



## **United City of Yorkville**

800 Game Farm Road

Yorkville, Illinois 60560

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# **UNIFIED DEVELOPMENT ORDINANCE ADVISORY COMMITTEE AGENDA**

Thursday, October 13, 2022  
6:30 PM

Yorkville City Hall Council Chambers  
800 Game Farm Road

Meeting Called to Order: 6:30 p.m.

Roll Call:

Establishment of Quorum

Previous meeting minutes: August 18, 2022

Citizen's Comments:

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1. Introduction
2. Review of Materials
  - a. Chapter 9: Definitions
3. Committee Comments and Questions
4. Adjournment

**MINUTES OF UNIFIED DEVELOPMENT ORDINANCE  
ADVISORY COMMITTEE MEETING**

Thursday, August 18, 2022 6:30pm  
City Hall Conference Room  
800 Game Farm Road, Yorkville, IL

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the United City of Yorkville is encouraging social distancing by allowing remote attendance at the UDO Advisory Committee meeting due to the ongoing Covid-19 pandemic.

**Meeting Called to Order**

The meeting was called to order at 6:30pm by Chairman Chris Funkhouser and a quorum was established.

**Roll Call & Establishment of Quorum**

**Committee Members:**

Chris Funkhouser, Chairman/Alderman/in-person attendance  
Dan Transier, Alderman/in-person attendance  
Jeff Olson, PZC Chairman/remote attendance  
Deborah Horaz, PZC Member/remote attendance  
David Schultz, Engineer-HR Green/remote attendance

**Others Present:**

Krysti Barksdale-Noble, Community Development Director/remote attendance  
Jason Engberg, Senior Planner/in-person

**Previous Meeting Minutes** July 14, 2022

The minutes were approved as presented.

**Citizens Comments** None

**1. Introduction**

Mr. Engberg said Chapter 8 covers review and approval procedures. Most of the procedures have stayed the same, but some language has been added.

**2. Review of Materials**

**a. Chapter 8: UDO Review and Approval Procedures**

Mr. Engberg reviewed the changes made in the topics of this chapter. See #3 below for the combined comments made by him and the committee discussion.

**3. Committee Comments and Questions**

**10-8-1 Administrative Authorities:**

*Staff Comments:* This section identifies the administrative authorities and also defines the Plan Council, PZC and other departments that may provide input. It insures the UDO interpretations are considered by PZC after decisions made by the Zoning Administrator. No discussion.

## **10-8-2 General Application Requirements:**

*Staff Comments:* This section details the application requirements and what happens to dormant apps. No discussion.

## **10-8-3 Administrative Review and Action:**

*Staff Comments:* There was some language added for zoning review which codifies what is already done. A section for administrator exception was added to keep the development process moving. Some minor changes for small setback variances can be made by the Zoning Administrator to avoid going through the variance process. Lot consolidation and splits were added, but is under review by the City Attorney due to a state Plat Exemption Act that dictates how land can be subdivided. Language for temporary use permits was also added to ensure compatibility of use.

*Committee Discussion:* The Committee was OK with allowing the Zoning Administrator to give approval if there is a 5% or less change in a setback or height. Ms. Noble noted that the Consultant suggested 10%, but staff felt 5% would be more agreeable to the City Council. Temporary Use Permit information is new and provides more definition with 8-9 different criteria. Mr. Olson asked if insurance or bond is requested. That is covered in the subdivision section, said Ms. Noble.

## **10-8-4 Board/Commission General Review & Action Procedures:**

*Staff Comments:* This outlines different types of requests and notice standards, Special Uses, variations, Final Plats and appeal processes and is staying the same for now. Special uses become void after 3 years if no action occurs. The Consultant said many communities use the time frame 1-2 years and they requested committee input on this. There are new regulations for Special Use amendments, major and minor, with the minor changes being done administratively. The Special Use amendment is also being reviewed by Attorney Orr.

*Committee Discussion:* This section deals with different types of requests and the review process was kept the same. Requests go to EDC, PZC, then to City Council. The Special Use amendment is a new process. Mr. Transier asked if an applicant would have to submit a Special Use application to make a change. If there was a minor change, under the new language, the change could be allowed. He also asked if there a time restriction on how long the amended use would be allowed. It would be the same as the time frame of the special use permit, said Mr. Engberg. The Consultant recommended 1-2 years for expiration while committee members suggested a 1-year expiration and a one-year extension with Council approval. Ms. Horaz opined that 1 year is adequate since there have been some projects that did not start in a timely fashion.

## **10-8-6 Subdivision Procedures:**

*Staff Comments:* If someone comes in with a Final Plat, they must go before various committees. If there is no Public Hearing, recommendations go to City Council. The Consultant is asking if the Final Plat should go to Public Hearing or keep the present process. Consolidation or subdivision of 3 or less lots is a simple consolidation and does not require the process, 4-10 is a minor subdivision and anything above 10 is a major subdivision.

*Committee Discussion:* Mr. Engberg recapped the numbers saying 3 or fewer lots is a consolidation, 4-10 is a minor subdivision and more than 10 is a major subdivision. The Consultant asked if the committee is OK with these numbers. The Committee was OK with them, but Mr. Olson asked why a Public Hearing has not been standard and Ms. Noble replied that state law did not designate it as a type of land use requiring a Public Hearing. Ms. Noble suggested either all Public Hearings or all Public Meetings to avoid any scrutiny or allegations of unequal treatment. Mr. Transier asked if notifications are required for these cases and Ms. Noble replied no. For property splits, Mr. Schultz noted the Plat Act must be considered and that a petitioner cannot circumvent zoning regulations. Mr. Olson added that if the processes are going to be streamlined, then there should be no need for Hearings in these situations. The committee decided that since state law does not require a hearing, the UDO would not either. Mr. Engberg said most of the requirements for Final Plats remained the same, however, Engineer Brad Sanderson is still reviewing them.

## **10-8-7 Planned Unit Developments:**

*Staff Comments:* Currently a developer cannot do a PUD unless there are 4 or more acres. The Consultant is suggesting 3 acres if on a large enough property. The committee is being asked if the requirements should be lowered.

*Committee Discussion:* Mr. Transier asked how much development is possible on a 3 acre lot. Mr. Engberg said he is OK with 3 or 4. Ms. Noble said she would prefer 4 acres and cited an example of a recent PUD that required extra work. The consensus was there should be no automatic PUD and have it be an option.

## **10-8-8 Variations:**

*Staff Comments:* Currently, variations must be taken before many committees and then to City Council. There is a list of certain situations where PZC can approve outright. The Committee is being asked if there are any other variations that PZC can approve outright.

*Committee Discussion:* Mr. Engberg said he believes the language that should remain is the government-taking. He asked if there anything else PZC should have control over without going to City Council. He said the Administrator review has control over some decisions for bulk regulations. The idea is to reduce the time for the smaller variations to be a less lengthy process.

## **10-8-9 Appeals:**

*Staff Comments:* Currently, this goes to PZC who has final determination. The Consultant recommends these go to City Council for the final decision, to be consistent with other cases.

*Committee Discussion:* Appeals happen, though infrequently. Mr. Engberg cited a sign case that was appealed and won by the petitioner. The Consultant said appeals should go before City Council, however, Mr. Engberg asked the Committee if they wished it to be decided at the PZC level. It was recommended to keep it at PZC and and forward to City Council as information.

## **10-8-10 Text Amendments:**

*Staff & Committee Discussion:* Consultant removed some redundancies in this section. Ms. Horaz asked to have the committee notified if any setback changes are made or requested. Staff does a year-end-review for PZC in February and can provide info to the Committee as well.

## **10-8-12 Annexations:**

*Staff Comments:* This is has mostly stayed the same, though Mr. Engberg noted that it should say annexations should go to City Council and have a Public Hearing. House numbering is addressed in this section, however, it needs to move to Development Standards. Brad Sanderson is also reviewing this section.

*Committee Discussion:* Alderman Funkhouser asked about flow charts to go along with the applications. Mr. Engberg will ask the consultants for additional visuals. Mr. Transier asked if there would be links to documents and Mr. Engberg said the SmartCode will direct users to the documents, definitions and forms. Mr. Olson asked about permit fees being in the code---there will be a way to link to a fee chart or redirect the user to the website. Mr. Transier suggested there should be a way to both pay on-line and submit digital applications. Ms. Noble noted the Finance module does not interface with the Building and Zoning processes at this time.

The Consultant, Houseal Lavigne, will attend the next meeting and suggested a possible date of September 29.

## **4. Adjournment**

There was no further business and the meeting adjourned at 7:22pm.

