduit.** All driveways, street, and sidewalk crossovers shall have two (2") inches of HD PVC conduit, used as raceways for underground cable.

H. **Underground Cable.** All underground cable shall be direct-buried cable, placed at a depth at least thirty-(30") inches below the normal finished grade. Three cables (Black, White, Green) shall be run from the pole to the power supply. Any underground cable broken more than once prior to Final Acceptance shall be replaced from the power source to the pole or from pole to pole.

I. **Splices.** All cable on the underground cable section shall be continuous, and no splicing shall be made underground. All necessary splices shall be made above ground level.

J. **Underground Cable Location.** Underground cable shall be installed in a trench not less than two feet from the back of the curb, except that in no case shall the underground cable be installed under the sidewalk.

K. **Grounding.** A copper-clad ground rod shall be placed at each pole. The rod shall be minimum 5/8-inch diameter, and ten (10') feet long.

L. **Fusing.** All underground feeders shall be fused at or below their rated capacity. Each standard shall contain in-line fuse holders, with proper fusing in series with each underground conductor to protect the luminaire located on that pole.

M. **Maintenance Prior to Acceptance.** Once streetlights are operational, the Yorkville Public Works Department shall perform normal maintenance, even though the Yorkville City Council has not accepted the streetlight system. Normal maintenance consists of investigating the cause of an outage, and repairing it if the cause is a burned out lamp, fuse, or photocell. All other repairs shall be referred to the developer. The cost of performing normal maintenance prior to acceptance by the Yorkville City Council shall be paid from a "Streetlight Normal Maintenance" deposit established by the developer prior to recording the Final Plat. The deposit shall be $300.00 per pole, or other such amount, as may be determined by the Yorkville City Council, from time to time. If the deposit proves insufficient, the developer shall replenish the deposit within thirty- (30) days of written request by the City Engineer. The Yorkville City Council shall return any unused funds to the developer upon acceptance of the streetlight system.

N. **Streetlight Standard and Bracket.** Local streets shall use 906 B 19-AD4, American Concrete Company pole and bracket, or approved equal. Luminare shall be mounted 19'9" above the street, shall have a four-(4') foot arm. The pole s.hall be buried a minimum of five (5') feet below grade and backfilled with crushed CA6 limestone, watered, and compacted around the butt of the pole. The bracket is to be furnished with the pole.

1. The luminare shall be a General Electric Company No. M2RR1551N2AMS3F, or approved equal with the 1-1/4" side mount built-in ballast. The luminaries shall be fitted with General Electric Company "Lucalox" high-pressure sodium lamps LU 150/55/D, or approved equal, with GE Company ANSI specification "S55" high-pressure sodium ballasts (or approved equal) or American Electric 115 15-S-RN-120-R2-DA- 4B.

O. **Major Collector Street.** The lighting pole shall be Stress Crete E340-BPO-G, with Style 210 low rise tapered aluminum davit, or approved equals. The davit outreach length shall be eight (8') feet. The luminaire shall be mounted thirty (30') feet above the street. The pole shall have an embedment depth of five (5') feet and be backfilled with CA 6 limestone.

1. The streetlight system shall be operated through controller(s) in ground-mounted cabinets. The controller and luminaire shall operate at 240 volts. The controller shall be housed in a pad-mounted Type NEMA 3R enclosure. The exterior of the cabinet shall have a bronze tone powder-coat finish. The approximate dimensions of the cabinet shall be 42"H x 36"W x 12"D. A Com Ed meter socket shall be provided on the exterior of the cabinet.

2. The manufacturer or distributor shall guarantee streetlight standards, luminaries, ballast, lamps, and cables for their proper use, for one year, from the date of acceptance.

P. **Testing.** The subdivider shall manually trigger the photocell in order to have each street light bum continuously for at least 48 hours. During this bum test, amperage readings shall be taken, and must be within ten (10%) percent of the connected load, based on equipment ratings.

Q. **Parking Lot Lighting.** Parking lots in areas zoned Business, Residential, or Office-Research, shall be provided with lighting necessary to achieve a minimum average of 2.0 foot-candies, as measured across the entire parking lot, and a maximum of

1.0 foot-candles, as measured at the adjoining property lines. Parking lots in areas zoned Manufacturing shall have a minimum average lighting intensity of one foot-candles, per square foot. Lighting shall be designed to avoid casting direct light or glare onto adjacent residential property.

## 10-A-7. Storm Sewer System

A. A complete storm sewer system shall be required; consisting of closed conduits to an approved storm water storage system. All storm sewers within the public right-of-way and easements parallel to and adjacent to public right-of-way shall be reinforced concrete pipe (RCP), with a twelve (12") inch minimum diameter. Storm sewers in rear yards and side yards may be high-density polyethylene (H.D.P.E.) of a manufacturer and design, to be approved by the City of Yorkville. All roadways will have a system of inlets/catch basins, tied directly to the storm sewer. These storm water collection locations will be on both sides of the street, with a maximum longitudinal flow interval of 300 feet. All such collection points will be an inlet except the last structure before entering a storm sewer main shall be a catch basin with a two-foot sump. Catch basins or open-lid structures shall not be located over the sewer main. All backfill is to be a CA 7 aggregate. All storm sewer roadway crossings from structure to structure must be backfilled with CA7 aggregate and completely encapsulated in an approved drainage fabric. In this manner, the curb subgrade, the storm crossings, and the inlets and catch basins create a roadway underdrain system for longer roadway life.

