

ORDINANCE NO. 44-89
AMENDED ZONING ORDINANCE
Effingham, Illinois

AN ORDINANCE TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS; TO REGULATE AND LIMIT THE INTENSITY OF THE USE OF LOT AREAS; TO REGULATE AND DETERMINE THE AREA OF OPEN SPACES WITHIN AND SURROUNDING SUCH BUILDINGS; TO CLASSIFY, REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND OTHER USES, AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIED INDUSTRIAL, BUSINESS, RESIDENTIAL AND OTHER USES; AND FOR SAID PURPOSES TO DIVIDE THE ENTIRE CITY AND TERRITORY WITHIN ONE AND ONE-HALF MILES OF THE CITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PROVIDE FOR THE ADMINISTRATION, INTERPRETATION AND ENFORCEMENT OF SAID REGULATIONS.

For the purposes of conserving the taxable value of land and buildings, securing adequate light, pure air and safety from fire and other dangers, lessening or avoiding congestion in the public streets and otherwise promoting the public health, safety, comfort, morals and welfare:

BE IT ORDAINED by the council of the City of Effingham, Illinois:

That the Zoning Ordinance of the City of Effingham, Ordinance No. 436, passed on July 2, 1963; and Ordinance No. 17-75, passed on April 16, 1975; and Ordinance No. 37-83, passed on September 20, 1983, and subsequent amendments thereto, be and the same is hereby amended to read as follows:

Footnotes:

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Editor's note—This appendix contains the city's new zoning ordinance consisting of Ord. No. 44-89, adopted Aug. 15, 1989, which ordinance amended the former zoning regulations of Ord. No. 37-83, adopted Sept. 20, 1983. Ord. No. 44-89 is set out as enacted with no substantive changes made by the editor. An amendment to any section shall be followed by a history note in parentheses following that section.

Cross reference— Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 10; flood damage prevention and control, Ch. 11; sexually oriented businesses, § 15-71 et seq.; planning, Ch. 19; plumbing, Ch. 20; streets, public improvements and public places, Ch. 22; subdivision regulations, App. A.

ARTICLE 1. - DEFINITIONS

For the purposes of this ordinance, certain terms and words are hereby defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular, the word building includes the word structure; the word shall is mandatory and not directory:

- 1-1. Accessory building and use: A subordinate building located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land. An accessory use is one which is naturally and normally incidental to the main use of the premises.
- 1-2. Alley: A way which affords only a secondary means of access to property abutting thereon.

- 1-3. Apartment: A room or suite of rooms intended, designed or used as a residence by a single family.
- 1-4. Apartment house: See Dwelling, multiple.
- 1-5. Automobile service establishment: An establishment engaged in the service or repair of automobiles, trucks of less than twelve thousand (12,000) pounds gross weight, recreational vehicles, boats and motorcycles and reconditioning and repair of parts and accessories for such vehicles. Service and repair may include general repair, rebuilding or reconditioning of engines, vehicle collision service, body repair and frame straightening, painting and upholstering, vehicle steam-cleaning, undercoating and machining of parts.
- 1-6. Basement: A story partly underground and having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.
- 1-7. Bed-and-breakfast establishment: A building where, for compensation and by arrangement, lodging (in not more than five (5) lodging rooms) and a breakfast meal are provided for transient guests in addition to the resident family.
- 1-8. Boarding house or lodging house: A building where, for compensation and by arrangement, lodging (in not more than five (5) lodging rooms) and meals are provided for persons in addition to the resident family.
- 1-9. Building: Any structure having a roof supported by columns or walls for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.
- 1-10. Building, height of: The vertical distance from the grade (elevation of the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof or to the decline of mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- 1-11. Car wash: A structure or portion thereof, containing facilities for washing private passenger vehicles, using automatic methods with a chain conveyer, blower, steam-cleaning device or other mechanical devices; or providing space and equipment for the handwashing, cleaning or polishing of passenger vehicles, whether by customer or the operator; but not including truck wash facilities.
- 1-12. Cellar: That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half ($\frac{1}{2}$) of its height below grade.
- 1-13. Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or other members of the healing arts practicing together.
- 1-14. Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.
- 1-15. Day-care center: Any child-care facility, with or without stated educational purposes, receiving thirteen (13) or more children for care during all or part of a day, licensed and operated under the provisions of the Child Care Act of the State of Illinois. (Ord. No. 41-92, § I, 10-20-92)
- 1-16. Community residence: A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence providing foster care nor a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.
 - A. Small Community Residence: A community residence, excluding foster care, for no more than six (6) persons with disabilities, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community.

- B. Large Community Residence: A community residence for seven (7) to fifteen (15) persons with disabilities, plus supervisory or oversight personnel, living together as a single-family unit for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community.
- C. Person with a Disability: Any individual whose disability:
 - (1) Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and
 - (2) Is likely to continue for a significant amount of time or indefinitely; and
 - (3) Results in functional limitations in three (3) or more of the following areas of major life activities:
 - (a) Self-care;
 - (b) Receptive or expressive language;
 - (c) Learning;
 - (d) Mobility;
 - (e) Self-direction;
 - (f) Capacity for independent living;
 - (g) Economic self-sufficiency; and
 - (4) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration. (Ord. No. 6-91, 1-15-91)
- 1-17. District: Any section of the city or territory within one and one-half (½) mile of the city for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
- 1-18. Drive-in establishment: An establishment which provides or is designed to provide, either wholly or in part, parking of patrons' automobiles from which the occupants may watch entertainment, purchase goods or services or transact business (also see definition of Restaurant, drive-in).
- 1-19. Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes, but not including trailers and mobile homes.
- 1-20. Dwelling, attached single-family: A dwelling unit having its own ground floor entrance, joined to two (2) or more dwelling units by party walls or other horizontally unifying structural element, each self-sufficient with utilities and designed for or occupied exclusively by one (1) family.
- 1-21. Dwelling, single-family: A dwelling designed for or occupied exclusively by one (1) family.
- 1-22. Dwelling, two-family (duplex): A dwelling designed for or occupied exclusively by two (2) families, with each dwelling unit having its own ground floor entrance, joined to only one (1) other dwelling unit by a party wall or other horizontally unifying structural element.
- 1-23. Dwelling, multiple: A dwelling designed for or occupied exclusively by three (3) or more families.
- 1-24. Dwelling unit: One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only and which includes complete bathroom and kitchen facilities permanently installed to serve the family.
- 1-25. Family: One (1) or more persons related by blood, marriage or adoption, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined.
- 1-26. Filling station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles

and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body, fender repair or spray painting or outside storage of vehicles.

- 1-27. Floor area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings, but not including garages, unenclosed porches and cellar or basement space.
- 1-28. Foundation, permanent: A structural building support extending from below the frostline up to the structure and made of cast-in-place concrete or concrete blocks mortared together.
- 1-29. Frontage: All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street; or, if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.
- 1-30. Garage, private: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory and not storing more than one (1) commercial vehicle or any vehicle which exceeds a two-ton capacity.
- 1-31. Garage, storage or parking: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.
- 1-32. Home occupation: A business, occupation or profession conducted within a dwelling unit by a person residing within that dwelling unit which is clearly incidental to the primary residential use of the structure, and provided that:
 - a. The occupation shall be conducted wholly within the principal building;
 - b. No occupational use shall be made of garage facilities or other accessory structure, whether attached or detached;
 - c. No person who is not a member of the family residing in the dwelling unit shall be employed;
 - d. A separate entrance shall not be provided in conjunction with the conduct of the occupation;
 - e. No alteration of any kind shall be made to the principal building which changes its residential character as a dwelling unit;
 - f. No outdoor storage in connection with the occupation shall be allowed;
 - g. The occupation shall not involve more than a total of three hundred (300) square feet of the area of a dwelling unit;
 - h. No sign shall be permitted on the premises except a nameplate of one (1) square foot in area;
 - i. There shall be no commodity sold or services rendered that require delivery or shipment of merchandise, goods or equipment by other than passenger-sized motor vehicles, three-quarter to step-up van or similar sized trucks;
 - j. There shall be no perceptible noise, odor, smoke, electrical interference or vibrations emanating from the structure in which the home occupation functions; and
 - k. The home occupation shall be conducted in such a manner that it does not create parking or traffic congestion for the abutting or adjoining neighbors or for the immediate neighborhood.
- 1-32.A. Home Occupation—Day care home: Any in-home child care facility receiving a maximum number of twelve (12) children including the care giver's own children, for care during all or part of a day. The day care home shall be licensed and operated under the provisions of the child care act of the State of Illinois.
 - a. An assistant who may or may not be a member of the family residing in the dwelling unit may be employed;
 - b. A separate entrance shall not be provided in conjunction with the conduct of the occupation;

- c. No alteration of any kind shall be made to the principal building which changes its residential character as a dwelling unit;
 - d. No sign shall be permitted on the premises except a nameplate of one (1) square foot in area mounted flush against the side of the home;
 - e. The home occupation shall be conducted in such a manner that it does not create parking or traffic congestion or a nuisance for the abutting or adjoining neighbors or for the immediate neighborhood. (Ord. No. 41-92, § I, 10-20-92)
- 1-33. Hotel, motel or motor hotel: An establishment containing guest rooms exclusively for occupancy by transient guests and which provides customary hotel services, such as maid, telephone and secretarial, bellboy and desk services, and the use and upkeep of furnishings and laundry of linens.
- 1-34. Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- 1-35. Laundromat: An establishment providing home-type washing, dry cleaning, drying or ironing machines for hire to be used by customers on the premises.
- 1-36. Loading space: A space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) by one hundred (100) feet and a vertical clearance of at least fourteen (14) feet.
- 1-37. Lodging room: Any habitable room or group of not more than two (2) habitable rooms forming a habitable unit occupied or intended to be occupied by not more than two (2) persons for living and sleeping but not used for cooking purposes.
- 1-38. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.
- 1-39. Lot, corner: A lot abutting upon two (2) or more streets at their intersection.
- 1-40. Lot, double frontage: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- 1-41. Lot of record: A lot which is part of a subdivision, the map of which has been recorded in the office of the recorder of deeds in Effingham County; or parcel of land, the deed of which was recorded in the office of the recorder of deeds in Effingham County.
- 1-42. Miniwarehouse: A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the dead storage of the customer's goods or wares.
- 1-43. Mobile home (house trailer): A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable but designed to be joined into one (1) integral unit.
- 1-44. Mobile home park (trailer park): A lot on which are located or which is arranged or equipped for the accommodation of two (2) or more mobile homes occupied for living purposes.
- 1-45. Modular home: Same as Relocatable home.
- 1-46. Motel: See section 1-33.
- 1-47. Motor court or motel: A building or group of buildings used for the temporary residence of motorists or travelers.
- 1-48. Nonconforming use: The use of land or a building or portion thereof which use does not conform with the use regulations of the district in which it is situated.

- 1-49. Nursing home: A licensed public or private home or institution which provides maintenance, personal care and nursing for three (3) or more persons who, by reason of physical illness or infirmity, are incapable of maintaining a private, independent residence. (Ord. No. 6-91, § 1, 1-15-91)
- 1-50. Parking space: A surfaced area enclosed in the main building or in an accessory building or unenclosed having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
- 1-51. Party wall: A fire-separation wall on an interior lot line used or adapted for joint service between two (2) single-family dwelling units providing not less than one-hour fire-resistance separation.
- 1-52. Portable sign: A sign of a temporary nature not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability by means of its configuration.
- 1-53. Relocatable home: A movable or portable dwelling with a floor area of at least one thousand (1,000) square feet designed and constructed without a carriage or hitch, as a stationary house constructed for placement upon a permanent foundation, to be connected to utilities for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be joined into one integral unit.
- 1-54. Restaurant: An establishment whose sole business is the sale of food or beverage to customers for consumption on the premises. The food is consumed only on the premises and all dishes cleared by the staff of the establishment in preparation for the next customer.
- 1-55. Restaurant, carry-out: An establishment whose principal business is the sale of food or beverages to the customer in the ready-to-consume state for consumption off the premises.
- 1-56. Restaurant, drive-in: An establishment whose principal business is the sale of food or beverages in the ready-to-consume state, all or part of which is served directly to the customer in a motor vehicle.
- 1-57. Restaurant, fast-food: An establishment whose principal business is the sale of food or beverages in a ready-to-consume state for consumption on or off the premises and which is served in edible containers or in paper, plastic or other disposable containers.
- 1-58. Story: That portion of a building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- 1-59. Story, half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; except that any partial story used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.
- 1-60. Street: A public or private thoroughfare which affords the principal means of access to abutting property.
- 1-61. Street, line: A dividing line between a lot, tract or parcel of land and a contiguous street.
- 1-62. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas, but not including fences.
- 1-63. Structural alterations: Any change in the supporting members of a structure, such as bearing walls, columns, beams, girders or doors, other than a change in windows or a minor alteration which effects primarily the appearance and not the life of the structure or overall dimensions of the building.
- 1-64. Travel trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use.

- 1-65. Truck service center: An establishment engaged in the service or repair of automobiles, trucks, all size of commercial or private vehicles of more than twelve thousand (12,000) pounds and reconditioning and repair of parts and accessories of such vehicles. Service and repair may include general repair, rebuilding or reconditioning of engines, vehicle collision service, body repair and frame straightening, painting and upholstering, vehicle steam-cleaning, undercoating and machining of parts.
- 1-66. Truck wash: A structure or portion thereof containing facilities for washing, cleaning or polishing autos, trucks, buses or other commercial vehicles using automatic methods with a chain conveyer, blower, steam-cleaning device or other mechanical devices or providing space and equipment for the handwashing, cleaning or polishing of autos, trucks, truck trailers, buses or other commercial vehicles, whether by the customer or the operator.
- 1-67. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein, and measured as the minimum horizontal distance between the lot line and the main building.
- 1-68. Yard, front: A yard extending across the front of a lot between the side yard lines and measured between the street line and the main building of any projections thereof, other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch.
- 1-69. Yard, rear: A yard extending across the rear of a lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be at the opposite end of the lot from the front yard.
- 1-70. Yard, side: A yard between the main building and the side line of the lot, and extending from the front lot line to the required rear yard.

ARTICLE 2. - DISTRICTS AND BOUNDARIES

2-1. Districts. For the purposes of this ordinance, the city and the area within one and one-half (1½) miles of the city limits of the city is hereby divided into the following districts:

NU	Nonurban District.
R-1	Single-Family Residence District.
R-2	Single-Family Residence District.
R-3A	Attached Single-Family Dwelling District.
R-3B	Two-Family Duplex Dwelling District.
R-3C	Multiple-Dwelling District.
R-3D	Multiple-Dwelling District.
PRD	Planned Residential Development District.
R-4	Limited Office and Retail District.

B-1	Neighborhood Shopping District.
B-2	General Commercial District.
B-3	Central Business District.
B-4	Planned Shopping Center District.
B-5	Highway Commercial District.
POM	Planned Office and Limited Industrial District.
M-1	Light Industrial District.
M-2	Heavy Industrial District.