Minutes respectfully submitted by Marlys Young, Minute Taker/in-person attendance



# Memorandum

To: Unified Development Ordinance Advisory Committee  
From: Jason Engberg, Senior Planner  
CC: Krysti J. Barksdale-Noble, Community Development Director  
Date: October 6, 2022  
Subject: **Unified Development Ordinance Meeting Agenda**

## **SUMMARY:**

This meeting is to review “Chapter 9: Definitions” for the Unified Development Ordinance. This Chapter covers all definitions that appear within the code and are commonly needed when reviewing development. “Chapter 7: Subdivision Standards” and “Chapter 8: UDO Review and Approval Procedures” have been added to this packet for your review which are updated versions of previous materials. The October 13<sup>th</sup> meeting will focus on Chapter 9 but if there are comments about the previous materials, please let staff know and it will be addressed either at the meeting or separately.

**REVIEW GUIDE**

Existing Text

New Text

Deleted or Moved Text

References to be updated

**Chapter 9. Definitions**

10-9-1. "A" Definitions .....	21
10-9-2. "B" Definitions .....	53
10-9-3. "C" Definitions .....	74
10-9-4. "D" Definitions .....	105
10-9-5. "E" Definitions .....	126
10-9-6. "F" Definitions .....	137
10-9-7. "G" Definitions .....	159
10-9-8. "H" Definitions .....	1640
10-9-9. "I" Definitions .....	1740
10-9-10. "K" Definitions .....	1740
10-9-11. "L" Definitions .....	1740
10-9-12. "M" Definitions .....	1942
10-9-13. "N" Definitions .....	2143
10-9-14. "O" Definitions .....	2143
10-9-15. "P" Definitions .....	2243
10-9-16. "R" Definitions .....	2415
10-9-17. "S" Definitions .....	2646
10-9-18. "T" Definitions .....	3248
10-9-19. "U" Definitions .....	3349
10-9-20. "V" Definitions .....	3420
10-9-21. "W" Definitions .....	3520
10-9-22. "Y" Definitions .....	3520
10-9-23. "Z" Definitions .....	3520
10-9-1. "A" Definitions .....	1
"B" Definitions .....	2
10-9-2 .....	2
10-9-3. "C" Definitions .....	4
"D" Definitions .....	5
10-9-4 .....	5
10-9-5. "E" Definitions .....	7
10-9-6. "F" Definitions .....	8
10-9-7. "G" Definitions .....	10

## DRAFT FOR REVIEW

10-9-8. "H" Definitions .....	10
10-9-9. "I" Definitions .....	11
10-9-10. "K" Definitions .....	11
10-9-11. "L" Definitions .....	11
10-9-12. "M" Definitions .....	13
10-9-13. "N" Definitions .....	14
"O" Definitions .....	14
10-9-14 .....	14
10-9-15. "P" Definitions .....	15
10-9-16. "R" Definitions .....	17
"S" Definitions .....	17
10-9-17 .....	17
10-9-18. "T" Definitions .....	20
10-9-19. "U" Definitions .....	21
10-9-20. "V" Definitions .....	22
10-9-21. "W" Definitions .....	22
10-9-22. "Y" Definitions .....	22
10-9-23. "Z" Definitions .....	23

### 10-9-1. "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.

Commented [RS1]: Deter from the character

**C. Accessory Bbuilding or use:** 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. One which:

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

Accessory building or use: One which: Is subordinate to and serves a principal building or principal use. Is subordinate in area, extent or purpose to the principal building or principal use served. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served. Is located on the same lot and in the same zoning district as the principal use.

DRAFT FOR REVIEW

**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 ~~shall be structures that do not have permanent foundations and include decks, pools, gazebos, and typical sheds, and attached accessory structures such as a three-season room, covered porch, or roofed patio.~~

**Commented [RS2]:** Permanent accessory structures are structures that do not have permanent foundations

**Commented [RS3]:** Remove typical

**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 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 24 hours.

**B. —**

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

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

**J. Adult Use:** A public or private establishment that contains a substantial or significant portion of sales, stock, or entertainment for sale or viewing on premises which are distinguished or characterized by their emphasis on matter depicting, describing, relating to, or engaging patrons in "specified sexual activities."

**Commented [RS4]:** Add a definition from the existing UDO for this term.

**D.K. 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.

**E.L. 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.

**Commented [RS5]:** Passenger or commercial aircraft

**F.M. 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.

**Commented [RS6]:** This is still contained in the use-specific standards article.

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

**N. Alley:** A public right-of-way primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street.



DRAFT FOR REVIEW

**G.O. ~~Alternative T~~ ~~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.

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

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

**H.P. ~~Animal H~~ospital:** 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.

**I.Q. ~~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.

**R. ~~Antenna S~~tructures:** 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 FCG Federal Communications Commission or any successor agency.

**S. ~~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.

**T. ~~Artisan M~~anufacturing:** 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 retail sale of associated goods. Artisan manufacturing includes, but isare 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.

**U. ~~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.

**V. ~~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).

**W. ~~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).

**X. ~~Attention-Getting Device:~~** Any flag, streamer, spinner, pennant, light, balloon, continuous string of pennants, flags, 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.

**J.Y. ~~Apiary:~~** The place where one or more bee colonies are kept.

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

**K.Z. ~~Auction H~~ouse:** A structure, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

**Commented [RS7]:** Antenna and Antenna Structures and Towers are currently permitted in any zoning classification per 10-18-4(B). This is a separate regulated use category from "commercial radio and television towers", which are special uses in only a couple of districts per existing 10-18-5(A)(1). Confirm that this should be carried forward.

## DRAFT FOR REVIEW

**AA. 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.

**BB. 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.

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

**DD. 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.

Commented [RS8]: Differentiate enclosed vs open air as in use table.

**EE. Automobile Sales and Service, Open Sales Lot:** An establishment engaged in the sale of automobiles where some operations, including but not limited to the display of vehicles for sale take place outside of an enclosed building.

### 10-9-2. "B" Definitions

~~10-9-3. Bakery, retail: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on- or off-site.~~

### 10-9-2. "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.

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

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

**E. 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.

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

**E.F. 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.

~~E. Block: A tract of land bounded by streets, or by a combination of streets, railway rights-of-way, or waterways.~~

**G. Boat Sales and Rental:** A marine retail sales and service use in which boats are rented or sold.

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

**H.I. 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.

DRAFT FOR REVIEW

- I. ~~Bowling alley~~: A business establishment with a principal use for the sport of tenpin bowling which may include incidental food services.
- J. ~~Brewery~~: An establishment that engages in the manufacture of beer as such terms are defined in the Liquor Control Act of 1934, as amended, and has obtained a liquor license from the City.
- K.J. ~~Brewpub~~: A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one-hundred fifty-five thousand (155,000) gallons per calendar year. See definition of Microbrewery or brewpub.
- L.K. ~~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. ~~Buildable area~~: The space remaining on a building lot after the minimum yard requirements of this title have been complied with.
- N.L. ~~Building~~: Any structure with substantial walls and roof securely affixed to 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.
- O. ~~Building, completely enclosed~~: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- P.M. ~~Building, Detached~~: A building surrounded by open space and not sharing a common wall with another building on the same zoning lot on the same zoning lot.
- Q.N. ~~Building Height~~: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and the ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. (See section 10-2-4 of this chapter for diagram.)
- R. ~~Building Inspector~~: The designated City official responsible for inspecting buildings within the City.
- S. ~~Building line~~: A line or lines, including the building setback line, on the horizontal surface of a lot, parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations of this title beyond which no portion of a building may extend except as provided by this title. (See section 10-2-4 of this chapter for diagram.)
- O. ~~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.
- P. ~~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.
- T.Q. ~~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.
- U.R. ~~Building, Nonconforming~~: Any building which does not conform to the regulations of this title including but not limited to prescribing the use, required yards, lot coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

**Commented [RS9]:** This measurement isn't mentioned specifically in the draft articles.

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

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

**X.T. Building Ssetback Lline:** 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.

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

**Z.V. 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.

**W. 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.

### 10-9-4.10-9-3. "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. Car wash:** A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line methods. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. Coin-operated devices operated on a self-service basis shall be construed to be the same.

**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.

**C.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.

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

**E.F. City:** The United City of Yorkville or the City of Yorkville.

**F. City:** The Mayor and City Council of the United City of Yorkville, Illinois.

**G. City Council:** The City Council of the City of Yorkville.

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

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**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.

**I.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.

**J-K. Commercial Feeding of Fish, Poultry, Livestock:** A land use or facility used for the confined feeding operation for fish, poultry, swine, or livestock.

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

**M. Community center:** A building or structure used as a place of meeting, recreation or social activity, generally open to the public and designed to accommodate and serve significant segments of the community. **Community Garden:** A building or structure used as a site on which place for residents to collectively manage a garden for a shared benefit.