B. The City may require that storm sewers be constructed along the centerline of individual roadways at certain locations. Those locations shall normally be limited to within 100 feet of the lowest sag vertical curve of a roadway. Where these locations occur within a horizontal curve of the roadway, storm manholes shall be pf aced at the centerline of individual roadways.

C. If subgrade conditions are excessively sensitive to moisture or other special conditions, a capped, perforated, plastic underdrain may be required under the curb and gutter. All storm water conduits 12" diameter and larger shall be 'internally televised in color just prior to City acceptance, and shall be free of defects, sags, dirt, and debris. All non-RCP storm sewers shall also be mandrel tested (similar to sanitary sewer testing) just prior to City acceptance. All parking lots shall be drained internally, and directed by pipe to the storm sewer. Storm sewers shall extend to the limits of the development with proper sizing, as approved by the City Engineer, based upon current and future runoff conditions, to pick up and safely carry through the development any and all upstream bypass flows.

D. All new homes with basements or crawl spaces shall have a direct, underground conduit to the storm sewer system. Fill-in lots in areas with no storm sewer within 500 feet shall not be required to have this direct connection. Minimum depth of cover for these lines shall be 30 inches. All discharges shall have an approved automatic diverter calve immediately outside the house and a check valve inside the house. Multiple collection lines of four inch and six inch HD PVC will be allowed by an approved design. Terminal and junction points shall be at two-foot diameter precast concrete inlets with open-lid castings. The pipe from the house shall be a 2" minimum HD PVC with cemented joints. The connection to the storm sewer shall be through a neat, tight fitting, bored hole into the concrete pipe. After insertion of the sump pump discharge pipe into the concrete storm sewer pipe, the joint shall be sealed with hydraulic cement. In no case shall the sump pump discharge pipe extend beyond the inner surface of the concrete storm sewer pipe. Connections, however, shall be into a structure wherever practical.

E. Individual storm sewer services shall not be required in areas of the development where soil and ground water conditions indicate that sump pumps would run very infrequently. If the developer does not wish to install storm sewer services, he shall perform soil borings at regular intervals (300' to 400' grid typical) during the Final Plan preparation stage, to determine soil types and ground water elevations. Boring locations are subject to approval by the City. Each boring shall extend at least 20 feet below existing ground elevations and be referenced to the development benchmarks. If the boring logs show granular soil and also show ground water elevations at least five (5') feet below planned basement floor elevations, then individual storm sewer services shall not be required in that area of the development. During excavation of every basement in that area, the developer shall verify (with City representative present) that the granular soil and deep ground water conditions exist. If either condition is found not to exist at a building location, the developer shall construct a storm sewer service to that building, in conformance with these Standard Specifications.

F. The design of the storm water collection system shall be for a ten (10) year storm, running just full. The only exception to this is where the receiving storm water system has less capacity and here the new system of conduits shall be designed for a five (5) year event, running just full. The minimum velocity shall be 2.5 fps and the maximum shall be 8 fps. The storm sewer pipe shall have a minimum cover of three (3') feet. Storm sewer manholes shall be five (5') feet internal diameter, constructed of reinforced concrete, and shall be placed at a maximum spacing of 500 feet. Storm sewer manholes may be four ( 4 ') feet internal diameter when the largest sewer entering/leaving the manhole is 18" diameter, and the orientation of sewers connecting to the manhole is such that there is at least 12" of precast wall between the openings provided for sewers. The use of adjusting rings is limited in height to eight (8") inches. Inlet and/or catch basin frames and grates shall be Neenah No. 3015, East Jordan No. 7010, or approved equal. Whenever possible, castings for curb drains shall have a fish logo to discourage dumping of oils, pesticides, 'and other inappropriate items into the storm sewer system.

G. Where a continuous grade is carried across an inlet or catch basin casting, the open-vaned cover shall be used, Neenah No. R-32868V, East Jordan No. EV-7520, or approved equal. All manhole castings shall be Neenah No. R-1030, East Jordan No. 105123, and Type B cover, or approved equal. All type B covers shall have "City of Yorkville" and "Storm" cast into the top, and shall be concealed pickhole type. All sections of the manholes shall be completely sealed and butyl rope, including the casting. Manholes shall no be allowed in the pavement, curb, gutter, or sidewalk. All flared end sections 15" or larger shall have grates.

H. In Estate residential developments, a ditch shall be required on both sides of the street, and shall have a minimum profile slope of one (1 %) percent (side slope 4: 1 on the street side, and 3: 1 on the lot side).

I. For developments ten acres in size or larger, the developer may use computer-based methods to determine stormwater storage volumes. The specific method and parameters used in employing the method shall be subject to the approval of the City Engineer.

J. For developments less than ten acres in size, the storm water storage system shall be designed utilizing a Modified Rational Method, as described below:

1. Q = (Cm) iA, where a run-off co-efficient or Ca is calculated for the site based upon actual proposed surface coverage. Cm then equals 1.25 times Ca.

2. The following run-off co-efficient shall be utilized as minimums:

| **Surface** | **C** |
|---|---|
| Grass | .50 |
| Asphalt/Concrete | .98 |
| Roof | 1.00 |
| Detention | 1.00 |

3. The maximum release at the designated 100-year· level is 0.15 cfs/acre. The City Engineer shall reduce this allowable release rate where the downstream accepting system is experiencing drainage problems such as the Elizabeth Street swale where all receiving discharges are limited to 0.10 cfs/acre. The outlet structure design shall address the two-year (0.04 cfs/acre) and the 25-year (0.08 cfs/acre) storm control, in addition to the 100-year event.