(Ord. No. 22-95, § 1, 3-21-95)

2-2. Maps. The boundaries of these districts are hereby established as shown on the official city zoning map which is on file at city hall and is designated as the zoning district map. The zoning district map and all the notations, references and other information shown thereon are a part of this ordinance and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were all fully set forth or described herein, which zoning district map is properly attested and on file at the city hall in the city. Contiguous territory within one and one-half (1½) miles of the corporate limits of the city is classified for zoning purposes as shown in the extra territorial zoning map, which accompanies and is hereby declared to be a part of this ordinance; and all the notations, references and other information shown thereon are a part of this ordinance and shall have the same force and effect as if such extra territorial zoning map and all the notations, references and other information shown thereon were all fully set forth or described herein, which zoning district map is properly attested and on file with the city clerk.

2-3. District boundaries.

- A. District boundary lines on said map are intended to follow either streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the zoning district map or by dimensions.
- B. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

2-4. All territory which may hereafter be annexed to the city shall maintain the same district designation as is held under the extra territorial zoning map. Any unzoned land lying outside of and contiguous to the zoning boundary one and one-half (1½) miles distant from the corporate limits of the city shall

automatically be zoned "NU—Nonurban District" when said corporate limits are changed or altered in such a way that the previously contiguous land then lies within the 1½-mile area.

- 2-5. Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- 2-6. Any area within the corporate limits of the city or within one and one-half (1½) miles of the corporate limits of the city which is under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. Where said water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

ARTICLE 3. - COMPLIANCE WITH THE REGULATIONS

3-1. Except as herein specifically provided:

- A. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered; nor shall any building or land be used except for a use permitted in the district in which such building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located except as specifically provided hereinafter.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located except as specifically provided hereinafter.
- D. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- E. The minimum yards, parking spaces and open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building; nor shall any lot area be reduced below the requirements of this ordinance for the district in which such lot is located except as specifically provided hereinafter.
- F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereafter in Article 22.
- G. All inhabited mobile homes shall be located in a mobile home park as provided for in this ordinance. The temporary use of a mobile home or a temporary structure as a building in conjunction with construction work shall be permitted.
- I. No structure or land shall be occupied or used without first obtaining a certificate of occupancy from the building official of the city as specified in Article 30.

ARTICLE 4. - NU NONURBAN DISTRICT

- 4-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the NU Nonurban District.
- 4-2. Purpose. The purpose of this district is to provide for agricultural activities, for protection of resources, such as forested areas, waterways and areas of unusual scenic value, and, at the same time, to provide for rural residences on large lots for those who choose a rural environment and to

prevent the untimely scattering of more dense urban uses which should be confined to areas planned for efficient extension of public services.

4-3. Use regulations.

- A. Farming and truck gardening, provided that any structure or enclosure for the shelter of livestock or poultry shall be located not less than one hundred (100) feet from any street or lot line, and provided, further, that such use is not prohibited by other ordinances of the city.
- B. Roadside stand for the display or sale of farm products raised on the premises.
- C. Greenhouse or nursery.
- D. Park, playground or forest preserve, school (public or private), golf course or country club (but not miniature golf course or practice driving tee operated for commercial purposes).
- E. One-family dwelling.
- F. Home occupation.
- G. Existing railroad right-of-way, not including switching, storage, freight yards or siding.
- H. Advertising sign or billboard when located at least fifty (50) feet from any "R" District and in compliance with the regulations of Department of Transportation, State of Illinois.

4-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

4-5. Parking regulations. Off-Street parking space shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 5. - R-1 SINGLE-FAMILY RESIDENCE DISTRICT

5-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-1 Single-Family Residence District.

5-2. Purpose. The purpose of this district is to provide for low-density, single-family residential development or compatible development on moderate-sized lots where water and sewer facilities are provided or are planned in the reasonable near future. The regulations of this district are intended to preserve and protect the character of existing lots improved with single-family dwellings and to permit compatible development. (Ord. No. 6-91, § 2, 1-15-91)

5-3. Use regulations. A building or premises shall be used only for the following purposes:

- A. One-family dwelling.
- B. Farming and truck gardening, provided that any structure or enclosure for the shelter of livestock or poultry shall be located not less than one hundred (100) feet from any street or lot line, and provided, further, that such use is not prohibited by other ordinances of the city.
- C. Publicly owned or operated park, playground or community building, museum, library or art gallery.
- D. Church or other place of worship or Sunday school.
- E. Public school, elementary and high or a private school having a curriculum the same as ordinarily given in a public school.
- F. Country club or golf course except miniature course or practice driving tee operated for commercial purposes.
- G. Home occupation.
- H. Existing railway right-of-way, not including switching, storage, freight yards or sidings.

- I. Accessory building or use, including a private garage, storage shed, greenhouse or other aboveground accessory structure, shall not exceed one thousand two hundred (1,200) square feet in area or twenty (20) feet in height. No detached accessory building shall be closer than ten (10) feet to the main building or closer than six (6) feet to a rear lot line or three (3) feet to any side lot line. If the accessory building is attached to the main structure, said accessory building shall maintain the setbacks required of the main structure in the zoning district in which it is located. Aprons, patios, walks and driveways may occupy part or all of a rear yard.

Swimming pools may occupy part or all of a rear yard but shall not be closer than six (6) feet to any lot line. Accessory buildings shall not be used for the conduct of business for a home occupation or storage for a home occupation. Accessory structures shall not occupy more than forty (40) percent of the rear yard.

- J. Fences within the required side and rear yards shall not exceed eight (8) feet in height as measured from the topmost point thereof to the ground or surface along the centerline of the fence. Swimming pool aprons shall be enclosed by a fence with a minimum of four (4) feet in height. No electric or barbed-wire fences are permitted.
- K. A church or public bulletin board or temporary sign appertaining to the lease, hire or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- L. Small community residence, provided:
 - (1) The structure is located not less than 800 feet from another Community Residence; and
 - (2) Prior to occupancy, a certificate of use and occupancy is applied for and obtained from the building official. (Ord. No. 6-91, § 2, 1-15-91)

5-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

5-5. Parking regulations. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 6. - R-2 SINGLE-FAMILY RESIDENCE DISTRICT

6-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-2 Single-Family Residence District.

6-2. Purpose. The purpose of this district is to provide for low-density, single-family residential development on small lots where water and sewer services are provided. The district is intended for application to older areas of the city and extensions of these areas.

6-3. Use regulations.

- A. Uses permitted in the R-1 District.
- B. Relocatable homes having over one thousand (1,000) square feet of floor area and being similar in design to adjacent housing.

6-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

6-5. Parking regulations Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 7. - R-3A ATTACHED SINGLE-FAMILY DWELLING DISTRICT

7-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-3A Two-Family (Duplex) Dwelling District.

(Ord. No. 22-95, § 2, 3-21-95)

7-2. Purpose. The purpose of this district is to provide land areas for attached single-family dwellings in locations which provide a transition to areas of single-family residences and have convenient access to collector or major roadways, shopping and public facilities. The density permitted in this district is intended to allow for development with adequate open space and transitional scale to adjacent uses.

(Ord. No. 22-95, § 2, 3-21-95)

7-3. Use. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-2 Single-Family Residence District.
- B. Attached single-family dwellings.
- C. Accessory building or use customarily incidental to the above uses as permitted in the R-2 District.

(Ord. No. 22-95, § 2, 3-21-95)

7-4. Height and area regulations. The height and area requirements set forth in Articles 21 and 22 shall be observed.

(Ord. No. 22-95, § 2, 3-21-95)

7-5. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

(Ord. No. 22-95, § 2, 3-21-95)

ARTICLE 8. - R-3B TWO-FAMILY DUPLEX DWELLING DISTRICT

8-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-3B Two-Family Duplex Dwelling District.

(Ord. No. 22-95, § 2, 3-21-95)

8-2. Purpose. The purpose of this district is to provide land areas for the development of two-family duplex-type dwellings in locations which provide a transition to or are otherwise compatible with adjacent single-family residential areas. Densities in this district are intended to allow for development of duplex dwellings with adequate open space and in scale with adjacent single-family dwellings.

(Ord. No. 22-95, § 3, 3-21-95)

8-3. Use regulations. A building or premises shall only be used for the following purposes:

- A. Any use permitted in the R-3A Attached Single-Family Dwelling District.
- B. Two-family (duplex) dwellings.
- C. Accessory building or use as permitted in the R-2 District.

(Ord. No. 22-95, § 3, 3-21-95)

8-4. Height and area regulations. The height and area requirements set forth in Articles 21 and 22 shall be observed.

(Ord. No. 22-95, § 3, 3-21-95)

8-5. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

(Ord. No. 22-95, § 3, 3-21-95)

ARTICLE 9. - R-3C MULTIPLE-DWELLING DISTRICT

9-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-3C Multiple-Dwelling District.

9-2. Purpose. The purpose of this district is to provide land areas for development of moderate-density, multiple-family dwellings, including apartments, which areas are served by utilities and well-located with respect to major streets and shopping facilities.

9-3. Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-3B, Two-Family Duplex Dwelling Districts.
- B. Multiple dwelling.
- C. Nursing or convalescent home.
- D. Accessory building or use customarily incidental to any of the above uses as permitted in the R-2 District.
- E. Large community residences, provided:
 - (1) They are located not less than eight hundred (800) feet from another community residence; provided, however, that up to two (2) such residences may be located on the same lots; and
 - (2) Prior to occupancy, a certificate of use and occupancy is applied for and obtained from the building official.
- F. Signage same as Article 13, B-1 Neighborhood Shopping District.

(Ord. No. 6-91, § 3, 1-15-91; Ord. No. 28-92, § I, 8-18-92; Ord. No. 22-95, § 4, 3-21-95)

9-4. Height and area regulations. The height and area requirements set forth in Articles 21 and 22 shall be observed.

9-5. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 10. - R-3D MULTIPLE-DWELLING DISTRICT

10-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the R-3C Multiple-Dwelling District.

10-2. Purpose. The purpose of this district is to provide land areas for apartment development and for needed community medical services, which areas are served by utilities and well-located with respect to major streets and shopping facilities. Densities in this district allow for both the converted single-family as well as apartments.

10-3. Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-3C Multiple-Dwelling District.
 - B. Boarding or lodginghouse.
 - C. Institution of a religious, educational eleemosynary or philanthropic nature but not a penal or mental institution.
 - D. Hospital or sanitarium except a criminal, mental or animal hospital.
 - E. Private club, fraternity, sorority or lodge excepting one the chief activity of which is a service customarily carried on as a business.
 - F. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution.
 - G. Signage same as Article 13B-1 Neighborhood Shopping District. (Ord. No. 28-92, § I, 8-18-92)
- 10-4. Height and area regulations. The height and area requirements set forth in Articles 21 and 22 shall be observed.
- 10-5. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 11. - PRD PLANNED RESIDENCE DISTRICT

- 11-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the PRD Planned Residential Development District.
- 11-2. Purpose. The purpose of this district is to encourage large-scale residential developments as a means of providing a better living environment, to encourage variety in housing, to offer an opportunity for flexibility of design and to assist in the proper location of community facilities in conformance with the goals of the comprehensive plan.
- 11-3. Application of the PRD District. The PRD District is created as a special district to be superimposed on residential districts contained in these regulations and is to be so designated on the zoning district map.
- 11-4. Use regulations. A building or premises shall be used only for the following:
- A. Permitted uses, accessory uses and signs as permitted in the NU, R-1, R-2 or R-3D District where applicable.
 - B. Special uses as provided for in these regulations following the procedures specified in Article 26.
 - C. Signage same as Article B-1 Neighborhood Shopping District.

(Ord. No. 28-92, § I, 8-18-92)

- 11-5. Minimum area. The minimum area for a PRD District shall be five (5) acres, except that areas less than five (5) acres totally surrounded by a public street, waterway, railroad or other physical barrier may be designated as a PRD District.
- 11-6. Dwelling units permitted. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family or dwelling unit required by the district or districts in which the area is located and multiply the resulting figure by one hundred ten (110) percent. Net development area shall be the gross area of the project less fifteen (15) percent of the gross area for streets. The area of land set aside for common open space, recreational use, schools, churches, easements, etc., shall be included in determining the number of dwelling units permitted.
- 11-7. Procedure. The owner or owners of a tract of land meeting the minimum requirements may submit an application for a zoning district change, together with the required preliminary site plan, to the city building official for consideration. Before any action thereon, the proposed district change and site

plan, together with other required information, shall be referred to the city plan commission for study, public hearing and report. The planning commission shall review the conformity of the proposed development with the standards of the adopted comprehensive plan and recognized principles of land use planning. The minimum lot and yard requirements and maximum height requirements of the zoning district or districts in which the development is located need not apply, except that the commission shall ensure an appropriate relationship between the proposed development and adjacent uses. The planning commission may recommend conditions regarding the layout, circulation and general design of the proposed development. The planning commission shall prepare a written report and recommendation to the city council on the proposed planned residential development, said report to comment specifically on the following:

- A. Compliance with the requirements of this ordinance as regards to land use and population density.
- B. Compliance with the requirements of this ordinance regarding site plan.
- C. General compliance with the comprehensive plan or desirability of an amendment to the plan.
- D. The general layout of the plan, including land uses, transportation system and community facilities.
- E. Specific conditions, if any, which should be imposed at the time of final approvals.

Following the report and recommendation by the planning commission and transmittal to the city council, the city council shall approve or disapprove the application and site plan with or without conditions.

11-8. Site plan. The site plan shall meet the requirements for site plans as described in Article 27.

11-9. Issuance of building permit. No building permit shall be issued until the site plan has been approved and all plans, profiles or subdivision plats that may be required approved. No building permit shall be issued unless it is in conformance with the approved site plan.

11-10. Review of abandoned projects. In the event that the applicant or his successors fail to commence the planned residential development within two (2) years after final approval has been granted, then, and in that event, such final approval shall terminate and be deemed null and void unless such time period is extended by the city council upon recommendation by the planning commission upon written application by the applicant or his successors. Upon termination of an approval, the PRD designation and any changes to the zoning district map made in conjunction with the PRD approval shall revert to the same zoning classification existing prior to the application for the PRD and district changes in conjunction with the PRD application, and the zoning regulations of said prior district shall thereupon be in full force and effect.

ARTICLE 12. - R-4 LIMITED OFFICE AND RETAIL DISTRICT

12-1. The regulation set forth in this article or set forth elsewhere in the ordinance when referred to in the article are regulations in the R-4 Limited Office and Retail District.

12-2. Purpose. The purpose of this district is to provide for the conversion and expansion of residential structures for office and retail use while maintaining the overall residential appearance of the area.

12-3. Use regulation. A building or premises shall be used for the following purposes:

- A. Any use permitted in the R-3D Multiple-Dwelling District.
- B. Offices, including general, business, medical and dental, not exceeding five thousand (5,000) square feet in the area.
- C. Retail sales, including antiques, art supplies, bakery goods, books, cameras, candy, cards and gifts, clothing, cosmetics, fabrics, flowers, furs, guns, hobby and craft supplies, sewing supplies, tobacco and variety goods, not exceeding three thousand (3,000) square feet in area.