**L. 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.

**N.**

**M-Q. 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 ~~said 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.

**N-P. 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.

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

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

**Q. 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.

**R. 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.

**S. 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.

**Commented [RS10]:** For Steering Committee discussion: The definition should be discussed considering a recent application.

**Commented [RS11]:** Match the definition with 10-18 - include everything that's in that definition.

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**S.T. 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.

**U. 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.

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

**W. 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.

**X. 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.

**Y. 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.

**T.Z. 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.

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

**Commented [RS12]:** Definitions for cannabis uses are established per (410 ILCS 705/) Cannabis Regulation and Tax Act: <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992&ChapterID=35>

**10-9-5. "D" Definitions**

**10-9-6. ~~Dance hall:~~ A place of assembly, open to the public and operated for profit, where dances, parties, receptions and other gatherings are held.**

**10-9-4. "D" Definitions**

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

**B.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 ~~family~~ home, 225 ILCS 10/2.09.

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

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

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

**F.C. ~~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.

**G.D. ~~Dead~~ Eend Sstreet:** A street having only one (1) outlet.

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

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

**J. ~~Density, gross:~~** A numerical value obtained by dividing the total dwelling units in a development by the gross area of the tract of land upon which the dwelling units are located.

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

Commented [RS13]: Keep gross density.

Commented [RS14]: Removing net density for now. We can keep it if the City wants to retain it.

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~~Density, net: A numerical value obtained by dividing the total dwelling units in a development by the total area of the development, less rights-of-way, parks, stormwater management areas, and all other nonresidential uses.~~

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

**N.F. 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.

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

**P.G. District:** A delineated section or part of the unincorporated portion of the City for which the use regulations are uniform in which bulk, density, and use specific standards established in Chapter ##-### apply.

**Q.H. Drive-Through service establishment:** 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.

**I. 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.

**J. 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.

Commented [RS15]: Add commercial dry cleaning to use table and define. Allow by-right in B-2 and B-3.

**R.K. Dry Cleaning Establishment:** An establishment or business maintained for cleaning fabrics, textiles, wearing apparel, or articles of any sort not involving the immersion in volatile solvents and including the pick up and delivery of dry cleaning and/or laundry without the operation of any laundry or dry cleaning equipment or machinery on the premises.

~~S. Dry cleaning plant: A building, or portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in cleaning solvents including, but not limited to, nonflammable solvents and/or class I and above combustible liquid solvents.~~

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



## DRAFT FOR REVIEW

**M. Dwelling, Accessory:** A dwelling unit that is an accessory use to a single-family unit dwelling and that provides independent of the principal single-family unit dwelling unit:

1. A separate entrance that allows ingress and egress from the exterior of the property; and
2. Areas used for bathing, cooking, and sleeping.

**T.N. 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.

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

**V.P. Dwelling, Multiple-Unit family:** A building or portion thereof, designed or altered for occupancy by two (2) or more families 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.

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

**X.R. 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.

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

### 10-9-7, 10-9-5. "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.

**A. —**

**B. 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.

**C.E. Entertainment Production Studios:** A theater, audience area for motion pictures and television studios or other similar uses.

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

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

**F.G. Establishment, Business:** A separate place of business having the following three (3) characteristics:

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**Commented [SL16]:** Check in with client to see if this is how they want to define accessory dwelling units.

**Commented [RS17]:** The draft UDO uses the term "enclosed" but not "building, enclosed" as the City's existing definition is.

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## DRAFT FOR REVIEW

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 ~~aforesaid~~ characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this title.

~~**Eyebrow cul-de-sac:** A cul-de-sac whose center-radius point is less than eighty (80) feet from the centerline of the intersecting cross street.~~

### 10-9-8.10-9-6. "F" Definitions

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

A. ~~**Farming and 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.~~

B. ~~**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.~~

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

~~**D. Fence, Solid:** A fence which conceals from view, from adjoining properties, streets or alleys, activities conducted behind it.~~

~~**E. Filtration Plant:** A facility that works to filter and purify water by removing chemicals, hazardous materials, and toxic matters from a water source.~~

~~**F. 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.~~

~~**D-G. Fire Station:** A building used for the storage and maintenance of fire-fighting equipment.~~

~~**E-H. Floodplain:** See [title 8, chapter 7](#) of this Code.~~

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

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.

**Commented [RS18]:** Note for presentation - we've removed family. All residential formats in Article three are "unit" rather than family.

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**Commented [RS19]:** For Chapter 5 - prohibit snow fence and chicken wire as fencing material.

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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 feet (10') of structure height and if such structure measures less than ten feet (10') but not less than five feet (5') over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities shall not be included in the "floor area".
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.

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

Commented [RS20]: This is no longer in the UDO text.

J. ~~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 feet (10') 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.~~

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

## DRAFT FOR REVIEW

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

**K.**

**L. Forestation:** The cultivation or keeping of existing mature trees as a principal use. **Foot-lambert:** A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one (1) candle at one foot (1) distant over one (1) square foot has a brightness of one (1) foot-lambert.

**M. 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.

**N. 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.

**O. 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.

**P. 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.

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

**R. 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.

**S. Frontage road/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.

**T. 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.

### **10-9-9.10-9-7. "G" Definitions**

- A. Garage, Bbus 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; provided, that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises; except, that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed five (5) tons.
- 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).

**Commented [RS21]:** This term is used in the parking structure definition later in this chapter.

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~~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.~~

~~D.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.~~

~~E.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:** A building designed to stockpile or store grain.~~

~~F.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 ~~Director of Public Works~~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 ~~Director of Public Works~~Zoning Administrator or their designee deems necessary.~~

~~10-9-10. **Grocery store:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products.~~

~~10-9-11. **Group home:** A single-family dwelling housing not more than eight (8) service dependent or developmentally disabled people living with professional care staff.~~

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

**10-9-12. "H" Definitions**

~~10-9-13. **Half street:** A street bordering one (1) or more property lines of a subdivision tract, to which the subdivider has allocated only a portion of the ultimate and intended street width.~~

**10-9-8.**

~~**Half-Street:** A street bordering one (1) or more property lines of a subdivision tract, to which the subdivider has allocated only a portion of the ultimate and intended street width.~~

~~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.~~

~~A.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~~

## DRAFT FOR REVIEW

**B.C. Home Occupation:** An accessory use of a residential dwelling unit which complies with the requirements of [Section 10-3-9###-###](#) of this title.

**C.D. 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.

**E. Hotel, motel, or inn:** An establishment containing lodging accommodations designed for use by ~~transients, or travelers, or~~ 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.

**D.F. Household:** All the people that occupy a single dwelling unit regardless of their relationship to one another.

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

### **10-9-14.10-9-9. "I" Definitions**

**A. ~~IDOT:~~** Illinois Department of Transportation.

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

**C. ~~Improvement plans:~~** The drawing of all required land improvements, prepared by an Illinois registered professional engineer, and all accompanying information as required by this title.

**D.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. ~~Incombustible:~~** A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F). **Interlocking Standards Parking Spaces:** A configuration of off-street parking in columns in which the parking spaces in each individual column are angled so as to create an interlocking pattern with the angled off-street parking spaces in the adjoining column.

### **10-9-15.10-9-10. "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.

### **10-9-16.10-9-11. "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.

**Commented [RS22]:** Check - do we reference IDOT at any point?

**Commented [RS23]:** No longer established in the draft article text.

DRAFT FOR REVIEW

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

- ~~1. Not more than four (4) persons, including owners, are employed on the premises; and~~
- ~~2. No pick up or delivery service is maintained.~~

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 feet in width, twenty-five feet in length and fourteen feet in height (10' x 25' x 14'), exclusive of access aisles and maneuvering space.

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 groundgrade. A lookout basement shall not be counted as a story for the purposes of height measurement.

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

H. Lot: A portion of a subdivision or other parcel of land, intended for transfer of ownership, or for building developments.

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

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

L. 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.

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

N. Lot Depth: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

O. Lot, Double Frontage: A lot, two (2) opposite lot lines of which abut upon streets which are more or less parallel.

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

Q. 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.

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

S. 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.~~

T. Lot line: The boundary line of a lot.

~~Lot line, exterior side:~~ A lot line that is not a front or rear lot line and that is common to the lot and an abutting a street line.

**Commented [RS24]:** Street Line - define in S. Should be the back of the curb or edge of the pavement if no curb is present.

## DRAFT FOR REVIEW

**U.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.

**V.S. Lot Line, Interior:** A side lot line common with another lot.

**W.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.

**X.U. Lot line, Side:** Lot lines other than front or rear lot lines are side lot lines.

**Y.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.

**Z.W. Lot, Reversed Corner:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not. (See [section 10-2-4](#) of this chapter for diagram.)