4. When depressional compensatory storage is provided by increasing the volume of a stormwater detention basin, the maximum allowable release rates of the basin shall be reduced, as directed by the City of Yorkville to approximate the pre-development release of the depressional area, and realize the full storage potential of the enlarged basin.

5. The minimum size restrictor shall be a four-inch by twelve-inch long HD PVC pipe. The design must be designed for easy maintenance and cleaning during a storm event. The discharge shall be directly to a downstream storm sewer if

one is available within a reasonable distance. If not, the discharge will be to the surface, with approved energy dissipation and downstream erosion protection.

6. The rainfall intensities to be utilized are those established by the Illinois State Water Survey's Bulletin #70, as amended for the specific City of Yorkville area. In designating the required storm water storage volumes, the maximum value calculated using the various events should be utilized. See Figure 3 for a sample calculation.

7. The storm water storage areas must have containment for twelve inches of additional storm water storage, with an approved calculated overflow area at six inches above calculated 100- year elevation. This - overflow shall have an erosion concrete curtain wall, with a minimum thickness of 8 inches, a minimum depth of three feet below grade, and a length to extend a minimum of four feet beyond the limits of the overflow on either end. This wall is not to be formed, but is to be trenched or excavated into natural soil, or into the compacted fill, and is to be finished flush to the ground.

8. Storm water storage areas shall be covered by an easement, including access thereto, such that should the owner not maintain said area as necessary, the City can cause such corrections and bill the owner, including any and all administrative costs.

9. The engineering plans shall have a full sheet dedicated to the soil erosion and sedimentation control requirements for the development, including silt fencing, straw bales, drainage fabric, etc. Failure to properly maintain this system may result in major storm sewer cleaning within the site and in the offset storm system. The City reserves the right to place a hold on all building permits and inspections if the soil erosion and sedimentation control plan is not properly maintained. Keeping the streets clean is part of this plan, and failure to do so will result in these actions. The developer shall establish a Street Cleaning deposit with the City of Yorkville, in the amount of $5000.00. If the streets are not cleaned within 48 hours of a written request by the Director of Public Works, the City shall have the streets cleaned, and subtract that cost from the deposit. The developer shall replenish the deposit to the full amount if it falls to less than $1000.00. The Yorkville City Council shall return any unused portion of the deposit to the developer upon acceptance of the streets.

10. The developer shall establish basins onsite where concrete ready-mix trucks must wash out after delivering their load. Signs shall be posted at each entrance to the development to warn truck drivers of the requirement to wash out at specific sites, and notify them of the fine for non-compliance (up to $100.00 for each offense). Each entrance sign shall include a simplified map of the development, to show the locations of the washout basins in the development. A sign shall also be posted at each washout basin, to identify the site. The developer shall maintain all signs, basins, and appurtenances in good condition until the City accepts the public improvements.

    a. Washout basins shall be located outside of the public right-of-way, parks, and all public utility easements. They shall be located in relatively low-traffic areas, and be at least fifty- (50') feet from storm drains, open drainage facilities, and watercourses, unless approved otherwise by the City Engineer. Basins shall have a minimum twelve (12") inch thick CA-3 aggregate approach of sufficient width over a woven geotextile 'fabric, to reduce tracking of mud onto roadways. The washout area shall be contained by an earthen berm, and be at least ten (10') wide by ten (10') long. The maximum depth of a washout basin shall be three feet. When the volume of a washout basin is 75% full, the developer shall remove the hardened concrete and transport it to a legal landfill. Burying waste concrete onsite shall not be permitted.

    b. The developer shall incorporate the items necessary to comply with this requirement, as well as provisions for maintenance, onto the erosion and sediment control plan sheet. All signage, washout basins, and appurtenances shall be in place before the first building permit is issued.

11. The engineering plans shall have one or more full sheets dedicated to the Final Grading of the entire site. The minimum grade for all grass areas shall be two (2%) percent, except that swale areas may be at one (1 %) percent if it is over an approved, piped underdrain. Slopes shall be shown with arrows at all locations from all break points. A grading plan on an 8-1/2" x 11" paper for the actual building must be submitted for each building permit submitted, and will become a part of the building permit. All top of foundation elevations will be a minimum of two (2 ') feet, and a maximum of three (3 ') feet above the street centerline elevation, measured at the center of the lot in question, unless

the City Engineer directs otherwise, based on site-specific conditions. Drives must be at a minimum slope of two (2%) percent, and maximum slope of eight (8%) percent towards the curb flow line from the garage. When the forms for the foundation are ready to pour, a top of foundation elevation and location certification of a registered surveyor or engineer, as approved by the building inspector, is required prior to pouring the concrete into the forms. The tolerance here is 0.15 feet lower and 0.5 feet higher, and behind all applicable setback and easement lines.

12. Requests for an occupancy permit must include an as-built grading plan, signed and sealed by a registered land surveyor, showing the original, approved grades and slopes, along with the actual grades, just prior to the occupancy permit request. The actual grades must fall within a tolerance of 0.15 feet in order to receive an occupancy permit. Top soiling and seeding or sodding, if applicable, must be in place prior to the final grading plan. All City-incurred costs of reviewing these grading plans shall be the responsibility of the developer. Note that specific building codes, ordinances, and permitting procedures, which may be established by the United City of Yorkville, shall supersede these requirements.