- D. Personal, family and household services, including appliance repair, barbershop, beauty parlor, bicycle repair, carpeting and draperies, photographers, shoe repair, tailoring and dressmaking, and upholstery, not exceeding three thousand (3,000) square feet in area.
 - E. Accessory buildings or uses customarily incidental to any of the above uses, including signs as permitted in the B-1 District.
- 12-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed (same as in the R-3D District), except that any additions shall not exceed the height of the original building.
- 12-5. Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25, except that all parking shall be located only in the side and rear yards. There shall be only one (1) entrance not exceeding twenty (20) feet in width per establishment.
- 12-6. Screening regulations. Where the rear or side of a parcel in this district abuts an R District, a standard buffer Type A as set forth in Appendix B shall be established and maintained.
- 12-7. Architectural regulations. New structural additions to existing buildings must be the same or similar to the existing buildings as to dimensions and type of exterior materials. New buildings or major remodeling of existing buildings must be of residential appearance in scale and materials and must be compatible with adjacent residential structures.

ARTICLE 13. - B-1 NEIGHBORHOOD SHOPPING DISTRICT

- 13-1. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the B-1 Neighborhood Shopping District.
- 13-2. Purpose. The purpose of this district is to provide primarily for limited shopping and personal service uses to serve the needs of a relatively small area, the nearby neighborhood.
- 13-3. Use regulations. A building or premises shall be used only for the following purposes:
- A. Retail store or shop, such as grocery, drugstore, meat market, florist, delicatessen, notion or stationery store and the like.
 - B. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, bakery with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this paragraph shall employ more than five (5) persons in a single shift on the premises, not including employees whose principle duties are off the premises as temporary seasonal employees.
 - C. Clinic.
 - D. Laundromat.
 - E. Offices and office buildings.
 - F. Personal service uses, including barbershops, banks, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry-cleaning receiving stations, restaurants except drive-in restaurants or walk-in-carry-out restaurants, and other personal service uses of a similar character.
 - G. Private school or nursery.
 - H. Off-street parking lots.
 - I. Signs pertaining to the name of the establishment or to products or services sold or offered on the premises. The total area of all such signs shall not exceed seventy-two (72) square feet. Signs attached to a structure shall not extend more than one (1) foot from a wall of the structure. Signs not attached to a structure shall not be greater than twenty (20) feet in height,

and no part of any sign shall be located within the public right-of-way or closer than twenty (20) feet to any R or NU District. (Ord. No. 28-92, § I, 8-18-92)

J. Undertaking establishment.

13-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

13-5. Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 14. - B-2 GENERAL COMMERCIAL DISTRICT

14-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the B-2 General Commercial District.

14-2. Purpose. The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service and light industrial activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists.

14-3. Use regulations. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the B-1 Neighborhood Shopping District.
- B. Off-site commercial advertising ground signs or billboards advertising a function or service rendered that is not located on the premises upon which the signs are placed shall be fifty (50) feet from any R or NU District, shall maintain a fifteen-foot front yard setback, shall be separated by other off-site advertising signs by one hundred (100) feet and shall not exceed twenty (20) feet in height nor have a surface area exceeding seventy-two (72) square feet and be of steel, single pedestal, double-faced construction. (Ord. No. 28-92, § I, 8-18-92)
- C. Automobile trailer or boat display and sales room.
- D. Business or commercial school.
- E. When located not less than one hundred (100) feet from any R District:

Bowling alley.

Drive-in restaurant.

Other similar place of entertainment or amusement.

- F. Dancing or music academy.
- G. Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere.
- H. Farm implement display and sales room.
- I. Filling station.
- J. Frozen-food locker.
- K. Hotel.
- L. Milk-distributing station.
- M. Motel or tourist home.
- N. Parking or public garage.
- O. Plant nursery or greenhouse.
- P. Radio or television broadcasting station or studio.

- Q. Sales, leasing or rental of automobiles, trucks of less than twelve thousand (12,000) pounds gross weight, recreational vehicles, boats or motorcycles, including accessory sale of parts and equipment for and accessory service and repair of such vehicles.
- R. Theatre.
- S. [Reserved.]
- T. Used car sales or storage lot when located at least fifty (50) feet from any R District.
- U. When not employing more than ten (10) persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees:

Automobile service establishment.
 Dyeing and cleaning establishment or laundry.
 Painting, plumbing or tinsmithing shop.
 Printing shop.
 Tire sales and service, including vulcanizing.
 Upholstering shop not involving furniture manufacturing.
 Any other general service or repair establishment of similar character.

- V. Accessory building or use customarily incidental to any of the above uses.

(Ord. No. 29-2008, § 4, 5-20-2008)

14-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

14-5. Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 15. - B-3 CENTRAL BUSINESS DISTRICT

15-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the B-3 Central Business District.

15-2. Purpose. The purpose of this district is to provide opportunity for a broad spectrum of commercial uses (particularly retail, service and office uses) with the appropriate loosening of normal restrictions on parking, building height and yard requirements. The district is designed for application to the concentrated downtown core where the relaxation of these regulations is desirable.

15-3. Use regulations. A building or premise shall be used only for the following purposes:

- A. Any use permitted in the B-2 General Commercial District and without restrictions as to the number of employees on the premises.
- B. Laboratory—Experimental, film or testing.
- C. Printing, publishing or engraving.
- D. Service industry, such as a laundry, cleaning or dyeing establishment or similar use.
- E. Dwellings on any floor above the first floor.
- F. Signage same as Article 13 B-1 Neighborhood Shopping District. (Ord. No. 28-92, § I, 8-18-92)

15-4. Height regulations. The height regulations set forth in Article 21 shall be observed.

15-5. Loading regulations. Off-street loading spaces shall be provided in accordance with the requirements of Article 25-4B.

ARTICLE 16. - B-4 PLANNED SHOPPING CENTER DISTRICT

- 16-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the B-4 Planned Shopping Center District. Such district shall be laid out and developed as a unit according to an approved plan as provided below in order to accomplish its purpose to provide for modern retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods.
- 16-2. Purpose. The purpose of this district is to encourage planned commercial developments in appropriate locations through unified planning and building operations, improved access, improved parking facilities and better arrangement of uses.
- 16-3. Use regulations. A building or premises shall be used only for the retail sale of merchandise, services, offices, parking areas and similar facilities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within the building allowed, facilities for a custodian, caretaker or watchman employed on the premises.
- 16-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed; provided, however, that the aggregate ground area occupied by buildings shall not exceed twenty-five (25) percent of the total area of the shopping center site.
- 16-5. Parking and loading regulations. Off-street parking area shall be provided in the ratio of not less than three (3) square feet of parking area for each square foot of floor area, the parking area to be determined as provided in Article 25. Loading spaces shall be provided in accordance with requirements for the B-1 Neighborhood Shopping District prescribed in Article 25-4A.
- 16-6. Procedure. The owner or owners of a tract of land which comprises five (5) acres or more may submit to the city council (and file with the city building official) a plan for the use and development of such tract for the purpose of and meeting the requirements set forth in this article. The application for zoning change shall be accompanied by a site plan (as described in Article 27) defining the areas to be developed for buildings, the areas to be developed for parking, the location of pedestrian and vehicular circulation and the points of ingress and egress, including access streets where required, the location and height of walls, the provision of spaces for loading, the location, size and number of signs and adjustments to be made in relation to abutting land uses and zoning districts.
- 16-7. Review and approval. Before any action thereon, the application for change of district and the proposed planned shopping center plan, together with the required supplementary information, shall be referred to the city plan commission for study and report and for public hearing. The recommendations of the city plan commission shall be accompanied by a report stating the reasons for approval or disapproval and conditions imposed. Following the report and recommendations by the city plan commission, the city council shall approve or disapprove the district change and site plan with or without conditions.
- 16-8. Standards and building permit. Every approved project must meet city standards for construction and/or improvements. No building permit shall be issued until the necessary plans and specifications, as described in the subdivision regulations and applicable city policies, have been approved and construction of improvements guaranteed as provided in the subdivision regulations.
- 16-9. Delay in construction. In the event that construction of the shopping center is not begun within two (2) years of the date of approval by city council, the district shall revert to the same zoning classification existing prior to approval of the B-4 District, and the zoning regulations of said prior district shall thereupon be in full force and effect.

ARTICLE 17. - B-5 HIGHWAY COMMERCIAL DISTRICT

- 17-1. The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the B-5 Highway Commercial District.
- 17-2. Purpose. The purpose of this district is to provide for general commercial and service activities and limited industrial activities oriented to serving the traveling public and commercial-industrial needs at interchanges of the interstate system through Effingham.

17-3. Use regulations.

- A. Filling station, automobile service establishment or truck service center.
- B. Restaurant.
- C. Hotel or motel.
- D. Bus stop.
- E. Retail stores and personal service stores oriented primarily to the traveling public.
- F. Parking areas to serve permitted uses.
- G. Accessory buildings and structures.
- H. Off-site commercial advertising ground signs or billboards shall be separated by other off-site advertising signs by one hundred (100) feet and shall not exceed twenty-six (26) feet in height nor have a surface area exceeding three hundred (300) square feet and be of steel, double pedestal, double-faced construction. (Ord. No. 28-92, § I, 8-18-92)

17-4. Height and area requirements. The height and area regulations set forth in Articles 21 and 22 shall be observed.

17-5. Parking and loading requirements. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 18. - POM—PLANNED OFFICE AND LIMITED INDUSTRIAL DISTRICT

18-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the POM—Planned Office and Limited Industrial District.

18-2. Purpose. The purpose of this district is to encourage planned office and light industrial uses in appropriate locations through unified planning in an industrial "park"-type environment.

18-3. Use regulations. A building or premises shall be used only for the following purposes:

- A. Offices and office buildings.
- B. Printing and publishing.
- C. Banks.
- D. Generally, those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare than that which is generally associated with light industries of the types specifically permitted below:
 - (1) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instrument, watches, clocks, toys, games and electrical or electronic apparatus.
 - (2) Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream.
 - (3) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
 - (4) Manufacture of boxes, furniture, cabinets, baskets and other wood products of similar nature.
 - (5) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- E. Hotel, motel or motor hotel.
- F. Restaurant or carry-out restaurant.
- G. Automobile filling station or automobile service establishment.

H. Convenience retail stores and personal service stores oriented primarily toward servicing entities within the POM District.

- 18-4. Site regulations. A minimum site of five (5) acres is required. The total ground floor area of buildings shall not exceed forty (40) percent of the lot, and a minimum of thirty (30) percent of the site shall be in permanent open space, not including parking area. No parking or loading areas shall be permitted in the required front yard, and the front yard shall be landscaped with trees, grass, shrubs or pedestrian walks and maintained in a neat and attractive condition. Where the district abuts a residential district, the city may require that a landscaped buffer area be provided. All uses, except for the dispersing of automotive fuels by a filling station, shall be conducted within a closed building; and all accessory open storage, where specifically permitted by the city, shall be enclosed in a building or by a wall or other approved screen of not less than six (6) feet in height.
- 18-5. Procedure. The owner or owners of a tract of land may submit to the city council (and file with the city building official) a plan for the use and development of such tract for the purposes of and meeting the requirements set forth in this article. The application for zoning change shall be accompanied by a site plan in accordance with Article 27 of these regulations.
- 18-6. Review and approval. Before any action thereof, the application for change of district and the proposed planned district, together with the required supplementary information, shall be referred to the city plan commission for study and report and for public hearing. The recommendations of the city plan commission shall be accompanied by a report stating the reasons for approval or disapproval and conditions imposed. Following report and recommendations by the city plan commission, the city council shall approve or disapprove the district change and site plan with or without conditions.
- 18-7. Issuance of building permit. No building permit shall be issued until the site plan has been approved and all plans or subdivision plats that may be required have been approved. No building permit shall be issued unless it is in conformance with the approved site plan.
- 18-8. Delay in construction. In the event that construction is not begun within two (2) years of the date of approval by city council, the district shall revert to the same zoning classification existing prior to approval of the POM District, and the zoning regulations of said prior district shall thereupon be in full force and effect.

ARTICLE 18-A. - PUD-C PLANNED UNIT DEVELOPMENT—COMMERCIAL

The purpose of this district is to allow for planned commercial projects that allow for a range of commercial uses in a variety of settings that can benefit the citizens of Effingham, the developer, and the city as a whole. PUD-C zoning is designed to encourage a creative and unified planning process that allows clustering of buildings on a site, as opposed to the standardized building setbacks required in conventional commercial areas. PUD-C zoning also allows for the creative use of parking facilities and green space. This zoning may also provide for additional density of development on a site if a portion of the site is dedicated to a "public good" (i.e. park, or school, or retention of open space, or the reservation of environmentally sensitive land).

Minimum area for development—Five (5) acres.

In order for the city to make an informed evaluation of a proposal, the developer shall provide the city with the following:

A narrative which shall include:

- Rationale as to why the PUD-C designation is being requested—That is:
 - Why the project needs PUD-C zoning (challenging or unique uses (or mix of commercial uses), activities, design or site conditions);
 - What the PUD-C will enable the developer to accomplish that it could not accomplish under any other single (i.e. B-1, B-2, B-3, B-4, B-5) zoning district;

- What benefit will accrue to the city if the PUD-C zoning is granted for the developer's project.
- Description of the specific uses and activities in the developer's proposed project. As examples:
 - Specific types of commercial—Retail and/or office; strip retail, open mall format, stand alone office building; multi-story or single story;
 - Ownership parameters—Current ownership and future ownership;
 - Restrictive covenants.

A conceptual plan for the project must accompany a request for a PUD-C. Such a plan shall include, but is not necessarily limited to:

- Topographic map of the project site and abutting areas;
- Location of buildings, trash enclosures and loading docks/areas, and their type, size and orientation on the site;
- Points of vehicular and pedestrian access to the project, including access type (such as right in/right out), number of/width of access lanes and walking/bike paths, signalization of intersection(s) at the project's entrance(s), special graphics/materials for walking/bike paths at entrances to the project;
- Vehicular and pedestrian traffic circulation within the project, including sizes/lanes of rights of way, landscaped areas within the rights of way, walking/bike paths, special graphics/materials for walking/bike paths;
- Location, amount and layout of parking areas and lots that serve each building, including landscaped areas within the parking areas;
- Location and approximate size of all landscaped areas and other areas of ground cover/green space, with a delineation of the types of trees (including caliper), shrubbery, and other ground cover materials for each such area;
- Location and type of natural features or vegetation to remain undisturbed within the project;
- Location, size, and type of water retention/detention basins and determination of their outflows/water release;
- Location, size and type of public and private utilities;
- Location, size and type of signs;
- Samples of exterior finish materials to be used on the buildings;
- Rendering of the buildings' exterior facades;
- Traffic study (to show anticipated traffic flows, amounts and required changes in the size, configuration or turning lanes of public roads directly serving or abutting the project);
- List of utilities which will provide services to the project;
- A more detailed description of the benefits that would accrue to the city as a result of the proposed project, such as:

- Storm water runoff—Volume or velocity of water that would be less than what is allowed under conventional zoning/engineering requirements, possibly reducing stream bank erosion;
- Preservation and/or enhancement of any natural topography, vegetation, or geologic features;
- Infrastructure—Creation (and maintenance) of new infrastructure (public or private), including, but not limited to streets, curbs, sidewalks, sanitary sewers, and lighting;
- Architecture—Coordination of architectural styles within the project area;
- Shared parking arrangements that take advantage of different uses having peak parking demand at different times.