**AA.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. (See [Section 10-2-4### # ##](#) of this chapter for diagram.)

**BB.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.

**CC. Lot width:** The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line, establishing the lot depth at the established building setback line.

**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.

### 10-9-17.10-9-12. "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 establishment:** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

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

~~D.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.~~

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

~~F.D. **Medical Clinic / Office:** An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists and their professional associates, practicing medicine together.~~

~~G.E. **Microbrewery/Microwinery or brewpub:** 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~~

Commented [RS25]: Per City text amendment.



DRAFT FOR REVIEW

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

**H.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.

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

~~J.G. **Miniature golf course:** A novelty version of golf played with a putter and golf ball on a miniature course, typically theme oriented with artificial playing surfaces and including obstacles such as bridges and tunnels. **Mobile Food Vvendor Vehicles and Rretail Vvendor Vehicles:** A motorized vehicle used to conduct a mobile food preparer business, a mobile food dispenser, or mobile desserts vendor business.~~

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

~~L.J. **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.~~

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

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

**Q.K. Motor Ffreight Tterminal:** 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.

## DRAFT FOR REVIEW

**L. Motor Vehicle:** A passenger automobile/vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

### **10-9-18-10-9-13. "N" Definitions**

**A. 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.

**A.B. 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.

**B.C. 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.

**G.D. 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.

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

### **10-9-19. "O" Definitions**

**10-9-20. Nursing home:** ~~A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.~~

### **10-9-14. "O" Definitions**

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

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

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

**D.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.

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

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 (5%) of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises;

**Commented [RS26]:** Open Space is defined in the Subdivision Standards Article.

**Commented [RS27R26]:** Move to O.

## DRAFT FOR REVIEW

4. Has not less than ten (10) feet ~~(40')~~ at 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.

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

Commented [RS28]: Merge with automobiles sales lot.

Commented [RS29R28]: This has been moved to Open Automobile sales lot under "A" Definitions.

~~G.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.~~

### ~~10-9-21-10-9-15. "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. Parking area, private: An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.~~

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

~~E. 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. An area permanently reserved and/or used for the temporary storage of motor vehicles.~~

Commented [RS30]: Parking Area and Parking Lot are both used as terms in Article 5. I don't think there's a need to differentiate them.

~~C.~~

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

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

~~H.F. 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.~~

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

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

~~K.G. 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~~

## DRAFT FOR REVIEW

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.

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

**Commented [RS31]:** These were all deleted from the draft text.

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

~~H. **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.~~

~~I. **Plan Council:** The Plan Council of the City of Yorkville.~~

~~N.J. **Planning and Zoning Commission:** The Planning and Zoning Commission of the City of Yorkville.~~

**Commented [RS32]:** Plan Council - add definition. The Plan Council of the City of Yorkville.

~~Q.K. **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.~~

~~P.L. **Plan, Final:** The final engineering plan, map or drawing, plus all accompanying information required by this title.~~

~~Q.M. **Plan, Preliminary:** The preliminary engineering plan, map, or drawing, plus all accompanying information required by this title.~~

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

~~S. **Planned unit development:** Parcel of land or contiguous parcels of land in single ownership or unified control, to be developed as a single entity, the character of which is compatible with adjacent parcels, and the intent of the zoning district in which it is located; the developer may be granted relief from specific land use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of benefit to the City as a whole, and would not otherwise be required by the City ordinances.~~

~~T.N. **Plat:** A subdivision as it is represented as a formal document by drawing and writing.~~

~~U.O. **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.~~

~~P. **Plat, Preliminary:** A tentative map or drawing, which indicates the subdivider's proposed layout of a subdivision, including all proposed improvements.~~

~~V. **Pole Sign:** A sign affixed to or supported by a single stationary pole.~~

**Commented [RS33]:** Signs are listed together in the "S" Section.

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

~~W.R. **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.~~

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~~S. **Preexisting Towers or Antennas:** Existing towers and existing antennas which predated this chapter title, shall not be required to meet the requirements of this chapter other than the requirements of subsections 10-18-3.F, H and R of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.~~

**Commented [RS34]:** Existing definition from 10-18.

~~X. **Post Sign:** A sign affixed to or supported by a single stationary post.~~

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

~~Z.U. **Principal Use:** The main use of land or buildings as distinguished from a subordinate or accessory use.~~

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

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

~~BB.X. **Public Storage Facilities/Mini-Warehouse Storage:** A facility consisting of a building or a group of buildings where individual units are leased or rented to the general public for dead storage.~~

~~Y. **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.~~

## 10-9-22-10-9-16. "R" Definitions

~~A. **Railroad Passenger Station:** A facility for the boarding of passengers and related ticketing sales and offices.~~

~~A.~~

~~B. **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.~~

~~B.C. **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 telephone, radio or television 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.~~

**Commented [RS35]:** Make sure this includes everything in 10-18 of the municipal code.

**Commented [RS36]:** This use is similar to "Towers" as defined in 10-18-1 currently. We've adapted that existing definition to fit here.

~~G.D. **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.~~

~~E. **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.~~

~~F. **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.~~

~~D.G. **Recreational Vehicle, Trailer, and Boat Parking:** A site intended for the semi-permanent parking of recreational vehicles, trailers, or boats.~~

DRAFT FOR REVIEW

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

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

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

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

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

~~J. The term "resale dealer" shall include, but not be limited to, businesses commonly known as swapshop operators, stamp dealers, coin dealers and jewelers that purchase and resell items from persons other than dealers and suppliers and engage in disassembling, melting and otherwise altering jewelry. The term "resale dealer" shall not include pawnbrokers.~~

~~K. The fact that any business does any of the following acts shall be prima facie proof that such business is a resale dealer:~~

~~L. Advertise in any fashion that it buys or sells used items. Such advertisements shall include, but not be limited to, media advertisements, websites, telephone listings, and signs whether in the exterior or interior of business.~~

~~M. Devotes a significant segment or section of the business premises to the purchase or sale of used items.~~

~~L. 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.~~

~~N.J. Restaurant: An establishment whose food is available to the general public typically for consumption on the premises.~~

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

~~P. Rest home: See definition of Nursing home.~~

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

~~R. Restaurant, convenience: An establishment commonly referred to as "fast casual" dining with the following characteristics: a) limited menu items are made to order and are prepared only upon request; b) food is either ordered and picked up at a counter or served at the patron's table in a limited dine-in area; and c) usually part of a chain or franchise establishment.~~

## DRAFT FOR REVIEW

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

~~T. **Resubdivision:** The subdivision of a tract of land that has previously been lawfully subdivided, and a plat of such prior subdivision duly recorded.~~

~~U.L. **Retail Sstore:** 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.~~

~~V.M. **Right-of-Wway:** 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.~~

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

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

~~Y.N. **Roadside Sstand:** 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.~~

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

~~AA. **Roadway:** The paved portion of the street available for vehicular traffic.~~

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

### 10-9-23. "S" Definitions

~~10-9-24. **Salvage yard:** An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.~~

### 10-9-17. "S" Definitions

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

~~A. **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 part thereof, or nontoxic waste material of any kind.~~

- B. 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 (40%) 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 yards 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.
- L-M. Sewage Treatment Plant:** A facility which operates a sewerage system and sewage treatment facilities that collect, treat, and dispose of human waste
- M-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.

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**Commented [RS37]:** Add this to 10-3-10

**Commented [RS38]:** Added in "the average of all the existing" and specified that it applies to front setbacks exclusively.



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

**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.

**Commented [RS39]:** Sign area definition in 10-20-6. Include that definition and mark for discussion for steering committee.

**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.

**Commented [RS40R39]:** Sign area definition from draft Article 6 is included here. It's essentially the same substance as the existing definition in 10-20-6 of the UDO.

**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.

DRAFT FOR REVIEW

**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.

**Q-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.

**P-HH. Skating Rink:** An establishment that provides facilities for participant skating.

**Q-II. 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.

**R-JJ. Smoke:** Small gasborne gas borne particles other than water that form a visible plume in the air.

**KK. Smoke unit:** The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation. **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. Solid Waste Disposal Site:** A facility for the purpose of treating, compacting, composting, storing, or disposing of solid waste.

**S-MM. Specified Sexual Activities:** Any of the following conditions:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation.
3. Fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.
4. Excretory functions as part of or in connection with any activities set forth in subsections 1A through 3 C of this definition.

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

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

**Commented [RS41]:** We would recommend deleting/relocating this. Location with ROW is typically outside the UDO. We can adjust Article 3 to specify that small wireless facilities are permitted accessory uses in commercial and industrial districts. This information regarding permit procedure by district can be relocated to Article 3.