13. General grading and landscaping of the storm water areas shall be designated according to the Park Development Standards, Landscape Ordinance, and these Standard Specifications. The City may require that storm water detention and retention facilities, as well as grading, landscaping, and stormwater collection systems, incorporate currently acknowledged Best Management Practices to improve storm water quality. These may include, but are not limited to, naturalized detention basins, bio-swales, low impact design standards, perforated storm sewer, designs that reduce the degree of connected impervious areas, designs that encourage infiltration of stormwater, etc.

    a. Wet ponds shall have a maximum allowable depth of two feet between the normal water level and the high water level corresponding to the Ten-Year Frequency Storm. The City may require wetland-type plantings and appropriate grading around the perimeter of wet ponds.

    b. The developer shall provide a soil report, prepared by a licensed professional engineer, to determine whether or not lake lining will be required. Vertical or nearly vertical edge treatment will require an approved method, allowing a child to easily climb out of the water.

    c. Storm sewers discharging to a stormwater basin shall be designed such that the sewer invert at the discharge point is no lower than 6" below the normal water level of the basin, and the top of sewer is no lower than the ten-year high water level of the basin.

14. Storm water storage basins shall operate independently of any watercourse or water body receiving the discharge from the basins. Bypass flows from upstream areas should bypass the storm water storage facility, where practical. The entire development shall be examined under the premise that all storm sewers are blocked and full when a 100-year event occurs, and the development can pass these flows without flooding homes. All overflows are to be contained within the right-of-way, or where absolutely necessary, through special drainage easements. All buildings shall have the lowest water entry a minimum of 1-8 inches above the elevations determined for this bypass situation.

15. Storm water detention shall not be required under the conditions listed below. The City reserves the right to require detention on any parcel of land if special circumstances exist, and to require that sewer be constructed as necessary, to carry away the storm water.

    a. Proposed development or re-development of the existing lots zoned single-family detached, or duplex residential, less than 2.5 acres in gross area:

    b. Proposed development or re-development of existing lots zoned other than single-family detached or duplex residential, that are less than 1.25 acres m gross area.

## 10-A-8. Water System

A. All water mains shall be Class 52 ductile iron pipe, conforming to the latest specification requirements of ANSI A21.5.I. Mains shall be cement lined, in accordance with ANSI A21.4. Fittings shall conform to ANSI 21.10. Gate valves shall be resilient wedge type, conforming to the latest revised requirements of A WW A specification C509. All water mains are to be polyethylene wrapped. Main line valves 10" diameter and larger are to be installed in a vault. Smaller main-line valves shall either be installed in a vault, or have a Trench Adapter valve box, similar to those used at fire hydrants. No vaults or valve boxes shall be in the pavement or sidewalk.

B. Water services up to 3" diameter shall be type "K" copper, conforming to the latest revised specification requirement of ASTM B88. Minimum size for residential units shall be one inch in diameter. Corporation stops shall be McDonald No. 4701, Mueller H-15000, or Ford F-600. Curb stops shall be McDonald No. 6104, Mueller H-15154, or Ford B22-333m, with Minneapolis patter B-boxes, similar to McDonald N.5614 or Mueller H-10300.

C. Minneapolis type B-boxes shall be installed in the right-of-way, but not in the sidewalk or driveway.

D. Fire hydrants shall be one of the following:

1. Clow F-2545 (Medallion)
2. Mueller A-423 Super Centurian
3. Waterous WB-67-250

Hydrants shall have a 5-1/4" main valve assembly, one 4-1/2" pumper nozzle, and two 2-1/2" hose nozzles, with national standard threads, a national standard operating nut, and above ground break flange. The installation of the hydrant shall conform to A WW A 600 standards. Auxiliary valve boxes shall either be Trench Adapter Model Six by American Flow Control, Clow F-2546 with F-2493 cover, or approved equal. For valve boxes other than those by American Flow Control, the box shall be attached to the hydrant barrel with grip arms, as manufactured by BLR Enterprises, or approved equal.

E. **Inspections and Installation.** All water mains shall be designed and installed in accordance with the Standard Specifications for Water Mains in Illinois. Upon completion, water mains shall be subjected to hydrostatic pressure test of 150-psi average for up to 4 hours. Allowable recovery shall conform to the Standard Specifications for Water & Sewer Main Construction in Illinois. The water operator in charge or person authorized by the water operator in charge shall be present during all testing. The developer shall use the pressure gauge supplied by the City for the test.

F. New water main shall be disinfected in accordance with A WW A standard C601. Water will be tested to assure that 50 mg/l of CL2 is in disinfected water. Sampling shall be taken by water operator in charge or persons authorized by the water in charge. Water must pass two consecutive days of sampling tests by a state approved lab.

G. Water mains shall be minimum eight inches internal diameter, with a cover of five feet, six inches below finished grade. Watermain stubs to hydrants shall be at least six inches internal diameter. City water mains and hydrants shall be placed of the North and West sides of the streets, unless approved otherwise the City Engineer/ Valves shall be installed each second consecutive hydrant, at intersecting lines, and other locations as required, such that a minimum number of services will be affected during a main isolation.

1. Fire hydrants shall be installed throughout the subdivision at each intersection and at intervals not exceeding the requirements of two fire hydrants serving any point of any building, or 300 feet along the roadway, whichever is more stringent. Special conditions may dictate a closer spacing, as approved. Fire hydrants shall be located on the property line, except at comers, and shall be set two feet minimum and three feet maximum from the curb back to the face of the pumper nozzle. Where there is no curb and gutter, the face of the pumper nozzle shall be between 18 inches to 20 inches above finished grade line (sidewalk to curb).