City plan commission review—Before any action will be taken, the application for change of district, and the proposed conceptual plan, shall be referred to the city's plan commission for study and report and for the establishment of a public hearing. The recommendations of the city's plan commission shall be accompanied by a report stating the reasons for approval or disapproval and conditions imposed. Following the report and recommendations by the city's plan commission, the city council shall approve or disapprove the change of district and proposed conceptual plan with or without conditions.

Every approved project must meet city standards for construction and/or improvements. No building permit shall be issued until the necessary plans and specifications, as described in the city's subdivision regulations and applicable city policies, have been approved and construction of improvements guaranteed as provided in the subdivision regulations.

In the event that construction of the project is not begun within two (2) years following the date of approval by city council, the PUD-C District shall revert to the same zoning classification existing prior to approval of the PUD-C District, and the zoning regulations of said prior district shall thereupon be in full force and effect.

(Ord. No. 93-2010, § 2, 12-21-2010)

ARTICLE 19. - M-1 LIGHT INDUSTRIAL DISTRICT

- 19-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the M-1 Light Industrial District.
- 19-2. Purpose. The purpose of this district is to provide sufficient space in appropriate locations for certain types of business and manufacturing, relatively nonoffensive, in modern buildings with landscaping.
- 19-3. Use regulations. A building or premises shall be used only for the following purposes. All uses shall be conducted within a completely enclosed building with no open storage of raw, in process or finished material and supplies or waste material, except that finished or semifinished products manufactured on the premises may be stored in the open if screened from the street by landscaping, fences or walls:
- A. Any use allowed in the B-2 General Commercial District.
 - B. Generally, those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare than that which is generally associated with light industries of the types specifically permitted below:
 - (1) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.

- (2) Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet-metal products and vitreous-enameled metal products.
- (3) Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning.
- (4) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
- (5) Manufacture of boxes, furniture, cabinets, baskets and other wood products of a similar nature.
- (6) Compounding of cosmetic, toiletries, drugs and pharmaceutical products.

C. Banks, drive-in or otherwise.

D. Dwellings for resident watchmen and caretakers employed on the premises.

E. Offices and office buildings.

F. Photographic processing or blueprinting.

G. Printing and publishing.

H. Railroad right-of-way or spur tracks.

I. Wholesale merchandising or storage warehouses.

J. Accessory uses.

K. Signage same as Article 17 B-5 Highway Commercial District. (Ord. No. 28-92, § I, 8-18-92)

19-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

19-5. Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 20. - M-2 HEAVY INDUSTRIAL DISTRICT

20-1. The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the M-2 Heavy Industrial District.

20-2. Purpose. The purpose of this district is to provide for a wide variety of manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district.

20-3. Use regulations. A building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances; provided, however, that no building shall be erected, reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises; and provided, further, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after the report by the board of appeals and the chief of the fire department:

A. Acid manufacture.

B. Cement, lime, gypsum or plaster of paris manufacture.

C. Distillation of bones and glue manufacture.

D. Manufacture of storage of explosives.

E. Fat rendering and fertilizer manufacture.

- F. Garbage, offal or dead animals, reduction or dumping.
- G. Refinery of petroleum or its products.
- H. Smelting of tin, copper, zinc or iron ores.
- I. Stockyards or slaughter of animals.
- J. Salvage yard.

20-4. Height and area regulations. The height and area regulations set forth in Articles 21 and 22 shall be observed.

20-5. Parking and loading regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 21. - TABLE OF HEIGHT AND AREA REQUIREMENTS

The required height and area regulations are established and shown on the accompanying table which is Article 21:

ARTICLE 21. TABLE OF HEIGHT AND AREA REQUIREMENTS

	Maximum Height of Buildings (Stories/Feet)		Minimum* Depth of Front Yard (in feet)	Minimum Either Side Yard (in feet)	Width of: Aggregate Side Yards (in feet)	Minimum Depth of Rear Yard (in feet)	Minimum Lot Area per Family (in square feet)	Minimum Lot Width (in Feet)
	2½	35						
R-1 Single-Family Residence	2½	35	30	6	16	35	9,000	70
R-2 Single-Family Residence	2½	35	25	6	14	25	6,000	50
R-3A Attached Single-Family Dwelling	2	35	25	6	14	25	6,000—1 Family ⁽⁷⁾ 6,000—2 Family	50
R-3B Two-Family Dwelling	2	35	25	6 ⁽⁷⁾	14 ⁽⁷⁾	25	3,840 attached single-family dwelling	⁽⁷⁾
R-3C and R-3D Multiple Dwelling	3	45	25	6 ⁽¹⁾	14 ⁽¹⁾	25	1,500 multiple dwelling	Minimum area 6,000

R-4 Limited Office and Retail	3	45	25	6 ⁽¹⁾	14 ⁽¹⁾	25	R-2, R-3A, R-3B, R-3C, R-3D	50
B-1 Neighborhood Shopping	2	35	25	None ⁽²⁾⁽³⁾	N/A	None ⁽³⁾	Residence not permitted ⁽⁶⁾	N/A
B-2 General Commercial	3	45	15	None ⁽¹⁾⁽²⁾⁽³⁾	⁽¹⁾	None ⁽³⁾	Residence not permitted ⁽⁶⁾	N/A
B-3 Central Business	6	75	None	None ⁽²⁾⁽³⁾	N/A	None	Residence not permitted ⁽⁸⁾	N/A
B-4 Planned Shopping Center and POM Planned Office and Light Industrial	2	35	25	50 ⁽⁴⁾	100	25 ⁽⁴⁾	Residence not permitted ⁽⁶⁾	N/A
B-5 Highway Commercial	3	45	35	None ⁽¹⁾⁽²⁾⁽³⁾	⁽¹⁾	None ⁽³⁾	Residence not permitted ⁽⁶⁾	N/A
M-1 Light Industrial	6	75 ⁽⁵⁾	25	None ⁽¹⁾⁽²⁾⁽³⁾	⁽¹⁾	None ⁽³⁾	Residence not permitted ⁽⁶⁾	N/A
M-2 Heavy Industrial	6	75 ⁽⁵⁾	25	None ⁽¹⁾⁽²⁾⁽³⁾	⁽¹⁾	None ⁽³⁾	Residence not permitted ⁽⁶⁾	N/A
NU Nonurban	2½	35	50	25	50	50	2 acres	200
PRD Planned Residential Development	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

*Unless greater distance required by county setback law.	
(1)	For buildings of less than 3 stories in height. For 3-story buildings, side yards of 8 feet each shall be required.
(2)	No side yard required except of the side of a lot adjoining a residence district; in which case, there shall be a side yard of 6 feet provided in any B district and 10 feet in any M district, incorporating and maintaining the buffer materials set forth in Appendix B.
(3)	No rear yard required except on the rear of a lot adjoining a residence district; in which case, there shall be a rear yard of 6 feet provided in any B district and 10 feet in any M district incorporating and maintaining the buffer materials set forth in Appendix B.
(4)	No building shall be closer than 50 feet to any side lot line or 25 feet to any rear lot line of a lot in an R district; provided, further, that the location and arrangement of buildings shall be specifically approved as specified in Article 16.
(5)	Whenever a building in an M district adjoins or abuts an R district within 100 feet therefrom, such building shall not exceed 3 stories or 45 feet in height unless it is set back 1 foot from the required side and rear yard lines for each foot of additional height above 45 feet.
(6)	Except as in Article 22-6.
(7)	High-density construction, attached, single-family dwellings may have common, zero (0) side yards with a minimum interior lot area per dwelling of 1,920 square feet, minimum lot width throughout its depth of 24 feet. Corner lots shall have a minimum lot width of 49 feet throughout its depth if provisions of Article 23 are met.
(8)	Except as in Article 15-3E.

(Ord. No. 22-95, § 5, 3-21-95)

ARTICLE 22. - HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

22-1. Height.

- A. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling

towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles.

- B. Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet; and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required front, side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.
- C. The limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.

22-2. Front yards.

- A. When fifty (50) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.
- B. On lots having double frontage, the required front yard shall be provided on both streets.
- C. Except in the B-3 Central Business District, no fence, sign, structure or planting higher than thirty (30) inches above the established street grades shall be maintained within twenty (20) feet of any street intersection right-of-way.
- D. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include fixed canopies.
- E. Filling station pumps and pump islands and signs may be located within a required yard, provided that they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any residential district.

22-3. Side yards.

- A. On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street; provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.
- B. No accessory building shall project beyond the required yard line along any street.
- C. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.
- D. Where a lot of record on July 2, 1963, is less than fifty (50) feet in width, each of the required side yards may be reduced by an amount equal to ten (10) percent of the difference between such width and fifty (50) feet; provided, however, that no side yard shall be less than three (3) feet.

22-4. Rear yards.

- A. Where a lot abuts upon an alley, one-half ($\frac{1}{2}$) the alley width may be considered as part of the required rear yard.
- B. No accessory buildings shall be closer than ten (10) feet to the main building unless it is attached to or forms a part of such main structure nor closer than six (6) feet to a rear lot line or three (3) feet to any side lot line.
- C. The ordinary projections of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard. Roofs and eaves may extend not more than thirty (30) inches into a required yard.

- D. Open or lattice-enclosed fire escapes and the ordinary projections of chimneys and flues into a rear yard may be permitted by the building official for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.
- 22-5. Lot area per family. Where a lot of record on July 2, 1963, has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any nondwelling use permitted in the district in which it is located.
- 22-6. Lot of record in commercial or industrial district. Where a lot of record exists on July 2, 1963, in a commercial or industrial zone prohibiting residences, such lot of record may be used for construction of a single-family dwelling and must meet the yard requirements applicable to the R-2 District.
- 22-7. Buildings per lot. There may be two (2) or more related multifamily, commercial, industrial or institutional buildings on a lot; provided that the required yards be maintained around the group of buildings.
- 22-8. Access requirements.
- A. Access to a use located on a collector or major thoroughfare as designated in the comprehensive plan, shall not have more than one (1) twenty-foot wide entrance to said thoroughfare for the parcel on which said use is located, except that a parcel having more than two hundred (200) feet of frontage on said thoroughfare may have an additional twenty-foot wide entrance.
 - B. Any new entrance to a public street shall require a building permit in accordance with city standards.
 - C. For all uses in the B-2, B-4, BS, POM and M-1 District, there shall be provided a clearly marked fire/emergency lane, not less than twelve (12) feet in width, adjacent to all pedestrian doors and parking areas and plainly marked so as to prohibit parking thereon or obstruction thereof in any way.
 - D. All access points, entrances, drives, and/or driveways to a use constructed after the date of this article shall have an unobstructed vertical clearance of not less than thirteen (13) feet, which shall include clearance for all drop off canopies.

(Ord. No. 19-2008, § 2, 4-15-2008; Ord. No. 33-2012, § 2, 7-17-2012)

ARTICLE 23. - HIGH-DENSITY CONSTRUCTION REQUIREMENTS

23-1. Yard requirements.

- A. For all single-family attached dwellings, front, rear and side yard requirements from exterior building walls to lot lines or to other exterior building walls shall comply with the requirements of the zoning district in which the dwelling is located.
- B. A zero (0) side yard will be permitted in conjunction with a party wall on an interior lot line used or adopted for joint service between two (2) single-dwelling units.

23-2. Other requirements.

- A. The establishment of interior lot lines bisecting a common party wall shall be submitted in accordance with the Land Subdivision Ordinance of the city.
- B. When single-family dwellings are attached by common party walls, each dwelling shall be self-sufficient for all utilities.

23-3. Height and area requirements. The height and area regulations set forth in Articles 21 and 22 shall be observed.

23-4. Parking requirements. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 25.

ARTICLE 24. - REGULATION OF PORTABLE SIGNS

24-1. A portable sign shall require a building permit and comply with ordinances of the city and requirements of the Illinois Department of Transportation.

24-2. No portable sign shall have a flashing capability and, if illuminated, shall comply with appropriate city electrical ordinances.

24-3. All existing portable signs shall be permitted and located in compliance with city ordinances before December 31, 1989, or removed.

ARTICLE 25. - OFF-STREET PARKING AND LOADING REQUIREMENTS

25-1. In all districts, there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 25-2 of this article) minimum off-street parking spaces in accordance with the following requirements; provided, however, that no off-street parking need be provided for any of these uses when they are located in the B-3 Central Business District:

- A. Dwellings—Single-family, two-family and multiple-family: Two (2) parking spaces for each dwelling unit.
- B. Boarding or lodginghouse: Two (2) parking spaces, plus one (1) parking space for each lodging room.
- C. Private club or lodge: One (1) parking space for every ten (10) members.
- D. Church or temple: One (1) parking space for every four (4) seats in the main auditorium.
- E. School (except high school or college): One (1) parking space for ten (10) seats in the auditorium or main assembly room or two (2) spaces for each classroom, whichever is greater.
- F. College or high schools: One (1) parking space for every ten (10) students based upon the maximum number of students attending the school at any one (1) period of the day.
- G. Country club or golf club: One (1) parking space for every five (5) members.
- H. Community center, library, museum or art gallery: Ten (10) parking spaces, plus one (1) additional space for every three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- I. Hospital: One (1) parking space for each bed.
- J. Sanatorium, convalescent home, home for the aged or similar institution: One (1) parking space for every three (3) beds.
- K. Theatre or auditorium (except school): One (1) parking space for every four (4) seats or bench seating spaces.
- L. Hotel, motel or motor hotel: One (1) parking space for each guest room, plus spaces required for restaurant, rental or other commercial floor space in the establishment.
- M. Tourist home: One (1) parking space for each sleeping room or suite.
- N. Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for every one hundred (100) square feet of floor area used thereof.
- O. Business or professional office (other than medical or dental): One (1) parking space per three hundred (300) square feet.
- P. Bowling alley: Five (5) parking spaces for each alley.

- Q. Mortuary or funeral home: One (1) parking space for every fifty (50) square feet of floor space in slumber room, parlors or individual funeral service rooms.
- R. Restaurant, nightclub, cafe or similar recreation or amusement establishment: One (1) parking space for every one hundred (100) square feet of floor area.
- S. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for every two hundred (200) square feet of floor area.
- T. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces, plus one (1) additional parking space for every three hundred (300) square feet of floor area over one thousand (1,000).
- U. Printing or plumbing shop or similar service establishment: One (1) parking space for every three (3) persons employed therein.
- V. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One (1) parking space for every two (2) employees on the maximum working shift, plus sufficient parking spaces to accommodate the overlap of arriving and departing employees in multiple working shift and spaces to accommodate all trucks and other vehicles used in connection therewith.
- W. Medical offices or clinics: One (1) space per two hundred (200) square feet of floor area; ten (10) spaces minimum for a clinic.
- X. Developmental disability community residences: One (1) parking space for each three (3) beds, plus one (1) parking space for each two (2) staff members or employees on the maximum working shift, plus sufficient parking spaces to accommodate the overlap of arriving and departing staff members or employees of multiple working shifts. (Ord. No. 6-91, § 4, 1-15-91)

Other uses: For the uses not listed heretofore in this section, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the building official.