DRAFT FOR REVIEW

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

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

**Commented [RS42]:** There is no longer a public/private distinction for stables in the draft UDO.

~~X.OO. **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.~~

**PP. 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.

~~Y.QQ. **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.~~

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

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

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

**CC.TT. 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.

~~DD.UU. **Street, Ccollector:** 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.~~

**EE.VV. Street, Eestate Rresidential:** 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.

~~FF. **Street, half:** A street bordering one (1) or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.~~

**GG.WW. Street or Alley Lline:** 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.

~~HH.XX. **Street, Llocal Rresidential:** 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.~~

**II.YY. Street, Mmajor Ccollector:** 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.

~~JJ. **Street, marginal access:** A minor street which is parallel to and adjacent to a thoroughfare, and which provides access to abutting properties and protection from through traffic.~~

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~~KK.ZZ.~~ **Street, Mminor Ccollector:** 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.

~~LL.AAA.~~ **Street Wwidth:** The shortest distance between the backs of the curb or edge of pavement of a roadway.

~~MM.BBB.~~ **Structural Aalterations:** 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.

~~NN.CCC.~~ **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.

~~OO.~~ **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.~~

~~PP.~~ **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. For the purpose of this title, the requirements contained herein shall not apply, and no plat is required, in any of the following instances:

~~EEE.~~

~~FFF.~~ **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.

~~10-9-25. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;~~

~~10-9-26. The division of lots or blocks of less than one (1) acre, in any recorded subdivision, which does not involve any new streets or easements of access;~~

~~10-9-27. The sale or exchange of parcels of land between owners of adjoining and contiguous land;~~

~~10-9-28. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access;~~

~~10-9-29. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;~~

~~10-9-30. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;~~

~~10-9-31. Conveyances made to correct descriptions in prior conveyances;~~

~~10-9-32. 10-9-18. The sale or exchange of parcels or tracts of land into no more than two (2) parcels not involving any new streets or easement of access, provided each parcel meets the minimum lot size of the zoning district in which it is located.~~ **"T" Definitions**

- A. **Tattoo and Bbody Ppiercing Eestablishments:** 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 oror Lloungue:** A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.
- C. ~~Taxicab business: A service that offers transportation in passenger automobiles and vans to persons in return for remuneration. The business may include facilities for servicing, repair, and fueling the taxicabs or vans.~~
- 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 ##-###](#) or a use which is associated with a holiday or special event, or which is accessory to a permitted use and transitory in nature
- D.E. **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.

**Commented [RS43]:** I don't think a lot of this is necessary to specify. The minor and major subdivision application procedures in Chapter 8 state which types of applications that need to follow those procedures.

## DRAFT FOR REVIEW

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

~~F. 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.~~

~~G. Theater, mMotion Performancepicture: A building used for the display of motion pictures for which attendees are charged an admission fee to view.~~

~~F.H. Title:~~ Reference to "title" herein shall be construed to be the Yorkville Zoning Unified Development Ordinance.

~~G.I. 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.

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

~~I.J. 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.

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

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

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

~~M.K. 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.

~~N.L. Truck and Trailer Sales/Rental:~~ Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

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

~~N. Turnaround:~~ An area at the closed end of a street or parking lot, within which vehicles may reverse their direction.

### 40-9-33.10-9-19. "U" Definitions

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

- ~~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 percent (5%) of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises;~~

**Commented [RS44]:** Adapted from the APA dictionary.

**Commented [RS45]:** This definition already exists, no need to repeat.

**Commented [RS46]:** Add definition for Yorkville UDO

**Commented [RS47]:** Open Space is defined in the Subdivision Standards Article.

**Commented [RS48R47]:** Move to O.

**Commented [RS49R47]:** Relocated to the "O" definitions.

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4. ~~Has not less than ten feet (10') at its narrowest dimension between either a lot line and an area not qualifying as usable open space; and~~

5. ~~Is developed, landscaped and maintained suitable for pedestrian, recreational and leisure use.~~

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.

B.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.

C.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.

D.E. Use, Nonconforming: See definition of *Nonconforming use*.

E.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.

F.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.

### 10-9-34-10-9-20. "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~~nce~~: ~~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. A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exception narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship.~~

A. ~~and used for the charging of electric motor vehicles~~

C. Vehicle Charging Stations: A permitted accessory use serving another principal use ~~, such as an office park, industrial park, institutional use, shopping center, retail sales establishment, or multiple family development, 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.

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

Commented [RS50]: Revert to existing definition. Check the description specified in 10-4-7.

Commented [RS51]: No more ZBA.

~~10-9-35~~**10-9-21. "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.

~~10-9-36~~**10-9-22. "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, Front:** A yard extending along the full width of a front lot line between the side lot ~~lines, and~~ lines and has a depth between the front lot line and the front yard line.

C. **Yard, Interior Side:** A side yard which adjoins another lot or an alley separating such side yard from another lot.

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

E. **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.

F. **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.

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

~~10-9-37~~**10-9-23. Yard, transitional: A yard that must be provided on a lot in a business district which adjoins a lot in a residential district as a buffer and subject to regulations provided in the landscape ordinance.**  
**"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. **Zoning Board of Appeals:** See title 2, chapter 2 of this Code.



**REVIEW GUIDE**

Existing Text

New Text

References to be updated

## Chapter 7. Subdivision Standards

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

### 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 Minor Subdivision detailed in Section 10-8-## or a Major Subdivision as detailed in Section 10-8-##.

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. **Right Angles Required.**
- D. Side lot lines shall be substantially at right angles or radial to street lines.
- E. **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)(2)**.
    - 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)(2)**.
  - 3. Double frontage lots shall have additional depth to further protect the proposed use from rear lot line traffic, as deemed appropriate by the Planning and Zoning Commission and City Council.
- G. **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 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).

## 2. **Blocks.**

### a. **Length.**



- i. Blocks in residential subdivisions shall not exceed eight hundred (800) feet in length.
- ii. Blocks in nonresidential subdivisions shall not exceed one thousand three hundred twenty (1,320) feet in length.
- 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.

## 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 as nearly as possible at right angles. Proposed intersections at angles of less than eighty (80) degrees shall not be acceptable.
- 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.

## 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. Cul-de-sacs shall have a turn-around radius at the property line of not less than fifty (50) feet.
- c. Cul-de-sacs shall have a curb radius of not less than forty (40) feet.

## 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:
  - i. 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.
  - ii. The street by its general configuration, in relationship to the existing development of the area, serves any collector function.
  - iii. The street extends into an undeveloped area in such a manner as to serve any future collector function.

- iv. 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. 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.
  - 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:
    - i. Width: Eight (8) feet.
    - ii. Length: Twenty-three (23) feet. 
  - c. On-street parking spaces shall be delineated with striping with a minimum width of four (4) inches.
  - 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.

### C. Street Design Requirements.

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

Table 10-7-3(C)(1): Minimum Right-of-Way Widths	
Type of Street	Maximum Right-of-Way Widths (Feet)
Arterial	100
Collector	85
Local Nonresidential	80
Local Residential	75

2. **Paving Widths.** The minimum paving widths from curb face shall be as detailed in Table 7-1-3(C)(2).

Table 10-7-3(C)(2): Minimum Paving Widths	
Type of Street	Maximum Paving Width (Feet)
Arterial	49
Collector	41
Local Nonresidential	39
Local Residential	31

3. **Required Street Design Elements.** Required street design elements shall be as established per street type in Table ##-##.

- 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							
Type of Street	Required Street Design Element						
	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	○		○		□	○	

## 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, R-2, and R-2A 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 Planning and Zoning Commission 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 as required in **Section 10-7-3(E)**.

**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 area 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, R-2A, and R-2D Districts to encourage and accommodate, in an unified project, creative and imaginative approaches to development that preserve sensitive natural areas.

- 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 16-8-7(B)**.

Table 7-1-7(B): Maximum Density per Acre	
District	Maximum Density
R-1	4 dwelling units/acre
R-2	4.5 dwelling units/acre
R-2A	7 dwelling units/acre
R-2D	5 dwelling units/acre

- C. **Maximum Dimensional Standards Reduction.** The dimensional standards established in **Table 10-3-9** 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 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.
  1. Wetlands,

2. Native landscapes,
3. Mature tree stands,
4. Prime farmland,
5. Critical habitat, and/or
6. Other as approved by the Zoning Administrator.

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

### A. Building Variety Standards.

1. No new single-family detached or duplex dwelling units shall be similar in appearance to any other single-family detached or duplex dwelling units within three (3) 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 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) of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, combination);
2. Roof height;
3. Approximate dimensions (height and length) of the front wall closest to the front lot line;
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.