2. Base elbow of hydrant shall be properly thrust blocked, and shall be provided with clean, washed CA 7 aggregate and polyethylene covering. All hydrants and any adjustment fittings shall receive one field coat of red paint, as recommended by the manufacturer, prior to final acceptance.

H. All tees, bends, fire hydrants, and valves shall be adequately blocked with pre-cast blocks and poured in place thrust blocking against undisturbed earth.

I. Services shall be equipped with corporation stop, curb stop, and buffalo box. The buffalo box shall be set in the parkway, on the centerline of the property, approximately centered between the back of sidewalk and the adjacent right-of-way line. Service trenches beneath or. within two feet of proposed driveways, sidewalks, or other pavements shall be backfilled full-depth with aggregate. Except as permitted below, the underground water service pipe and the building drain, or building sewer, shall be not less than ten feet apart horizontally, and shall be separated by undisturbed or compacted earth. The water service pipe may be placed in the same trench with the building drain and building sewer if the conditions listed below are met:

1. Local conditions prevent a lateral separation of ten feet;

2. The bottom of the water service pipe at all points shall be at least 18 inches . above the top of the sewer line at its highest point. All water and sewer services must be inspected an approved by the building inspector prior to backfilling.

3. The water service pipe shall be placed on a solid shelf, excavated at one side of the common trench, and shall have no joints from the buffalo box to the water meter inside the house; and

4. The material and joints of sewer and water service pipe shall be installed in such a manner, and shall posses the necessary strength and durability to prevent the escape of solids, liquids, and gasses there from under all known adverse conditions, such as corrosion, strains due to temperature changes, settlement, vibrations, and superimposed loads.

J. Depth of bury shall be 5'6" below finish grade. No joints will be allowed between the corporation stop and the curb stop.

K. All watermain shall be looped and double fed, and shall be extended to the far limits of the development, and in size appropriate for future development, as directed by the City Engineer. Recapture and over-sizing may be applicable.

L. The developer shall reimburse the City of Yorkville for the cost of water to fill and test new watermains, and also for the cost of laboratory tests after chlorination. The water cost shall be at the bulk rate charged by the City of Yorkville at that e. The volume of water shall be calculated as the volume of two and one-half times the lengths and diameters of new watermains.

M. Watermain proposed to cross existing city streets shall be constructed by directional boring. Open-cut construction shall not be allowed without consent from the Public Works Director.

N. Connections to existing watermains shall employ line stops to minimize the disruption of service to existing residents.

## 10-A-9. Sanitary Sewer System

A. A complete sanitary sewer system is required for all new development. The minimum internal size of sanitary sewer main shall be eight inches in diameter. The top of the sewer main shall be a minimum of three feet lower than the lowest floor elevation at all service connection locations, but not less than eight feet below finished grade, wherever possible. Should the sewers serving a particular development not be deep enough to serve the basement, as noted above, then overhead plumbing will be required. However, all levels of the building must be served by gravity, with only the below-grade levels being served by a pump unit. The City Engineer may require that certain buildings not have subgrade levels due to special situations.

B. The sanitary sewer shall be extended to the development's far extremes, as directed by the City Engineer, for proper and orderly growth. The city Engineer will also direct the sizing and grades for the sewer, so as to fit the overall plan for the City.

The City strongly discourages the use of lift stations, but if the City Engineer approves the use of a public lift station, the following shall be required as a minimum:

C. The pumps shall be submersible, with a back up pump and well-designed wet well.

D. The station building shall be a brick structure with conventional-pitched roofing and paved access. The building shall comply with all International Building Code regulations, and shall be heated and ventilated. The subdivider shall follow normal building permit procedures, and pay the normal fees for construction of the lift station building.

E. The unit will be equipped with a back-up power source, utilizing natural gas as a fuel, and can operate on manual or fully automatic mode, complete with a variable exercise mode.

F. The motor control center shall have a solid-state duplex logic. Sewage level in the wet well shall be measured with a pressure transducer. A dial-out alarm system matching that currently in use in the City shall be provided.

G. The City Engineer must approve any and all lift stations, and may require other improvements.

H. There shall be good-quality noise control, and all electronic components shall be explosion-proof.

I. Force mains shall be sized to carry the initial, intermediate, and ultimate flow rates from the tributary area, at a velocity of between 3.0 and 6.0 feet per second. Material shall be watermain quality Ductile Iron with polyethylene encasement. Gate valves in vaults shall be constructed in the force main at intervals not exceeding 600 feet, to allow quick isolation in the event of a leak. Blow-off valves in vaults shall be constructed at high points in the force main, and shall discharge to sanitary sewers, where possible. Force mains shall be tested at

J. 150- psi for two hours, similar to watermain testing.

K. The sub-divider shall maintain an inventory of each size and type fuse, relay, and other plug-in type devices used in the lift station motor control center, as recommended by the manufacturer. These items shall be housed in a wall mounted metal cabinet. The subdivider shall also supply a heavy-duty free standing metal shelf with not less than square feet of shelf space, and one (1) fire extinguisher rated for Type A, B, and C fires.

L. The sub-divider shall provide start-up training to the Public Works Department personnel, and shall provide three sets of Operations and Maintenance Manuals for all equipment at the lift station.