25-2. A. In computing the number of such parking spaces required, this shall be construed to be the nearest whole number; and in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- B. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

25-3. A. All parking spaces required herein shall be located on the same lot with the building or use served; except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from a residential building served and not to exceed five hundred (500) feet from any nonresidential building served.

- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned approved as to form by the city attorney and shall be filed with the application for a building permit.

25-4. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution

by vehicles of materials or merchandise shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In the B-1, B-2, B-4 and B-5 Commercial Districts and the POM District and in the M-1 and M-2 Industrial Districts: One (1) loading space for every ten thousand (10,000) square feet or fraction thereof, of floor area in the building.
- B. In the B-3 Central Business District: One (1) loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one (1) additional loading space for every fifteen thousand (15,000) square feet or fraction thereof of floor area in excess of fifteen thousand (15,000) square feet.

25-5. Parking in the indicated districts shall be in accordance with the following requirements:

- A. Off-street parking facilities and required parking facilities in any B or M district may be located in the front yard but shall not be nearer than twenty (20) feet to an R-1 or R-2 District.
- B. Any new driveway or existing driveway widened from a single driveway to a double driveway in an R district shall be constructed of concrete or bituminous concrete.
- C. Driveways and surfaced parking areas shall not occupy more than fifty (50) percent of the front yard of any parcel in an R district except for parcels occupied by multiple dwellings.
- D. In a residential district, no recreational vehicle or trailer may park other than on private property and shall not cause a visibility obstruction at the intersection of street rights-of-way. No vehicle or trailer shall be used as a dwelling while parked on private property.
- E. Trucks and trailers in excess of twelve thousand (12,000) pounds designed and manufactured for or used for specific commercial purposes, including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks, are prohibited from parking in an R district. No vehicle in excess of twelve thousand (12,000) pounds gross vehicle weight, excluding recreational trailers and recreational vehicles, shall be parked in an R district.
- F. Inoperable or unlicensed passenger vehicles and trailers shall be parked within an enclosed structure in an R district.
- G. Not more than five (5) vehicles, including allowed recreational vehicles and trailers, shall be permanently parked on a parcel of property in an R-1, R-2, R-3A or R-3B District.
- H. Exceptions: Any type commercial vehicle, regardless of gross vehicle weight, delivering or picking up merchandise for delivery or employed in performing a repair or construction service may park for the purpose of making such pickup or delivery or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.

ARTICLE 26. - SPECIAL USE REGULATIONS

26-1. A. The city council by an affirmative two-thirds (2/3) vote may by ordinance grant a special permit for the following special uses in any district, except as herein qualified, for which they are otherwise prohibited by this ordinance and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood:

- (1) Airport, landing field or landing strip for aircraft.
- (2) Amusement park but not within three hundred (300) feet of any R district.
- (3) Cemetery or mausoleum.
- (4) Circus or carnival grounds, but not within three hundred (300) feet of any R district.
- (5) Commercial, recreational or amusement development for temporary or seasonal periods.

- (6) Drive-in theater in the B-2 or B-5 Districts.
- (7) Hospital or institution; provided that any hospital or institution building permitted in any R district, except the R-3D District, shall be located on a site of not less than five (5) acres, shall not occupy more than twenty (20) percent of the total lot area and shall be set back at least one hundred (100) feet from all lot lines.
- (8) Privately operated community building or recreation field.
- (9) Any public or government building.
- (10) Radio or television broadcasting tower or station.
- (11) Mobile home court or travel trailer park in the NU Nonurban District or R-1 Single-Family District on a minimum of ten (10) acres. Before permitting a mobile home court or trailer park, the city council shall approve a special use permit and site plan as required in Article 27. The council shall satisfy itself that the court will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the court will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:
 - (a) All appropriate state and county sanitation regulations shall be strictly observed.
 - (b) At least four thousand (4,000) square feet of lot area per mobile home shall be provided; no mobile home shall be parked closer to the street or highway than the required front yard setback or closer than twenty-five (25) feet to any property line; and a clearance of not less than twenty (20) feet shall be maintained between mobile homes on all sides.
 - (c) Mobile home spaces shall abut upon a hard surfaced driveway access way of not less than twenty-five (25) feet in width.
 - (d) Service building or other facilities for bathing, laundry and sanitation as required by the state and local health regulations shall be located at least twenty (20) feet from the side and rear lot lines and shall be accessible to all trailer coaches by means of the access drives or hard-surfaced walks.
 - (e) Wherever practicable, space shall be reserved for recreation and a playground.
- (12) Filling station in the B-1 District.
- (13) Truck terminal in the B-5 District; provided that sufficient safeguards in the form of buffering, screening, open space or others, as determined by council, are provided.
- (14) Storage warehouses or distribution centers with floor area devoted to warehousing and wholesaling in the B-2, B-3 or B-5 District.
- (15) Quarry, borrow pit or other extractive use, including oil well.
- (16) Commercial recreational facilities in the B-5, Highway Commercial District and the B-4, Planned Shopping District.

(Ord. No. 42-2009, § 2, 9-15-2009)

- (17) Offices and clinics operated by physicians, dentists or other members of the healing arts in the R-3D District.
- (18) Pharmacy in the R-3D District.
- (19) Carwash in the B-2 or B-5 District.
- (20) Miniwarehouse in the B-2 or M-1 District.
- (21) Reserved.

- (22) Day-care center in the R-3C, R-3D, R-4, B-1, B-2, or POM District.
- (23) Bed-and-breakfast establishment in the R-3D, R-4, B-1 or B-2 District.
- (24) Truck wash in the B-5 District.
- (25) Offices in the B-5 District.
- (26) Any use permitted in a B-1 District located in a NU District.
- [(27)Reserved.]

28. Recycling centers in the M-1 Light Industrial District. Before permitting a recycling center, the city council shall approve a special use permit and site plan as required in Article 27. The city council shall satisfy itself that the recycling center will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the recycling center will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:
- (a) Such use shall provide the City of Effingham Building Official with evidence that it has complied with all federal and state licenses, certifications, and other regulations.
 - (b) All appropriate federal, state, and local sanitation regulations shall be strictly observed.
 - (c) Sufficient safeguards in the form of buffering, screening, open space or others, as determined by the city council shall be utilized.
 - (d) The processing of materials shall be completely indoors.
 - (e) Any recyclable or related materials to be stored outdoors shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use. Any outside storage area for recyclable materials or processed materials shall be enclosed by a minimum eight-foot high solid fence or a wall, as approved by the city council, adequate to shield all containers within the enclosure, and material within the fenced enclosure shall not extend above the height of the fence or wall. The area shall be secured by a solid gate or provide for an overlapping opening which completely screens all views into the enclosure. The use of chain link fences with slats shall be prohibited.
 - (f) All refuse disposal and recyclable material storage enclosures shall be located in areas designed to provide adequate accessibility for service vehicles. Locations shall generally be to the rear of buildings or in areas where minimal exposure to public streets will exist.
 - (g) Refuse disposal and recyclable materials, and other equipment such as grease containers or outdoor storage of materials such as pallets, shall not be placed outside of exterior fence or wall enclosures.
 - (h) There shall be a plan for regular shipping or reprocessing of recyclable materials, such that the size of the storage yard is minimized in relationship to the amount of recyclable materials estimated to be received. In no event shall any recyclable material remain on-site for a period exceeding one (1) year. Such plan shall be submitted to the City of Effingham Building Official as part of the special use approval.

For purposes of this section, "recycling center" shall mean a building or enclosed area used for the collection and/or processing of recyclable materials. Processing means the preparation of material for shipment, or an end-user's specifications, by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

For purposes of this section, "recyclable materials" shall mean nonhazardous, nonputrescible materials that would otherwise be considered or become municipal waste if not for the existence of viable secondary markets for such materials, including but not limited to categories of metals, glass, papers or

plastics that are processed and returned to the economic mainstream in the form of raw material feedstock or products. Special recyclable materials allowed to be accepted and collected by a recycling center shall be designated by the city.

29. Bed-and-breakfast establishment/hotel and events venue.

- (a) For purposes of this section, a "Bed and Breakfast Establishment" being defined as a building where, for compensation and by arrangement, lodging (in not more than seven (7) lodging rooms) and a breakfast meal are provided for transient guests. On any date when transient guests will spend the night on the grounds, an on-site manager or employee will also spend the night on the grounds.
- (b) For purposes of this section, a "Hotel and Special Events Venue" would allow events to be held on the property, with the following restrictions:
 - 1. Such facility would host Special Events, including small events (an event attended by less than fifty (50) guests) and large events (an event attended by fifty (50) or more guests).
 - 2. Small events could be hosted on any day of the week, and large events would be limited to holidays, Fridays, Saturdays, and Sundays.
 - 3. All large events would be limited to a maximum of 250 guests.
 - 4. At any such events, if either live music or entertainment by a disc jockey is being offered, said music would end by 10:00 p.m.
 - 5. Such events will allow parking on Premises for no more than twenty-five (25) vehicles at any one time, and management will assist in the adherence of its guests to all city and neighborhood street parking restrictions.
 - 6. Such events will have an on-site manager present during any large events.

(Ord. No. 14-2014, § 2, 3-4-2014)

[30-33. Reserved.]

34. Veterinary hospital, animal clinic, or kennel in the M-1 Light Industrial District. Before permitting a veterinary hospital, animal clinic, or kennel the city council shall approve a special use permit and site plan as required in Article 27. The city council shall satisfy itself that the veterinary hospital, animal clinic, or kennel will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the veterinary hospital, animal clinic, or kennel will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:
- (a) Such use shall provide the City of Effingham Building Official with evidence that it has complied with all federal and state licenses, certifications, and other regulations.
 - (b) All appropriate federal, state, and local sanitation regulations shall be strictly observed.
 - (c) Sufficient safeguards in the form of buffering, screening, open space or others, as determined by the city council shall be utilized.
 - (d) All facilities for keeping and/or boarding animals, including dog runs, shall be completely covered by the facilities roof and located so as to minimize noise discernable outside of the property boundaries.

For purposes of this section, "Veterinary Hospital" shall mean a place where animals or pets are given medical and/or surgical treatment by a licensed veterinarian. Use as a Kennel shall be limited to short term boarding and shall only be incidental to a veterinary hospital use.

For purposes of this section, "Animal Clinic" shall mean an establishment for the treatment and/or boarding of small animals, including, but not limited to dogs, cats, rabbits and birds by a licensed veterinarian.

For purposes of this section, "Kennel" shall mean any building or enclosed area where five (5) or more dogs and/or cats (or any combination thereof) over six (6) months of age are kept as pets, is intended and used for the breeding of animals for sale, the training and/or overnight boarding of animals other than those of the owner of the lot, or any building or enclosed area on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation. This does not include a veterinary hospital in which the overnight boarding is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

35. Veterinary hospital or animal clinic in the B-2 General Commercial District. Before permitting a veterinary hospital, animal clinic in the B-2 General Commercial District; the city council shall approve a special use permit and site plan as required in Article 27. The city council shall satisfy itself that the veterinary hospital or animal clinic will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the veterinary hospital or animal clinic will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:
 - (a) Such use shall provide the City of Effingham Building Official with evidence that it has complied with all federal and state licenses, certifications, and other regulations.
 - (b) All appropriate federal, state, and local sanitation regulations shall be strictly observed.
 - (c) Sufficient safeguards in the form of buffering, screening, open space or others, as determined by the city council shall be utilized.
 - (d) All facilities for keeping and/or boarding animals, including dog runs, shall be completely covered by the facilities roof and located so as to minimize noise discernable outside of the property boundaries.

For purposes of this section, "Veterinary Hospital" shall mean a place where animals or pets are given medical and/or surgical treatment by a licensed veterinarian. Use as a kennel shall be limited to short term boarding and shall only be incidental to a veterinary hospital use.

For purposes of this section, "Animal Clinic" shall mean an establishment for the treatment and/or boarding of small animals, including, but not limited to dogs, cats, rabbits and birds by a licensed veterinarian.

For purposes of this section, "Kennel" shall mean any building or enclosed area where five (5) or more dogs and/or cats (or any combination thereof) over six (6) months of age are kept as pets, is intended and used for the breeding of animals for sale, the training and/or overnight boarding of animals other than those of the owner of the lot, or any building or enclosed area on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation. This does not include a veterinary hospital in which the overnight boarding is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

(Ord. No. 29-2008, §§ 2, 3, 5-20-2008)

- B. Before authorization of any of the above special uses, the request therefor shall be referred to the city plan commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood, and a public hearing shall be held in relation thereto before the planning commission, notice and publication of the time and place for which shall conform to the procedure prescribed in Article 33 for hearings on amendments. If no report is transmitted by the planning commission within sixty (60) days of notification, the city council may take action without further awaiting such report.

- C. Any proposed special use shall otherwise comply with all the regulations set forth in this ordinance for the district in which such use is located, except that the city council may permit hospitals and institutions to exceed the height limitations of such district.

(Ord. No. 6-91, § 5, 1-15-91; Ord. No. 54-98, § 1, 6-16-98; Ord. No. 11-2007, § 2, 4-3-2007)

ARTICLE 27. - SITE PLAN REQUIREMENTS

27-1. Application. For the purpose of assuring good arrangement, appearance, function and harmony with the objectives of the comprehensive plan and these regulations, site plans shall be submitted, reviewed and approved for the following major uses before a building permit is used:

- A. Planned residential development.
- B. Planned shopping center.
- C. Mobile home or travel trailer park.
- D. Two-family (duplex), attached single-family and multiple-family dwellings forming a part of a development of two (2) or more buildings or ten (10) or more units (not including conversions of existing residences) or any such dwelling where off-street parking is to be provided in the required front yard.
- E. Hotel, motel or motor hotel.
- F. Commercial or industrial buildings having drive-up service, carry-out food or beverage service, clinics, self-service carwash or any other similar activity which, in the opinion of the building official, has the potential to create a hazard.
- G. Business buildings, commercial buildings or industrial buildings if such buildings are to contain more than five thousand (5,000) square feet of floor area.
- H. Filling station, automobile service establishment or truck service center.

27-2. Requirement for site plans. The site plan shall be drawn to scale and shall show the following:

- A. The northpoint, scale and date.
- B. Existing zoning and zoning district boundaries.
- C. The boundaries of the property involved, county or municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings and waterways.
- D. Topography of the project area with contour intervals of five (5) feet or less referred to city datum unless waived by the building official as clearly unnecessary to review the project.
- E. The approximate location and size of sanitary and storm sewers, water mains, culverts and other underground structures, existing and planned, in or near the project.
- F. Proposed changes in zoning if any.
- G. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking and loading spaces), storm drainage and sanitary facilities.
- H. The general location of proposed lots, setback lines and easements and proposed reservations for parks, parkways, playgrounds, school sites and open spaces.
- I. Location of all proposed buildings and structures.
- J. A tabulation of total number of acres in the project.
- K. A tabulation of the total number of dwelling units of various types in the project.