## 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 #####, 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



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<i>District-wide park or play field</i>	Minimum - 4 acres, up to 30 acres	1.25
<i>Community-wide recreation park</i>	Minimum - 12 acres, up to 30 acres	2
<i>Total</i>		5.5

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

- 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 ###-###** and the minimum number of acres for a school site of each school classification defined in **Table ###-###**. 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
<i>Elementary Schools - Grades K-5</i>	600 students	11 acres
<i>Junior High Schools - Grades 6-8</i>	900 students	19 acres
<i>High Schools - Grades 9-12</i>	2,300 students	48 acres

- 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 fee schedule adopted by the City. 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.
- Estimated Population Per Dwelling Unit.** Table **###-###** 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
<i>Dwelling, Single-Unit</i>						
<i>2 Bedroom</i>	0.113	0.136	0.048	0.020	1.700	2.017
<i>3 Bedroom</i>	0.292	0.369	0.173	0.184	1.881	2.899
<i>4 Bedroom</i>	0.418	0.530	0.298	0.360	2.158	3.764
<i>5 Bedroom</i>	0.283	0.345	0.248	0.300	2.594	3.770
<i>Dwelling Duplex, Dwelling, Townhome</i>						
<i>1 Bedroom</i>	0.000	0.000	0.000	0.000	1.193	1.193
<i>2 Bedroom</i>	0.064	0.088	0.048	0.038	1.752	1.990
<i>3 Bedroom</i>	0.212	0.234	0.058	0.059	1.829	2.392
<i>4 Bedroom</i>	0.323	0.322	0.154	0.173	2.173	3.145
<i>Dwelling, Multi-Unit</i>						
<i>Efficiency</i>	0.000	0.000	0.000	0.000	1.294	1.294
<i>1 Bedroom</i>	0.000	0.002	0.001	0.001	1.754	1.758
<i>2 Bedroom</i>	0.047	0.086	0.042	0.046	1.693	1.914
<i>3 Bedroom</i>	0.052	0.234	0.123	0.118	2.526	3.053



**REVIEW GUIDE**

Existing Text

New Text

References to be updated

## Chapter 8. UDO Review and Approval Procedures

10-8-1. Administrative Authorities .....	1
.....	3
10-8-2. General Application Requirements.....	3
10-8-3. Administrative Review and Action .....	4
10-8-4. Board/Commission General Review and Action Procedures .....	10
10-8-5. Special Uses.....	12
10-8-6. Subdivision Procedures.....	13
10-8-7. Planned Unit Development.....	19
10-8-8. Variations.....	23
.....	24
10-8-9. Appeals.....	24
10-8-10. Text Amendments .....	25
10-8-11. Map Amendments .....	25
10-8-12. Annexations.....	26

### 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 UDO, 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 UDO.
3. Receive applications for County mile and one-half reviews and forward to Plan Council, 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 UDO 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 the UDO, including, but not limited to, all maps, amendments, Variations, Appeals, and publications thereof.

7. Initiate, direct, and review, from time to time, a study of the provisions of this UDO and administrative record of Variances and Appeals and make reports of their recommendations to the City Administrator and the appropriate board or commission.
  8. 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.
  9. Identify all nonconforming structures and uses.
  10. Delegate other duties as may be placed upon them by this UDO.
- B. **Zoning Officer.** The Building Code Official shall be responsible for enforcing this title, including the following responsibilities.
1. Issue all certificates of use and occupancy, and Zoning Compliance Permits, 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 requiring compliance within thirty (30) days and advising suspected violators of their right to appeal; and to issue 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. Enforce all orders of the Planning and Zoning Commission and City Council.
- C. **Plan Council.** 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. Review on all Site Plans and documents related to concept plan, county mile and one-half review, Annexations, Planned Unit Developments, Map Amendments, Text Amendments, Special Use, Preliminary Plan and Final Plat for compliance with City ordinances, standards and policies.
  3. Work cooperatively with the applicant(s) to find mutually acceptable site design and improvement solutions to specific site problems, in accordance to City ordinances, standards and policies.
  4. Prepare recommendations based upon review of site plans and documents to commissions and/or boards prior to holding of a public hearing on the application or petition.
  5. The Plan Council may consist of the City Administrator, Community Development Director, City Engineer, Chief Building Code Official, Public Works Director, Director of Parks and Recreation, Police Chief, Sanitary District Director, emergency medical representative, and fire district representative.
  6. The City Administrator shall have final authority with regard to members and meeting schedule for the Plan Council.
- D. **Planning and Zoning Commission.** The Planning and Zoning Commission shall have the following authorities and responsibilities.
1. To hear and make recommendations to the Mayor and City Council on all applications for Text Amendments, Map Amendments, Planned Unit Developments, and Special Uses, and Subdivision 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 not less frequently than once each year.

3. To hear and make recommendations to the Mayor and City Council on all matters upon which it is required to pass under this title.
4. 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.
5. To hear and act upon requests for Interpretations of this UDO and appeals of decisions made by the Zoning Administrator.
6. To hear and act upon applications for Variations from the terms of the Zoning Ordinance.
7. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or Zoning Officer under the zoning regulations of this Code.
8. 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.
9. To enforce and make all decisions under the sign ordinance.

## 10-8-2. General Application Requirements


### A. Authorization.

1. An application for any UDO 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 UDO 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 UDO Application Requirements Manual and sufficient to determine whether the application will conform to the requirements set forth in this UDO.

### 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.
  - I. The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
  - II. The applicant has not responded in writing to a request for information or documentation from the initial Planning and Zoning Commission review within six (6) months from the date of that request.




- III. 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 and as included in the City Fee Schedule in Section ##-###.
2. No fees shall be waived, and no fees shall be refunded except those authorized by the 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 a City administrator, commission, or board. 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 make a determination 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. Administrative Review and Action

**A. Summary of Administrative Review and Action.** Table ##-#-## summarizes the Administrative review and approval procedures and identifies the administrator that serves as the review and decision-making body.

DRAFT FOR REVIEW

**Table 10-8-2(A): Summary of Administrative Review and Approval Procedures**

Administrative Review Procedure	Zoning Administrator	Zoning Officer	Plan Council
Zoning Review	○	●	
Building Permit		●	
Certificate of Occupancy		●	
Site Plan Review	●	○	○
Administrative Exception	●		
Sign Permit	●	○	
Temporary Use Permit	●	○	
Interpretations	●		
<b>Key:</b>			
● = Review and Decision Making Body			
○ = Review Body On An As-Needed Basis			

**B. Zoning Review.**

1. 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 or to permit the aforementioned actions, until a Zoning Review has been conducted by the Zoning Officer.
2. An application for Zoning Review shall be accompanied by a Property Index Number and Plat of Survey which may include a legal description; the location, size and height of any buildings or structures to be erected or altered; the existing and intended use of each building or structure and portion of the lot; the number of dwellings the building is intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be requested by the Zoning Officer to determine and provide for the enforcement of this UDO.
3. The Zoning Officer shall act upon each application for Zoning Review after it is filed in compliance with the provisions of Section ##-##-###. The Zoning Officer shall return one copy of the plans and notify the applicant, in writing, of said official's refusal to issue an approval detailing the reason(s) for the refusal.
4. No approval shall be issued until appropriate fees have been paid. Fees shall be in the amount set forth in the City Fee Schedule.

**C. 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. The permit shall be posted in a prominent place on the premises prior to and during the period of construction, reconstruction, enlargement, or moving.
2. **Site Plan Required.** Every application for a Building Permit submitted to the Zoning Officer shall be accompanied by a Site Plan and/or plat of survey as detailed in Section ##-##-###.

**D. 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. **Zoning Officer Action.** The Zoning Officer shall act on an application for a Certificate of Occupancy within five (5) 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, 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.

**E. Site Plan Review.**

1. **Purpose and Applicability.** Site Plan Review is required prior to the issuance of a Building Permit to certify compliance with all applicable provisions of this UDO. Site Plan Review shall be required for any development meeting one of the following criteria.
  - a. New development, including the construction or placement of any new building(s) or expansion of any existing building.
  - b. Any development subject to off-street parking and loading requirements.
2. **Zoning Administrator Review and Action.**
  - a. Upon determination of completeness, the application shall be reviewed by the Zoning Administrator to determine compliance with the requirements of this UDO. Based upon the review, the Zoning Administrator shall approve or deny the Application, or forward to Plan Council for further review.
  - b. If denied, the Zoning Administrator shall report the deficiencies to the applicant. The applicant shall have six (6) months from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Site Plan will be considered abandoned without further notice from the City.
3. **Plan Council Review.** Plan Council shall meet on an as-needed bases to review site plan and determine compliance with the requirements of this UDO.
4. **Concurrent Applications.** A Special Use Permit or Variation application may be processed concurrently with a Site Plan.
5. **Expiration and Lapse of Approval.** The applicant shall have twelve (12) months from the date of Site Plan approval to secure a Building Permit to carry out the proposed improvements. If a Building Permit has not been obtained within twelve (12) 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 four (4) weeks prior to the respective deadline.