M. Underground conduit shall be heavy-wall PVC.

N. The exterior of the wet well shall be waterproofed. The City may require the wet well to have a minimum internal diameter of up to eight feet.

O. Sewer construction cannot start until the Illinois Environmental Pollution Agency (IEP A) has notified the City Engineer that approvals have been secured. Sanitary sewer pipe shall be PVC plastic pipe, with a minimum SDR 26. All pipe and fittings shall be pressure rated in accordance with ASTM D-2241 and ASTM D-3139 (per AWWA C-900) for sizes 6-15 inches. Solvent joints are not permitted.

P. All public sanitary sewers will be air and mandrel tested (7-point minimum) by the developer, at his expense, under the supervision of the City Engineer. One copy of the report shall be forwarded to the Yorkville-Bristol Sanitary District, and one report shall be forwarded to the City Engineer.

Q. All testing will be done in conformance with the "Standard Specifications For Water and Sewer Main Construction in Illinois", current edition.

R. All public sanitary sewers shall be internally televised in color and recorded on videotape and written log by the developer, at his expense; under the supervision of the City Engineer, to ensure that the sewers are straight, unbroken, tight, and flawless. There must be good-quality lighting for a sharp and clear image of all sewer segments. Poor quality images will result in re-televising the system, at the developer's expense. The videotape must clearly mark the segment being televised through manhole numbering, and the image must clearly identify the footage as it progresses through the pipe. One copy of the complete videotapes and written log shall be forwarded to the Yorkville-Bristol Sanitary District, and one complete set shall be forwarded to the City Engineer.

S. All manholes will be required to be internally vacuum tested by the developer, at his expense, under the supervision of the Engineer. This test will check the integrity of the complete structure, from the invert to the casting, including all adjusting rings. One copy of the test results shall be forwarded to the Yorkville-Bristol Sanitary District, and one copy shall be forwarded to the City Engineer. Vacuum testing of each manhole shall be carried out immediately after assembly backfilling, and rough grading, and shall be witnessed and approved by the City Engineer. All lift holes shall be plugged with an approved non-shrinking grout. No grout will be placed in the horizontal joints before testing. All pipes entering the manhole shall be plugged, taking care to securely brace the plugs from being drawn into the manhole. The test head shall be placed at the inside of the top of the casting and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of ten inches of mercury shall be drawn and the vacuum pump shut off. With the valve closed, the time shall be measured for the vacuum to drop to nine inches. The manhole shall pass if the time is greater· than 60 seconds for a 48-inch diameter manhole, 75 seconds for a 60-inch manhole, and 90 seconds for a 72-inch manhole. All manhole castings shall be Neenah No. R-1030 frame, East Jordan No. 105123, and Type B cover, or approved equal.

T. If the. manhole fails the initial test, necessary repairs shall be made with a non-shrink grout, while the vacuum is still being drawn. Retesting shall proceed until a satisfactory test result is obtained. If the rim of a sanitary manhole needs to be reset or adjusted after successful vacuum testing, but before the expiration oft eh one-year warranty period, it shall be sealed and adjusted properly in the presence of the City Engineer. Failure to do so will require the manhole to be vacuum tested again.

U. All manhole frames shall be Neenah No. R-1030, East Jordan No., 105123, or approved equal, with Type B covers. All Type B covers shall have "City of Yorkville" and "Sanitary" cast into the lid and shall have concealed pick holes with a machined surface and watertight rubber gasket seals. All manhole segments, including the frame and adjusting rings, shall be set with butyl rope joint sealant. Manholes shall be minimum four-foot diameter, and shall not be located in pavement, curb, gutter, or sidewalk.

V. All sanitary sewer manholes shall be provided with approved cast in place rubber boots (flexible manhole sleeve), having a nominal wall thickness of 3/16" with a ribbed concrete configuration and with stainless steel binding straps, properly sized and installed for all conduits.

W. All manholes shall be reinforced precast concrete, and shall be located at intersections and spaced at a maximum interval of 300 feet, except that a closer spacing may be required for special conditions. The maximum allowable amount of adjusting rings shall be eight inches in height using as few rings as possible. All manholes shall be marked at the time of construction with a four-inch by four-inch hardwood post neatly installed vertically and with a minimum three-feet bury and a minimum four-foot exposed. The top one-foot of the post shall be neatly painted white.

X. Wells and septic systems are allowed in Estate-residential developments that are not within 250 feet of water and/or sewer service. When each lot is within 250 feet of water and/or service, that lot may maintain their septic and/or well only until failure of the septic or well. At that time the lot must, if within 250 feet of the sewer and/or water line hook-up to the sewer and/or water, as the case may be, connect to the City utilities at the lot owner's sole expense. After connection to the City Sanitary Sewer System, individual septic fields shall be abandoned by pumping out the tank, knocking in the cover, and filling with dirt or stone in accordance with Health Department regulations.

## 10-A-10. Traffic Study

A. A traffic study may be required, and shall include:

1. Levels of service for existing conditions;

2. Levels of service for post-construction conditions;

3. All calculations shall be conducted according to the '.'Highway Capacity Manual";

4. Recommendations as to additional/limited access, additional lanes, signalization, etc.

B. If the City of Yorkville requires a traffic study for a development, that study will be contracted for by the City, and paid for by the developer. The developer shall establish a Traffic Study deposit with the City of Yorkville, in an amount to be determined by the City Engineer. The City shall return any unused portion of the deposit to the developer upon approval of a Final Plat or Site Plan.