The planning commission may establish additional requirements for site plans and, in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

27-3. Procedure for approval of site plans. Except as otherwise specified for planned residential developments, planned shopping centers, and planned office and light industrial districts, the following procedure should be followed for site plan approval:

- A. The applicant shall submit a site plan or plans to the office of the building official or his representative at least fifteen (15) days prior to the next meeting of the plan commission. The content of the plan shall be in accordance with Section 27-2. The building official shall review the plan or plans with city department heads and shall transmit the plans and report of findings to the plan commission.
- B. The planning commission shall examine the plan or plans for compliance with these regulations and the requirements for site plans. The planning commission shall then examine the proposed development with respect to policies of the comprehensive plan, to traffic and circulation patterns, utilities, drainage and community facilities and other planning considerations.
- C. Following the review, the planning commission shall approve, approve with conditions or disapprove the site plans. No public hearing shall be required.
- D. Appeal of a decision by the planning commission on a proposed site plan shall be to the city council which may affirm or reverse, with or without conditions, a decision of the planning commission.

27-4. Site plans after approval. The approved site plan shall be kept on file by the city. If engineering plans and profiles are required for the project, these shall be submitted to the proper official. Following approval of the site plan and any required plans and profiles, the building official shall issue building permits for construction in conformance with the approved site plan. Said permits may be revoked by the building official for failure to comply with the approved site plan, the conditions attached thereto or other applicable regulations.

ARTICLE 28. - NONCONFORMING USES

28-1. Nonconforming buildings.

- A. Any lawful use of a building existing at the effective date of this ordinance may be continued even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of the adoption of this ordinance.
- B. Whenever the use of a building shall become nonconforming through a change in the zoning ordinance or in the district boundaries, such use may be continued and, if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.
- C. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of one (1) year, any future use of such buildings or portion thereof shall be in conformity with the regulation of the district in which such building is located.
- D. A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty (60) percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of

damage; provided such repairs or reconstruction is completed within one (1) year of the date of such damage.

- E. A nonconforming use in violation of the provisions of the zoning ordinance which this ordinance amends shall not be validated by the adoption of this ordinance.

28-2. Alteration of non-conforming building. Structural alterations or additions to a building which are nonconforming solely with respect to the height and area requirements established in Article 21 of this ordinance shall be permitted, provided that no such alteration or addition shall increase the existing nonconformity or create a new nonconformity.

28-3. Nonconforming uses of land. A nonconforming use of land existing at the effective date of this ordinance may be continued; provided, however, that no such nonconforming use of land shall, in any way, be expanded or extended either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of one (1) year or changed, then future use of such land shall be in conformity with the provisions of this ordinance.

ARTICLE 29. - BOARD OF APPEALS

29-1. Organization. A board of appeals is hereby established. The word board when used in this section shall be construed to mean the board of appeals. Said board shall consist of seven (7) members appointed by the mayor with the approval of the council. Not less than three (3) members of the board shall be members of the city planning commission. The term of office of each member shall be five (5) years, except that the seven (7) members first appointed shall serve, respectively, for terms of one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) years. Thereafter, as each term expires, the appointment shall be for five (5) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The mayor shall have the power to remove any member of the board for cause after notice and hearing. One (1) of the members of the board shall be named as chairman at the time of his appointment.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the building official and shall be a public record.

29-2. Powers and duties. The board of appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance.
- B. To hold public hearings on and, when in harmony with the general purpose and intent of this ordinance, to authorize a variance to the terms thereof:
 - (1) The extension of a district where the boundary line thereof divides a lot in a single ownership at the time of the passage of this ordinance.
 - (2) Interpretation of the provisions of this ordinance in such a way as to carry out the intent and purpose of this plan as shown upon the zoning district map where the street layout actually on the ground varies from the street layout as shown on the map.
 - (3) The use of premises for public utility purposes and railroad purposes.
 - (4) The reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of more than sixty (60) percent of its fair market value where the board finds some compelling necessity requiring a continuance of the conforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

- (5) Variation of the parking and loading regulations by not more than fifty (50) percent where it is conclusively shown that the specific use of a building would make unnecessary the parking and loading spaces otherwise required by this ordinance.
 - (6) The classification of commercial or industrial uses not specifically listed in the ordinance as to the appropriate district therefor based on the general character of the use and its comparability with other uses specifically permitted in the district.
- C. To authorize, after public hearing as required by law, a variation in the strict application of the regulations with respect to a specific lot where, by reason of exceptional narrowness, shallowness or shape thereof or by reason of exceptional topography or other extraordinary or exceptional situation or condition, strict application of any provision of this ordinance would result in practical difficulties or particular hardship, the board of appeals shall require evidence that:
- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - (2) The plight of the owner is due to unique circumstances;
 - (3) The variation, if granted, will not alter the essential character of the locality or impair the general purpose and intent of the comprehensive plan.
- D. Every variation shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the variation which shall remain a part of the permanent records of the board of appeals. The findings of facts shall specify the reason or reasons for making the variation.

29-3. Procedure. Petition to the board of appeals or variations, as authorized in Section 29-2 hereof, may be made by any person or by an officer, department, board or bureau of the city affected by an decision of the building official. The appeal shall be taken within such time as shall be prescribed by the board by general rule by filing with the building official a notice of appeal or petition for variation specifying the grounds thereof. The building official shall forthwith transmit to the board all papers constituting the record from which the action appealed from is taken. A fee of twenty-five dollars (\$25.00) shall accompany all notices of appeals.

;i1=&20q;An appeal shall stay all proceedings in furtherance of this action appealed from unless the building official certifies to the board, after notice of appeal shall have been filed with him, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record.

;i1=&20q;The board shall fix a reasonable time for the hearing of the petition for appeal or variation and give due notice of the time, place and purpose thereof and shall decide the petition within a reasonable time. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official or to decide in favor of the applicant any matter on which it is required to pass under this ordinance or to effect any variations in the ordinance.

ARTICLE 30. - CERTIFICATES OF OCCUPANCY

30-1. Certificates of occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered.
- B. Change in use of an existing building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.

E. Any change in the use of a nonconforming use. No such occupancy, use or change of use shall take place until a certificate of occupancy therefor shall have been issued by the building official.

30-2. Certificate of occupancy for a building. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the erection or alteration of such building or part thereof shall have been completed in the conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

30-3. Certificate of occupancy for land. Certificates of occupancy for the use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made; provided that such use is in conformity with the provisions of these regulations.

30-4. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the buildings and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

30-5. Certificate of occupancy for nonconforming uses. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by the adoption of this ordinance. An application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year after the effective date of this ordinance.

ARTICLE 31. - PLANS AND STAKING

31-1. All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance. A careful record of the original copy of such applications and plats shall be kept in the office of the building official, and the duplicate copy shall be kept at the building at all times during construction.

31-2. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey, and the lot shall be staked out on the ground before construction is started.

ARTICLE 32. - INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger

open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall govern.

ARTICLE 33. - AMENDMENTS AND CHANGES

33-1. The council may, from time to time on its own motion or on petition, amend, supplement or change by ordinance the regulations in districts herein or subsequently established, but no such amendments shall be made without a public hearing before the city planning commission and its report to the council. Notice of the time, place and purpose of such hearing shall be given by legal notice as required by law. A petitioner requesting rezoning or special use action shall publish a map depicting the property involved with the legal notice. In addition, the city shall post conspicuously on the petitioner's property, on the first working day following the publication of the legal notice and map, a sign which shall indicate that the property is to be the subject of a public hearing at a time and place specified on such sign. In the case of written protest against any proposed amendment under the conditions specified in Chapter 24, Article 11, Division 13, of the Illinois Revised Statutes, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the city council.

33-2. All petitions praying for a change, amendment or supplement of the established districts of the city and regulations connected therewith shall be filed by the person requesting such action; and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed. an accurate legal description of the district or parts of districts proposed to be altered and a map accurately depicting the property proposed to be altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance and shall further disclose the purpose for which such property is sought to be used.

33-3. A petition for a change in the regulations or districts herein or subsequently established shall be filed with the building official in duplicate. A fee of twenty-five dollars (\$25.00) shall be paid at the time of filing to cover the costs incidental to such hearing.

ARTICLE 34. - ENFORCEMENT, VIOLATION AND PENALTIES

It shall be the duty of the building official to enforce this ordinance. Said building official shall be appointed by the mayor with the approval of the council in the same manner as other city employees are appointed and subject to any general provisions affecting such employees.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or imprisoned for not to exceed one (1) month, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land or to prevent any illegal act conduct, business or use in or about such premises.

ARTICLE 35. - VALIDITY

Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or in part other than the part so declared to be invalid.

ARTICLE 36. - WHEN EFFECTIVE—PUBLICATION

This ordinance shall be in full force and effect after its passage, approval and legal publication as provided by law. The city clerk of the City of Effingham is hereby authorized and directed to publish this

ordinance in pamphlet form pursuant to the statutes in such case made and provided and the cover of said pamphlet shall show that said ordinance is published pursuant to the authority of the city council of the City of Effingham, Illinois.

ARTICLE 37. - REPEAL OF CONFLICTING ORDINANCES

The Zoning Ordinance of the City of Effingham passed by the City Council on July 2, 1963, Ordinance No. 436; and Ordinance No. 17-75, passed on April 16, 1975; and Ordinance No. 37-83, passed on September 20, 1983, and all other ordinances or parts of ordinances in conflict with this ordinance shall be and the same are hereby revoked and replaced.

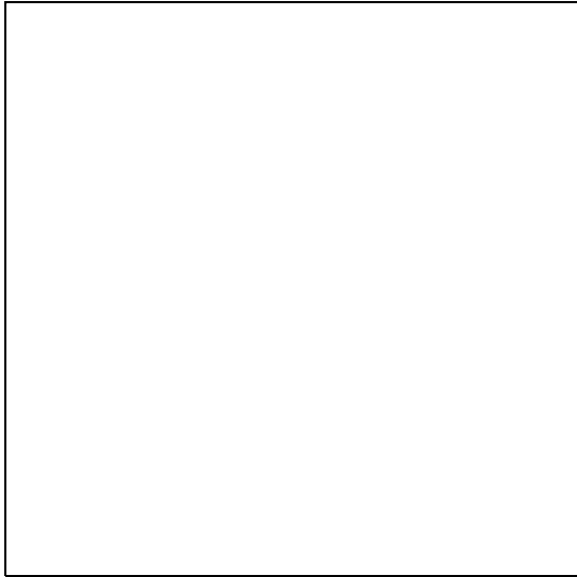
Presented and filed this 1st day of August, A.D. 1989.
Passed and adopted this 15th day of August, A.D., 1989.
Approved this 15th day of August, A.D. 1989.
Recorded this 17th day of August, A.D. 1989.
Published in pamphlet form August 16, 1989.

/s/	Rick J. Goeckner City Clerk	/s/	John D. Thies Mayor
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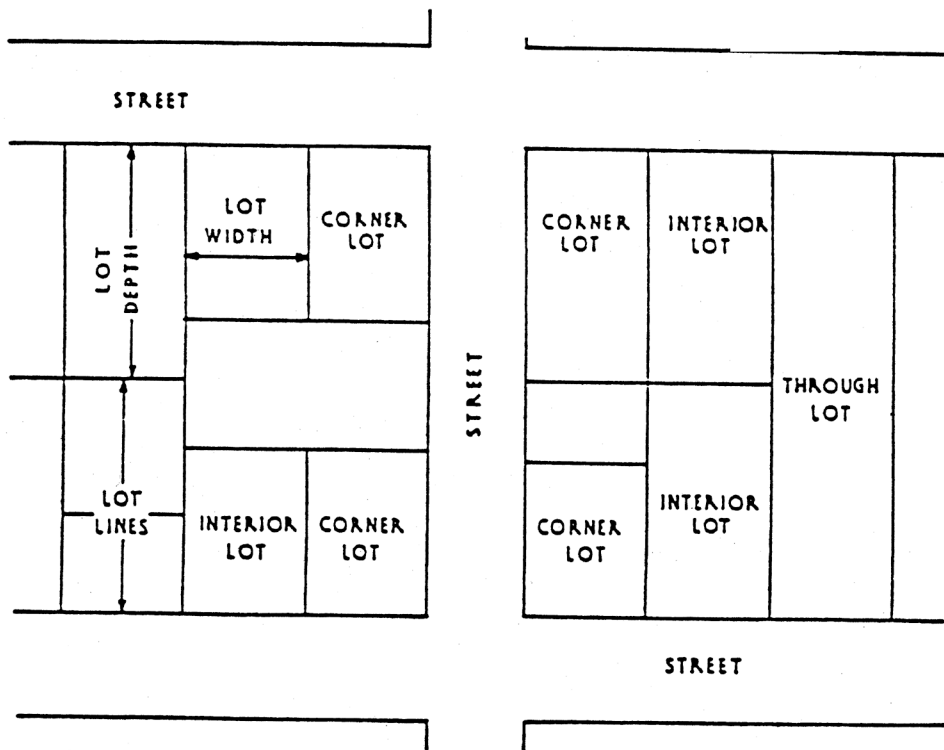
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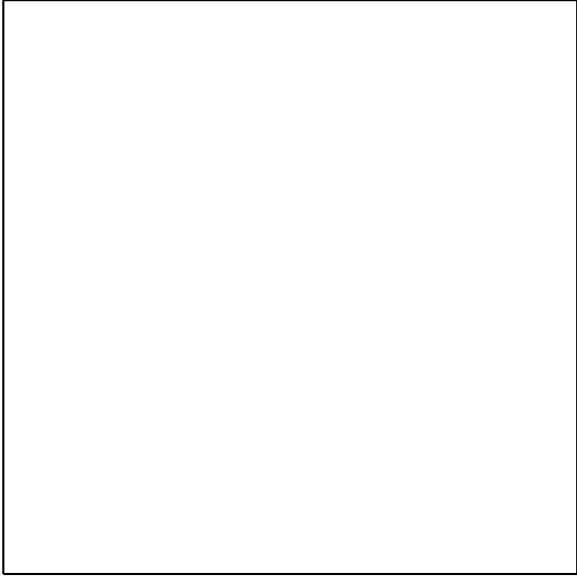
ILLUSTRATIONS