**F. Administrative Exception.**



1. **Purpose.** An Administrative Exception is a process through which certain minor deviations from the requirements of this UDO may be approved by the Zoning Administrator. Administrative Exceptions are intended to allow a limited amount of flexibility in the siting and height of certain buildings and/or structures. The Zoning Administrator shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this UDO allows subject to the requirements of this Section.
2. **Administrative Exceptions Considered.**
  - a. An Administrative Exception to certain requirements of this UDO may be granted for the following exceptions:
    - I. A maximum five (5) percent reduction of the interior side and/or rear setback standard for a new principal or accessory building/structure, or an addition to an existing principal or accessory building/structure in any district,
    - II. A maximum five (5) percent increase of the height standard for a new principal or accessory building/structure in any district, and/or
    - III. Other circumstances as detailed in this UDO.
  - b. An Administrative Exception shall not be granted for the approval of any use not otherwise allowed as a permitted or Special Use within the subject district.
  - c. No Administrative Exception shall be considered where the setback required is five (5) feet or less.
  - d. In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum standard setback.
3. **Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the Zoning Administrator finds that the proposed exception:
  - a. Is consistent with the Comprehensive Plan,
  - b. Is consistent with the purpose of the base zoning district,
  - c. Is consistent with adopted building and fire codes,
  - d. Will not result in adverse impacts on adjacent existing or Planned Unit Development unless adequately mitigated, and
  - e. Is of a technical nature and is required to achieve at least one of the following:
    - I. Compensate for an unusual site condition,
    - II. Eliminate a minor inadvertent failure to comply with this UDO, or
    - III. To protect a sensitive resource or natural feature.
4. **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 3** above. Based upon their review, the Zoning Administrator shall approve or deny the Administrative Exception application in writing.
5. **Advancement To Variance.** The Zoning Administrator may advance any Administrative Exception application to a Variance 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 Administrative Exception advanced to a Variance shall follow the procedure in **Section ##-#-##**.

6. **Expiration.** If a Building Permit is not issued or a Site Plan is not approved within six (6) months of the approval of the Administrative Exception, the Administrative Exception shall be null and void.


**G. Lot Consolidation/Splits.**

1. **Applicability.** A Lot Consolidation/Split is a subdivision which meets any one (1) if the following conditions.
  - a. The consolidation or split of 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 final Filed 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 Consolidation/Split Review Criteria.**
  - a. **Comprehensive Plan Alignment.** The Lot Consolidation/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. **UDO Compliance.** The Lot Consolidation/Split is consistent with the provisions of the UDO 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 Minor 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 Minor Subdivision shall follow the procedure in **Section ##-#-##**.

**H. 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 UDO 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 UDO.
3. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the Building Code, and all other City ordinances are met.
4. **Zoning Administrator Review and Action.** Based upon their review, the Zoning Administrator 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**.

**I. 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 UDO 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. **Signs and Attention-Getting Devices.** The Zoning Administrator shall review all signage in conjunction with the issuance of the permit, although a Sign Permit is not required. The Zoning Administrator may approve the Temporary Use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:
    - I. Type and size of the proposed event or use,
    - II. Safety considerations (sight distance setbacks, sidewalks in area, etc.),
    - III. Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets),
    - IV. Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).
  - i. **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:

- I. Modifications or restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristics.
- II. 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. **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 2** above. Based upon their review, the Zoning Administrator shall approve or deny the Temporary Use Permit application in writing.

#### J. Interpretations.

1. **Purpose.**
  - a. The interpretation authority established by this section is intended to recognize that the provisions of this UDO, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied.
  - b. The Zoning Administrator may issue Interpretations of the provisions of this UDO to clarify the standards or requirements as they relate to a particular type of development on a particular property.
  - c. The interpretation authority established herein is not intended to add or change the essential content of this UDO but is intended only to allow authoritative application of that content to specific cases.
2. **Request.** The Zoning Administrator may issue an Interpretation at the written request of a petitioner who is proposing to take action requiring the issuance of a permit or certificate. The request for an Interpretation shall set forth the facts and circumstances, a description of the proposed development, and the precise interpretation claimed by the applicant to be correct.
3. **Content of Letter.** The Interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this UDO, and the Interpretation shall be advisory in nature and shall not be binding upon the Planning and Zoning Commission or the City Council in their functions under this UDO. The Interpretation shall specify the facts, reasons, analysis, and standards upon which the Interpretation is based.
4. **Records.** A record of all Interpretations shall be kept on file in the Zoning Administrator's office.

### 10-8-4. Board/Commission General Review and Action Procedures

- A. **Summary of Board/Commission Review and Approval Procedures.** **Table ##-#-##** 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 10-8-3(A): Summary of Board/Commission Review and Approval Procedures**

Petition Review Procedure	Plan Council	Planning and Zoning Commission	City Council
Special Use	R	R*	D
Minor Subdivision	R	R	D
Major Subdivision	R	R	D
Planned Unit Development	R	R*	D
Variation		R/D* °	D
Appeal		R	D
Text Amendment	R	R	D
Map Amendment	R	R*	D
Annexations	R	R	D*
<b>Key:</b>			
R = Recommending Body			
D = Decision Making Body			
* = Public Notice Required			
° = The Planning and Zoning Commission is the Final Determination Body For Some Variations as Specified in Section ##-###			

**B. Notice Requirements.**

1. **Notice Requirements by Procedure.** Table 10-8-3(B) summarizes the notice requirements per Board and Commission review and approval procedure.

<b>Table 10-8-3(B): Notice Methods by Board/Commission Review and Action Procedure</b>		
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	•	•
<b>Key:</b>		
• = 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 subdivision, consolidation, amendment, or Planned Unit Development or otherwise required by state statutes, shall be completed by the Zoning Administrator in a timely manner 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. **Plan Council Review.** Plan Council shall review the application and report to the Planning and Zoning Commission its findings and recommendations, including the recommended stipulations of conditions and guarantees as part of the approval.
- C. **Planning and Zoning Commission Hearing and Recommendation.** 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 Action.** 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.
- E. **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 ( $\frac{2}{3}$ ) 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.
- F. **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.

- G. **Conditions and Guarantees.** Prior to the granting of any Special Use, the Plan 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.
- H. **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 ( $\frac{2}{3}$ ) 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.
- I. **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 one (1) year 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.
- J. **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 ##-###** and **Section ##-###** 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 ##-###**.
  4. **Approval Process.** A major amendment to an approved Special Use shall follow the procedure for a Special Use approval set in **Section ##-###**. A minor amendment to an approved Special Use may be approved by the Zoning Administrator.

## 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 UDO. Whenever there is a discrepancy between minimum standards or dimensions of this UDO, 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 Minor or Major Subdivision 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. **UDO Compliance.** The Minor or Major Subdivision is consistent with the provisions of the UDO and the governing zoning district.

### C. Minor Subdivisions.


- 1. **Applicability.** A Minor Subdivision is a subdivision involving between four (4) and ten (10) parcels.
- 2. **Easements.** Where a Minor 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. Procedure.

- a. **Concept Plan.** The applicant for a Minor Subdivision shall meet with the City to review a Concept Plan as described in this subsection.
  - (1) **City Staff Meeting.** The applicant shall schedule a meeting with the City Administrator, City Engineer, and Director of Public Works, to review access, availability of water, sewer, stormwater, and other related technical issues, at least two (2) weeks prior to the targeted Planning and Zoning Commission.
  - (2) **Planning and Zoning Commission.** Petitioner must attend a scheduled Planning and Zoning Commission meeting, which will involve an informal public comment session after the petitioner, or a duly authorized representative presents his Concept Plan. The Planning and Zoning Commission shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.
- b. **Final Plan.** The applicant for a Minor Subdivision shall submit a Final Plan as described in UDO Application Requirements Manual.
  - (1) **Plan Council Review.** Plan Council shall review the Final Plan and review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.
  - (2) **Planning and Zoning Commission Recommendation.** After reviewing the Final Plan, 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.
  - (3) **Further review:** The Final Plat then proceeds to the Economic Development Committee for its further review and recommendation.
  - (4) **City Council Action.** After review and recommendation by the Planning and Zoning Commission, 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.