C. If the land use plan of the development changes during the approval process, the developer may be required to make additional deposits to fund re-analysis and revisions to the Traffic Study.

D. The need or requirement for a traffic impact study shall be determined during the concept or preliminary planning stage of the proposed development. The developer/subdivider shall meet with City of Yorkville officials during one of these stages for the purpose of determining the traffic study requirements. Wlien the City of Yorkville requires that a traffic study be prepared based upon the above, the study shall include, but not be limited to, addressing the following issues:

1. **Introduction.** A general description of the proposed development, including it's size, location, the political jurisdiction in which the site is located, the boundary limits of the study area, and any other information needed to aide in the review of the development's traffic impacts.

2. **Project Description.** A description of the existing and proposed land uses of the development. If alternative land uses are being proposed, the highest trip generation uses shall be assigned for each land use.

3. **Site Accessibility.** A clear and concise description of the proposed ingress/egress points to the proposed development, including a sight distance analysis.

4. **Existing External Roadway Network.** A description of the existing external roadway networking the vicinity of the proposed development, to include functional classification, primary traffic control devices, signalized intersections, roadway configurations, geometric features (curves and grades), lane usage, parking regulations, street lighting, driveways servicing sites across from or adjacent to the site, and right-of-way data. The area of influence shall be determined by the traffic generated from the site, the trip distribution of traffic, and the trip assignment of the traffic generated by the development over the surrounding area road network.

5. **Existing AM, PM, and Total Daily Traffic Volumes.** Existing AM, PM, and total daily traffic volumes for access driveways (if existing), intersections, and the roadway network in the site vicinity shall be determined and displayed on a graphic(s) in the final report. To determine AM and PM existing traffic volumes, machine counts and/or manual counts shall be conducted during a three-hour period of the morning, between approximately 6:00 AM to 9:00 AM of an average or typical weekday, and also between approximately 3:00 PM to 6:00 PM, on an average or typical weekday. Peak hour counts may be required on Saturday and/or Sunday, depending on the proposed land use. All AM and PM peak hour counts shall be recorded and summarized in fifteen-minute increments, and be included in the Appendix of the final report. Manual counts shall include vehicle classifications, i.e. passenger cars, single-unit, multi-unit trucks and buses. Traffic counts shall show both entering and exiting traffic at the proposed access points (if existing), in addition to turning and through traffic movements at critical intersections.

6. **Trip Generations and Volumes**. Trip generation rates and volumes for each type of proposed land use shall be determined for the AM and PM peak hours, and total daily volumes may be required on Saturday and/or Sunday, depending on the proposed land use. The trip generation rates shall be calculated from the latest data available contained in the Institute of Transportation Engineer's "Trip Generation Manual". If trip generation rates for a specific land use are not available from the "Trip Generation Manual", the United City of Yorkville shall approve the substitute rates.

7. **Site Generated Trip Distribution and Assignment.** The most logically traveled routes in the vicinity of the development shall be used for trip distribution and assignment purposes. The directional distribution of site-generated traffic approaching and departing the development should be shown in both graphic and tabular form. All assumptions used in the determination of distribution and assignment shall be clearly stated.

8. **Existing, Plus Site-Generated Traffic Volumes.** Existing, plus site-generated traffic volumes for the AM and PM peak hours, and total daily traffic for access drives, intersections, and the roadway network in the site vicinity shall be determined and displayed on a graphic(s) in the final report. Traffic volumes shall show both entering and exiting traffic at the proposed access points, in addition to turning and through traffic movements at critical intersections.

9. **Future Traffic (Existing, Plus Site Generated) Volumes.** Future traffic (existing, plus site-generated traffic volumes) for the AM and PM peak hours, and the total daily traffic for access drives, intersections, and roadway network in the site vicinity shall be determined and displayed on a graphic(s) in the final report. Projected increases in the external (non site related) roadway traffic must also be determined. The selection of a horizon year for which traffic operation conditions are to be characterized may be considered as the date full build-out and occupancy is achieved. If the project is a large multi-phased development in which several stages of development activity are planned, a number of horizon years may be required, that correspond to the bringing on line of major. development phases. Horizon dates should be times to coincide with major stages. of the overall project, or to coincide with increments of area transportation system improvements.

10. **Intersection Capacity Analysis.** Proposed access driveways and influenced intersections shall be subject to an existing, plus projected, capacity analysis. Projected traffic conditions shall include the effects of any committed developments within the influenced area. The existing and projected levels of service derived from the analysis shall be used to aid in the evaluation of design and operation alternatives of the access driveways and influenced intersections. The capacity analysis shall be in accordance with the techniques described in the most recent edition of the Transportation Research Board's "Highway Capacity Manual", Special Report 209.

11. **Signalization Warrants.** If it is anticipated that the development's driveway(s) or existing external non-signalized intersections will satisfy signalization warrants, a warrant analysis shall be conducted, using the projected volumes determined from the trip generation. The results of such an analysis shall be tabulated in the traffic impact study.

12. **Conclusions and Recommendations.** Clear and concise descriptions of the findings shall be presented in the final report; These findings shall include all recommended improvements for access facilities, internal roadways and intersections, and external roadway and intersection improvements.

## 10-A-11. Driveway and Parking Lot Paving

A. All driveways and parking lots shall be paved as per the following specifications.

B. **Asphalt.**

1. **Residential.** Two-inch I-11 bituminous concrete surface, over eight-inches (minimum) of compacted CA6 limestone or crushed gravel.