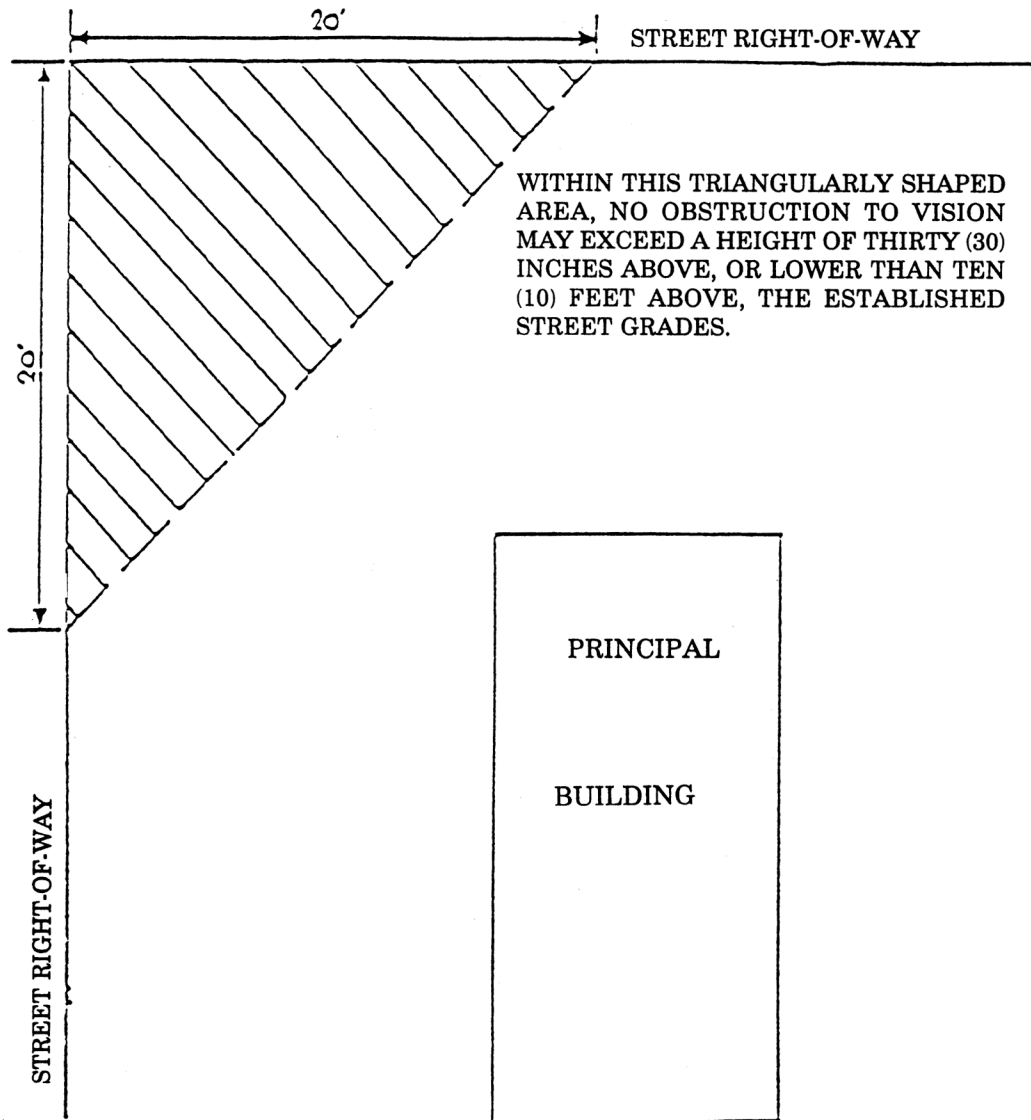
SUBDIVISION LOT TYPES



Subdivision Lot Types

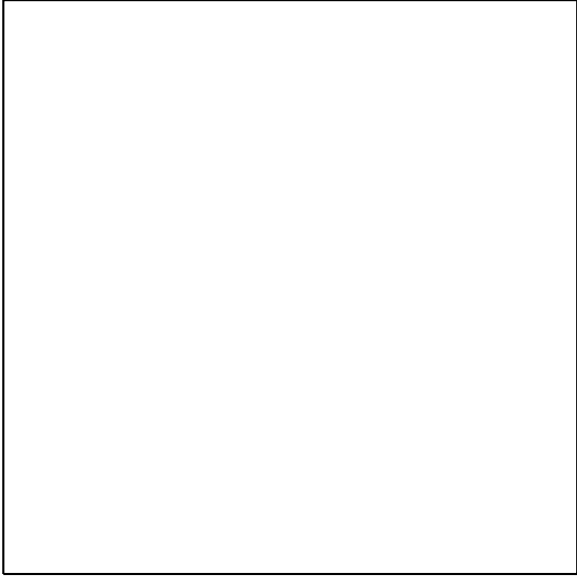


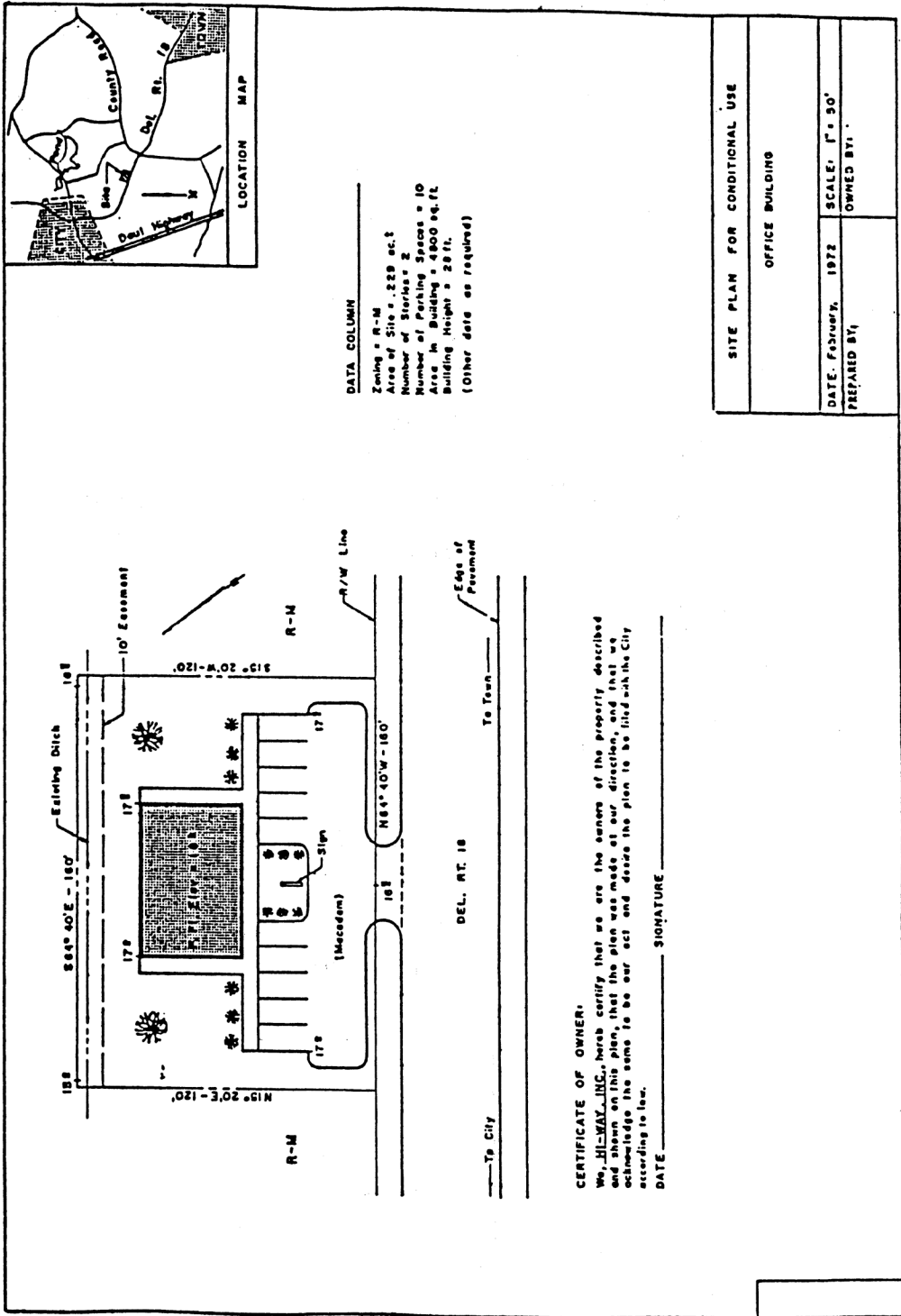
CORNER LOT CLEARANCE



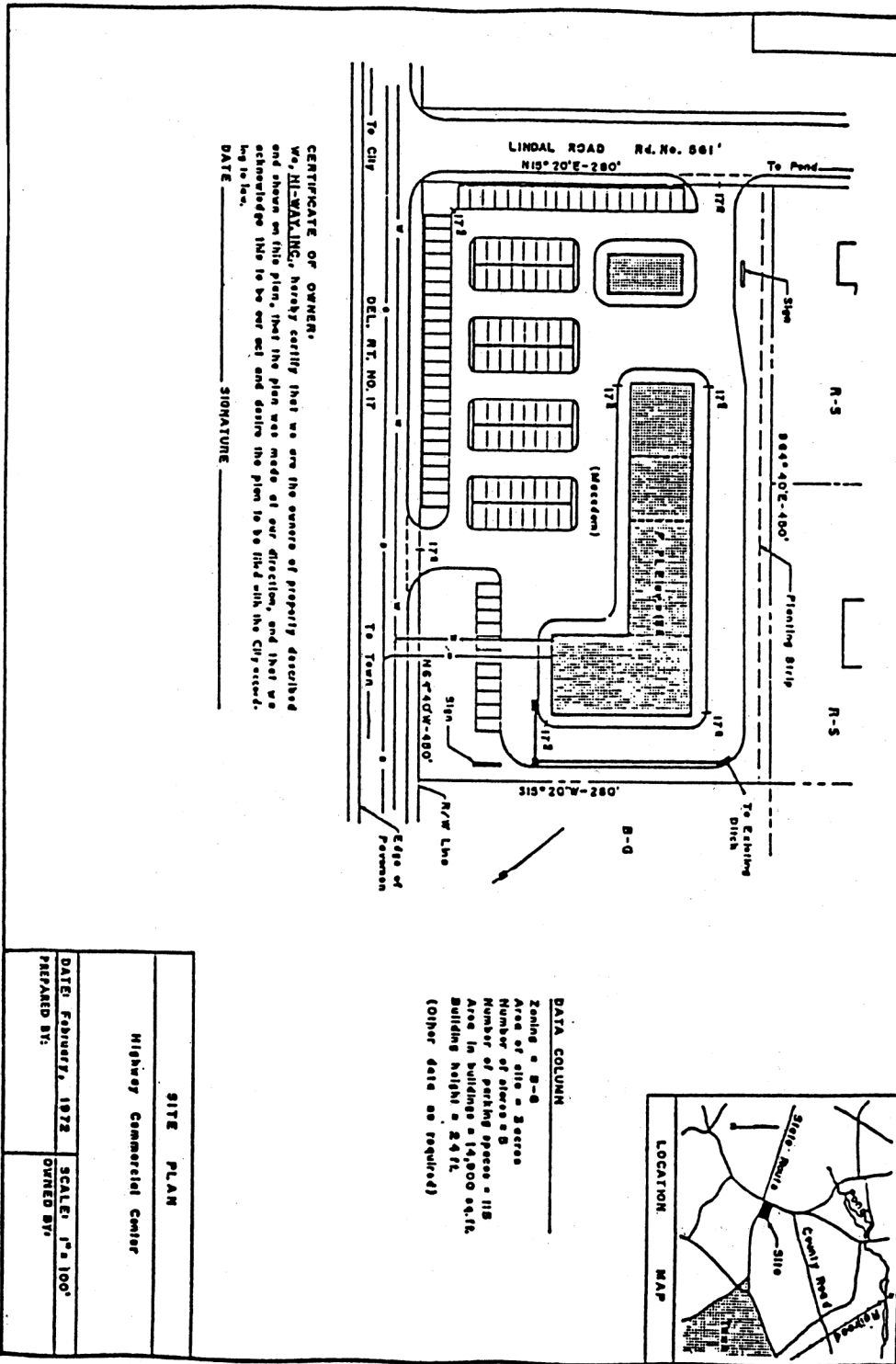
Corner Lot Clearance

(Ord. No. 66-89, § 1, 12-19-90)

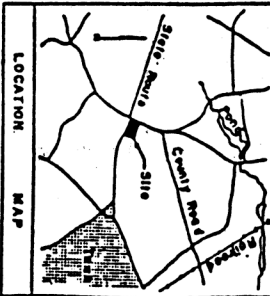




Site Plan for Conditional Use Office Building



CERTIFICATE OF OWNER:
 We, **MI-SVALINE**, hereby certify that we are the owners of property described and shown on this plan, that the plan was made of our direction, and that we acknowledge this to be our act and desire the plan to be filed with the City accordingly to law.
 DATE _____ SIGNATURE _____

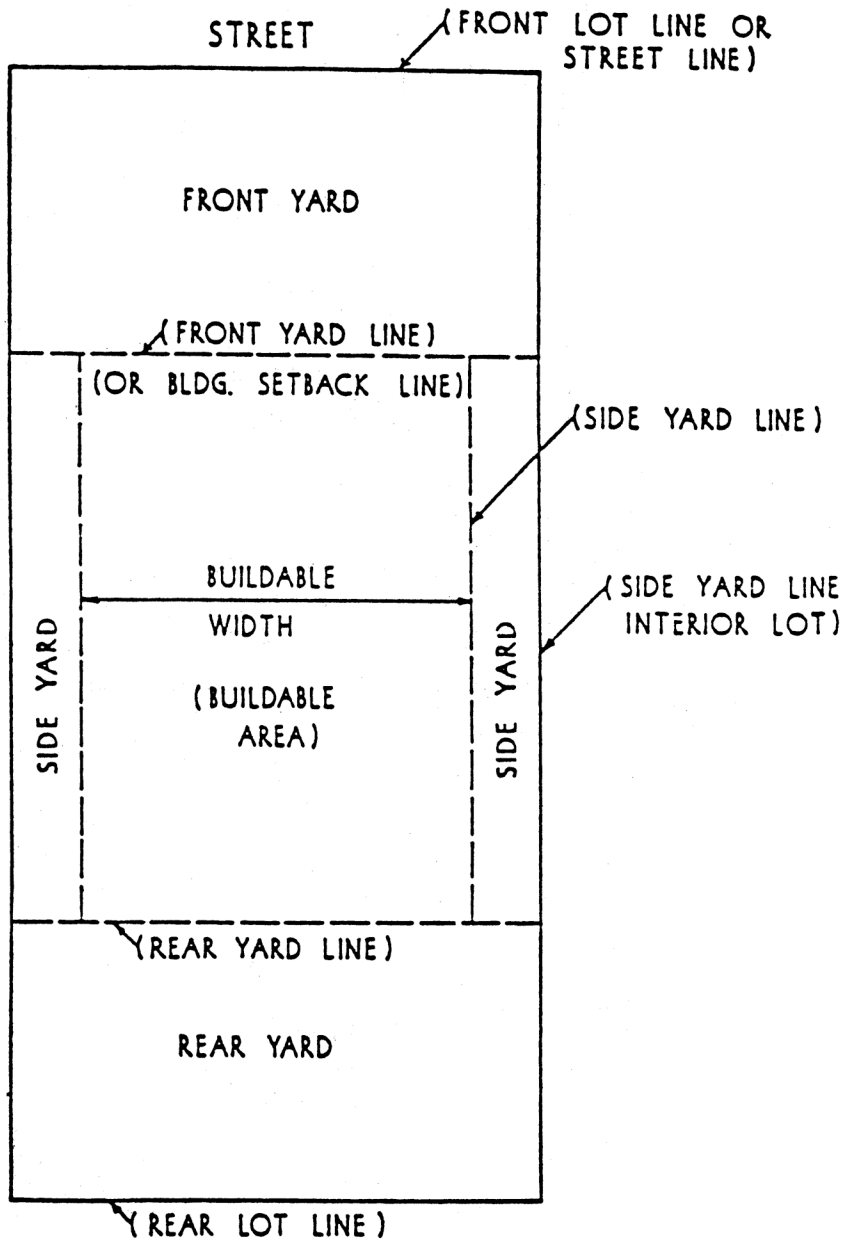


DATA COLUMN
 Zoning - B-0
 Area of site - Acres
 Number of stores - 8
 Number of parking spaces - 118
 Area in building - 14,900 sq. ft.
 Building height - 2 1/2 ft.
 (Other data as required)