### D. Major Subdivisions.



 **Applicability.** A Major Subdivision is a subdivision involving more than ten (10) parcels.


2. **Procedure.**

- a. **Concept Plan.** The applicant for a Major Subdivision shall meet with the City to review a Concept Plan as described in this subsection.
  - (1) **City Staff Meeting.** The applicant shall schedule a meeting with the City Administrator, City Engineer, and Director of Public Works, to review access, availability of water, sewer, stormwater, and other related technical issues, at least two (2) weeks prior to the targeted Planning and Zoning Commission.
  - (2) **Plan Council Review.** Plan Council shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.
  - (3) **Planning and Zoning Commission.** Petitioner must attend a scheduled Planning and Zoning Commission meeting, which will involve an informal public comment session after the petitioner, or a duly authorized representative presents his Concept Plan. The Planning and Zoning Commission shall review and discuss the Concept Plan but is not required to take formal action on the Concept Plan.
- b. **Preliminary Plan.** The applicant for a Major Subdivision shall submit a Preliminary Plan as described in the UDO Application Requirements Manual.
  - (1) **Plan Council Review.** Plan Council shall review and discuss the Preliminary Plan but is not required to take formal action on the Preliminary Plan.
  - (2) **Planning and Zoning Commission Review.** The Planning and Zoning Commission shall evaluate the proposed Preliminary Plan, and after consideration of the Zoning Administrator Report, shall make a recommendation to the City Council to approve, approve with conditions, or deny the Preliminary Plan based on the applicable review criteria. The Planning and Zoning Commission shall transmit a report containing the recommendation to the City Council.
  - (3) **City Council Action.** After review of the Preliminary Plan and the recommendation of the Planning and Zoning Commission, the City Council shall discuss with the subdivider the proposed plan and shall, within forty-five (45) days, act on the Preliminary Plan. The subdivider shall be notified in writing of any conditions of approval or reasons for disapproval.
  - (4) **Time Limit and Expiration.** 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.
- c. **Final Plan.** The applicant for a Major Subdivision shall submit a Final Plan as described in UDO Application Requirements Manual.
  - (1) **Plan Council Review.** Plan Council shall review and discuss the Final Plan and recommend either approval or denial to the Planning and Zoning Commission.
  - (2) **Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission shall review the Final Plan and recommend either approval or denial of the Final Plan to City Council in writing and its reasons for such recommendation.
  - (3) **Further Review.** Following the Planning and Zoning Commission review and recommendation, the Final Plan shall proceed to the Economic Development Committee for its further review and recommendation.
  - (4) **City Council Action.** After review and recommendation by the Planning and Zoning Commission, the Final Plat shall be reviewed by the City Council to ensure that the application conforms to the approved preliminary



plat, addresses all conditions of approval required as part of the Preliminary Plat approval, and meets all the applicable review criteria. Based on the review, the City Council shall approve or deny the Final Plat.

- (5) **Recording of final plat:** The Final Plat shall be recorded 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.

#### E. 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 ##-###** 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 ##-###**.
4. **Approval Processes.** A major amendment to an approved Minor Subdivision shall follow the procedure set in **Section ##-###** while a major amendment to an approved Major Subdivision shall follow the procedure in **Section ##-###**. A minor amendment to an approved Subdivision may be approved by the Zoning Administrator.

#### F. 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 shall construct and install the required subdivision improvements prior to filing the final plat with the Planning and Zoning Commission for final approval. 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 11-5-1** of this chapter, the subdivider shall post with the City, 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. 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. **Procedure.** Not more than ten (10) months after Preliminary 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 through Section 11-5-16 of this chapter, and the City's standard specifications for improvements.
- b. Construction of all improvements required by this title must be completed within four (4) years from the date of approval of the Final Plat, unless good cause can be shown for granting an extension of time.
- c. 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.
- d. 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.
- e. Dumpsters, work trailers, and construction materials shall not be stored or located in roadways or public rights-of-way at any time, without exception.

- f. 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. Approval 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.

## 10-8-7. 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 applied as an overlay district, and all base district designations shall be maintained.
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 ##-#-#**.
4. All approved site development allowances shall be delineated in the ordinance approving the Planned Unit Development and shall be considered the standards of the Planned Unit Development overlay district 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 **two (2)** 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, **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 or Tivoli 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. **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.
6. **Universal Design.** the Planned Unit Development includes buildings designed with accessible features such as level access from the street and/or zero entry thresholds.
7. **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.

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. 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.
7. **Impact on Viewsheds.** The Planned Unit Development is designed to preserve the integrity of viewsheds from the perspective of viewers located on-site or off-site.

F. **Procedures.**

1. **Pre-Filing Staff Conference and Transmittal of Application.**



- a. **Pre-Filing Staff Conference(s).** A prospective applicant, prior to submitting a formal application for a Planned Unit Development, shall meet for a pre-filing conference(s) with the Zoning Administrator. The purpose of the conference(s) is to help the applicant understand: City plans and policies, including but not limited to the Comprehensive Plan; the UDO; site development allowances; the standards by which the application will be evaluated; and the application requirements.
  - b. **Filing of Application.** After completing the pre-filing staff conference, the applicant may file an application for a Planned Unit Development including all of the information required in **Section ##-###**.
  - c. **Deficiencies.** The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, they shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. If the Zoning Administrator determines that the application is complete they shall deliver copies of the application to other appropriate City departments or agencies for review and comment.
  - d. **Staff Report.** A copy of the complete application and a written report incorporating the comments of Village staff and other agencies regarding the compliance of the proposed Planned Unit Development with the requirements and standards of this Article shall be delivered to the Planning and Zoning Commission prior to the public hearing.
2. **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.
  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 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.
  5. **Zoning Map Amendment.** Upon approval of the Planned Unit Development by the City Council, the zoning map shall be amended to reflect the **PD-O Planned Unit Development Overlay District**.
- 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 ##-###** and **Section ##-###** 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 ##-###.**
4. **Approval Processes.** A major amendment to an approved Planned Unit Development shall follow the procedure set in **Section ##-###.** A minor amendment to an approved Planned Unit Development may be approved by the Zoning Administrator.
- 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.

## 10-8-8. 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 ##-#-##**.
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 **Article 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. 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.
3. **Planning and Zoning Commission Hearing and Action.** The Planning and Zoning Commission shall hold a public hearing and shall render a decision to approve, approve with conditions, or deny the application based on all applicable standards of this UDO.
4. **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.

## 10-8-9. 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. **Planning and Zoning Commission Hearing and Action.** A public hearing shall be conducted by the Planning and Zoning Commission for each Appeal. 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 10-8-9(E)**.
- 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.

## 10-8-10. 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. **Plan Council Review.** Plan Council shall review and discuss the Text Amendment and recommend approval or denial to the Planning and Zoning Commission.
- D. **Hearing and Recommendation by the Planning and Zoning Commission.** The Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed Text Amendment. Within forty-five (45) days after the close of the hearing on a proposed Text Amendment, the Planning and Zoning Commission shall make written findings of fact and shall submit the same, together with its recommendation to approve, modify, or deny the Text Amendment to the City Council.
- E. **City Council Action.** 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.

## 10-8-11. 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 Criteria.** The Planning and Zoning Commission shall approve Map Amendments only if the following criteria 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 ##-###**.
- C. **Plan Council Review.** Plan Council shall review and discuss the Map Amendment and recommend approval or denial to the Planning and Zoning Commission.
- D. **Planning and Zoning Commission Hearing and Recommendation.** The Planning and Zoning Commission may hear and hold a public hearing on a request for any Map Amendment and, at the close of the public hearing and consideration of public comment and the Zoning Administrator report make a recommendation to the City Council to approve, approve with conditions, or deny the Map Amendment based on the established review criteria. The Planning and Zoning Commission may also recommend a zoning district more restrictive than that requested. A concurring vote of a majority of those members present at the meeting shall be required to recommend granting or denying an application for an amendment. The Planning and Zoning Commission shall transmit a report containing its written findings to City Council.
- E. **City Council Action.** The City Council, upon receiving the recommendation of the Planning and Zoning Commission, may grant or deny a proposed Map Amendment in accordance with applicable Illinois Statutes or may refer to the Planning and Zoning Commission for further consideration.

## 10-8-12. 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. **Plan Council Review.** Plan Council shall review the application for annexation and report to the Planning and Zoning Commission its findings and recommendations as part of the approval.
- C. **Planning and Zoning Commission Review and Recommendation.** The Planning and Zoning Commission shall review the application and report its findings and recommendation to the City Council its findings and recommendations as part of the approval.
- D. **City Council Hearing and Action.** 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 ##-###**. City Council shall approve or deny a proposed by a majority vote in accordance with applicable Illinois Statute.
- E. **Request for Zoning Map Amendments.** All petitions for Annexation agreement requesting a zoning classification other than the R-1, Single-Unit 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 ##-###** 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 10-4-13 of this chapter**, and the said fees shall be paid at the time of filing the petition for Annexation agreement.