2. **Commercial/Industrial.** Three-inch I-11 bituminous concrete surface, over ten-inches (minimum) of compacted CA6 limestone or crushed gravel.

C. **Concrete.**

1. **Residential.** Six-inch Class X, over six-inches (minimum) of compacted CA6 limestone or crushed gravel.

2. **Commercial/Industrial.** Eight-inch Class X, over eight-inches of compacted CA6 limestone or crushed gravel.

D. **Paving Brick.**

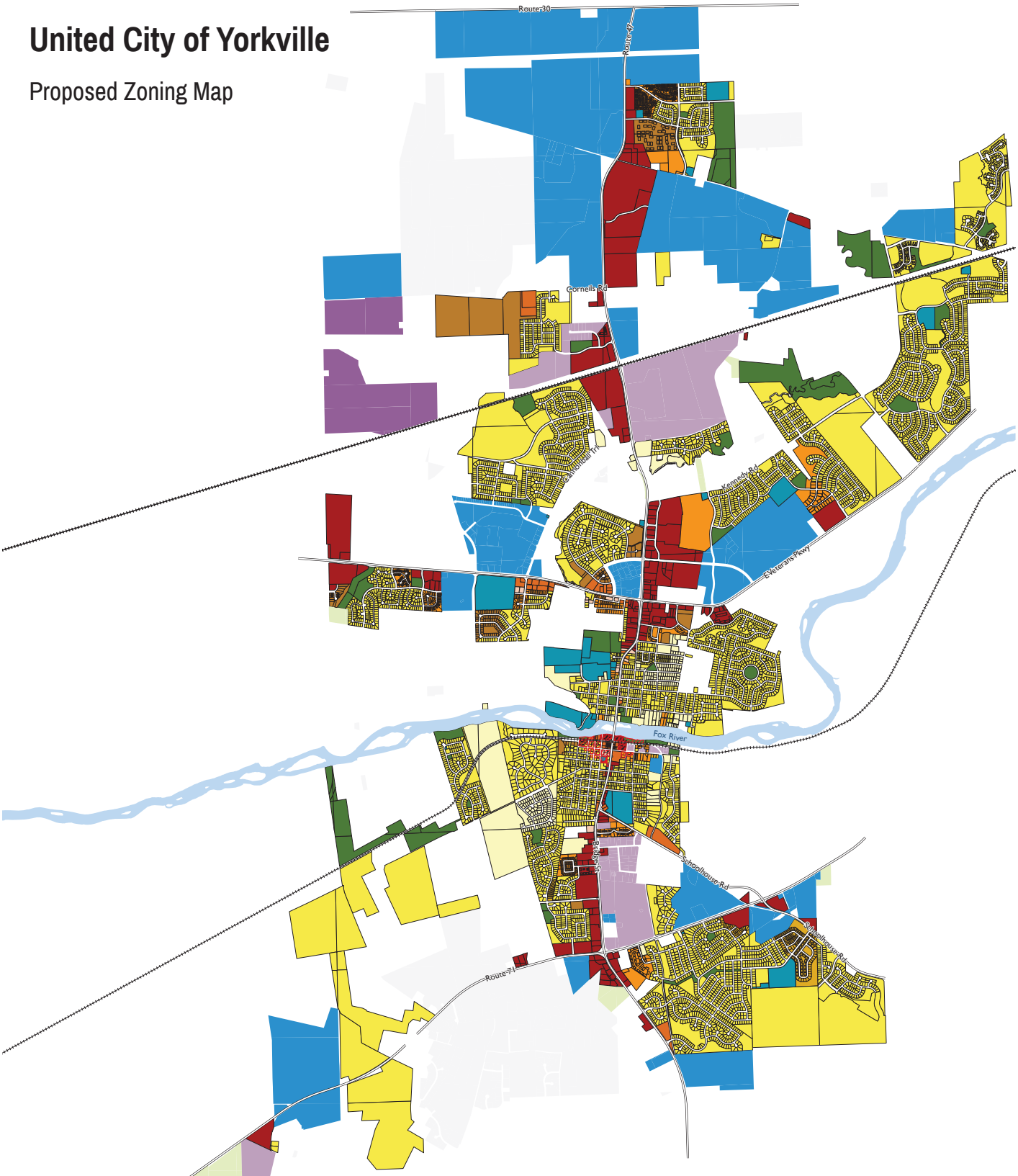
1. **Residential.** Paving brick over one inch of sand and eight inches of compacted CA6 limestone or crushed gravel.

E. **Sealcoat.**

1. **Commercial/Industrial.** An A3 seal coat, as defined by the IDOT's Standard Specifications for Road and Bridge Construction, may be allowed on areas behind the building, when used as a temporary surface, not to exceed three years, after which it must be paved to the above specifications. The same base should be ten inches (minimum) of compacted· CA6 limestone or crushed gravel.

# United City of Yorkville

## Proposed Zoning Map




### Proposed Zoning Designation

- A-1 Agricultural District
- OS Open Space District
- R-1 Single-Family Suburban Residence District
- R-2 Single-Family Traditional Residence District
- R-2D Duplex, Two-Family Attached Residence District
- R-3 Multi-Family Attached Residence District
- R-4 General Multi-Family District
- B-1 Local Business District
- B-2 Mixed Use District
- B-3 General Business District
- M-1 Limited Manufacturing District
- M-2 General Manufacturing District
- PI Public Institutional District
- PUD Planned Unit Development
- Downtown Overlay District

Draft
11/08/2023