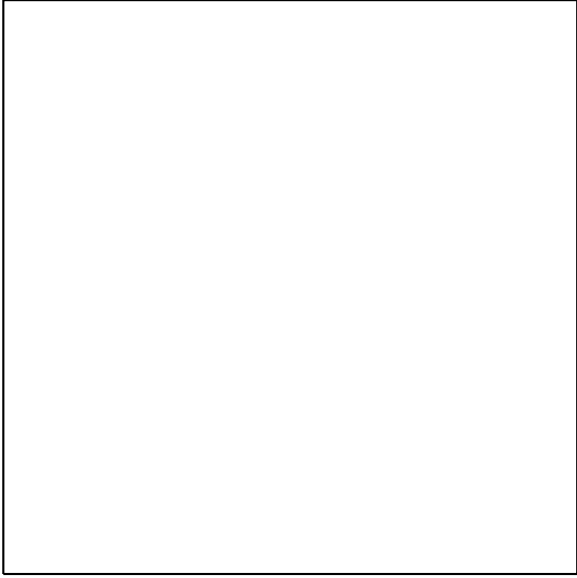
SITE PLAN	
Highway Commercial Center	
DATE: February, 1972	SCALE: 1" = 100'
PREPARED BY:	DRAWN BY:

Site Plan Highway Commercial Center

SETBACKS AND YARDS

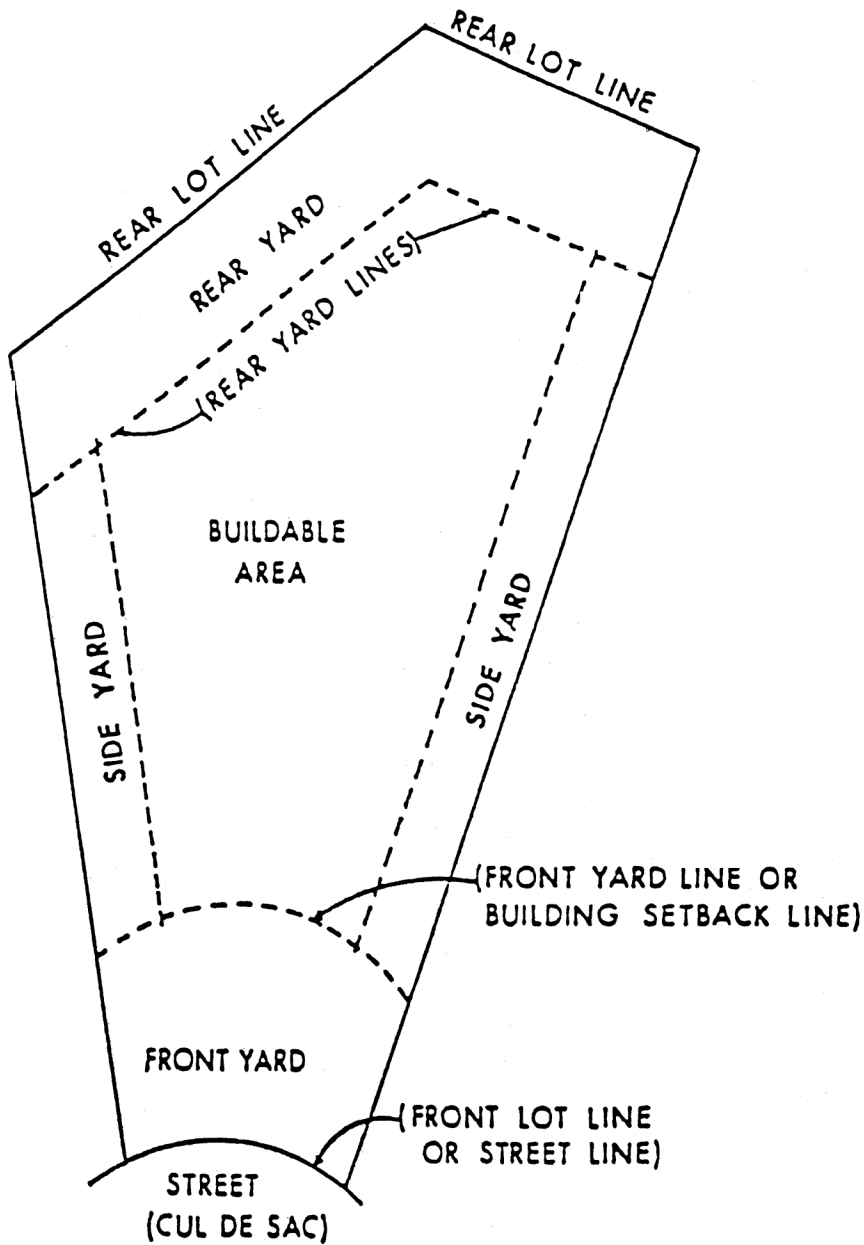


Setbacks and Yards

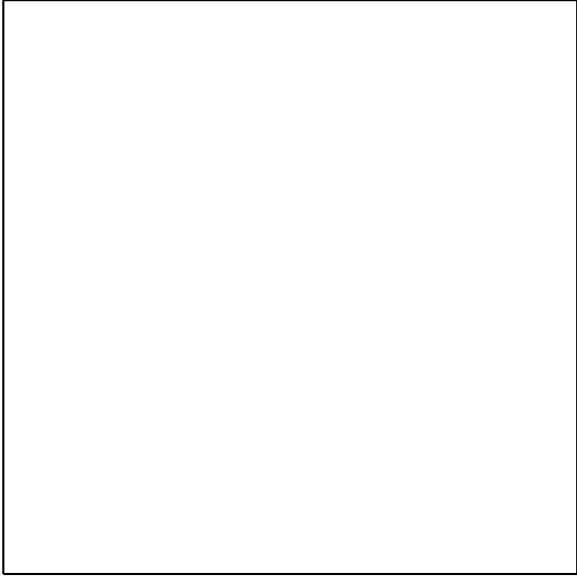


SETBACKS AND YARDS

IRREGULAR SHAPED LOT

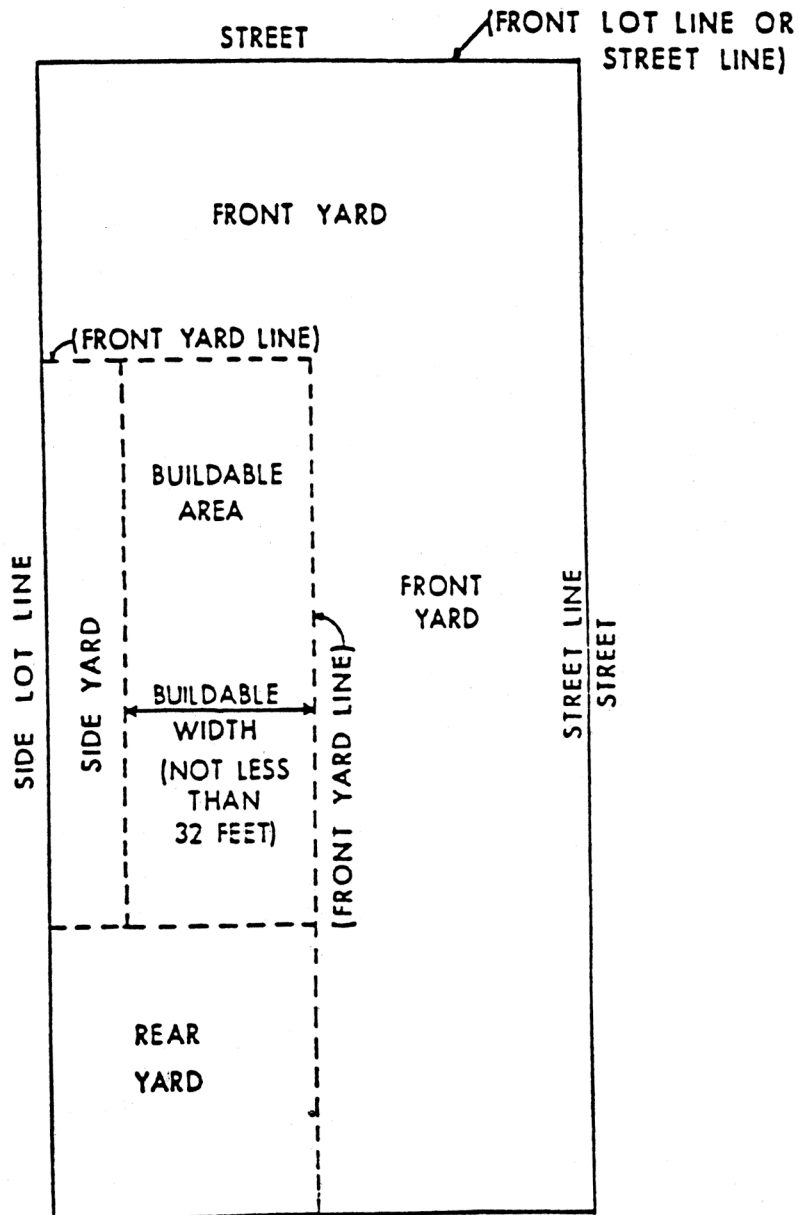


Setbacks and Yards Irregular Shaped Lot

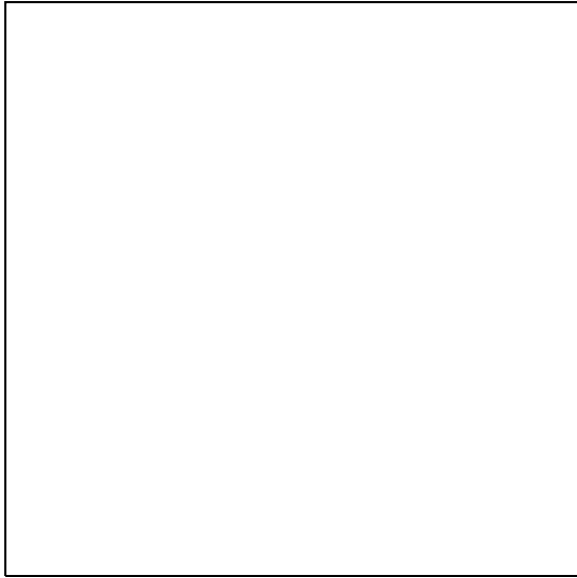


SETBACKS AND YARDS

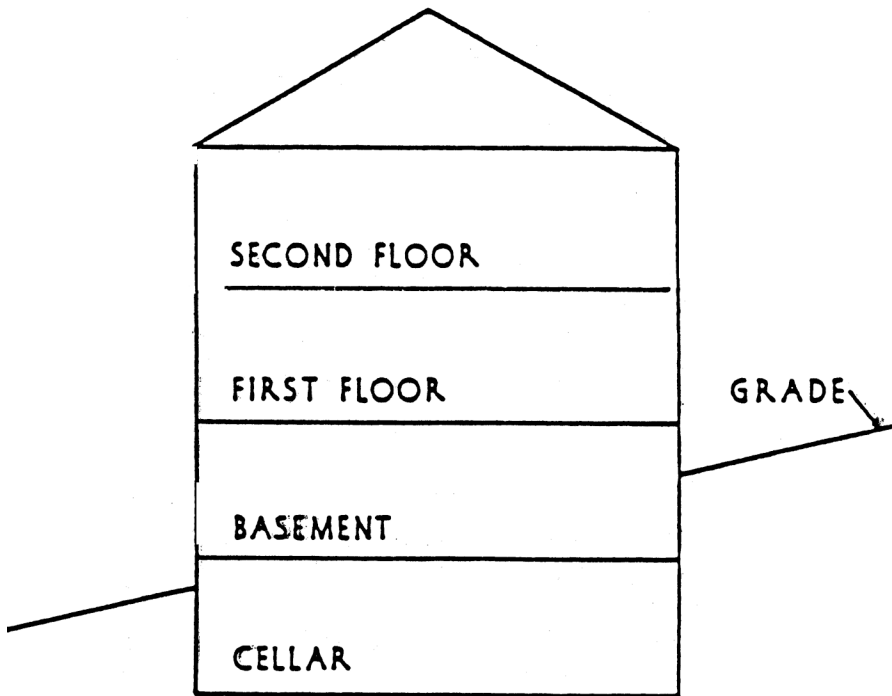
CORNER LOTS



Setbacks and Yards Corner Lots



FLOOR LEVELS



Floor Levels

APPENDIX A. - SITE PLAN REVIEW STANDARDS

A. Purpose. A site plan review is intended to promote a standard of development in the city which will contribute to the long-term maintenance of economic vitality, protection of public and private investment in land and structures and a desirable working and living requirement for residents of the city. A site plan review for compliance with site development standards is required for those uses which, because of type or intensity of use, location within major transportation corridors or density of development, have a potential impact on adjacent uses, public facilities or environmental conditions.

Significant feature of a site, such as mature or native tree cover; topographic variations with ridges, slopes and ravines and water features, provide potential assets for development of high quality. Changes in such natural features may also have an impact on adjacent properties or an even wider area. Protection of the significant nature features of a site should, therefore, be considered in the review of site plans.

The relationship of the proposed development to existing and potential adjacent uses should also be considered. Proposed development should be designed and oriented to avoid intrusive or adverse impacts on adjacent existing uses with mitigating measure provide where necessary. Proposed development should also be coordinated with future development in the vicinity where necessary to ensure that adequate public facilities and desirable relationships between adjoining uses can be provided.

B. Specific site plan review standards. The following site plan review standards are established under Section 27-2 of the zoning ordinance:

1. Grading and drainage.

- a. The existing basic topographic pattern on a site, including the overall rise or fall and direction of slope, shall be maintained except where modification is necessary to improve a buildable area or where the modification will contribute to a specific aesthetic enhancement.
- b. Proposed grade changes shall be clearly identified; and for any slope greater than 3:1, measures to ensure the stability of such slopes shall be undertaken as required.
- c. Direction and volume of storm water drainage on the site shall be designed to minimize adverse effects on surrounding property to avoid ponding on the site and adjacent properties, except as provided for in designated stormwater control facilities. Where alteration of the existing topography is proposed grading drainage plans shall clearly show the effect of proposed changes on direction and flow of drainage in the vicinity of the site.

2. Public improvements.

- a. Where connection to the public water and sanitary sewer systems require off-site improvements, plans and specifications for all such off-site improvements shall be submitted with the site plan.
- b. All public improvements, including streets, utilities and drainage, shall be designed in accordance with the subdivision regulations of the city.

3. Parking, loading and site access. Design of all parking, loading and site access facilities (including sidewalks and driveways) shall comply with Article 25 of the zoning ordinance of the city and with the following additional standards:

- a. Every parking lot and driveway shall be graded for proper drainage and provided with an all-weather surface, maintained at all times in such a manner as to prevent the release of dust, and shall be kept free of dust, trash and debris. Driveways, except where designed for one-way traffic, shall not be less than twenty (20) feet in width or more than thirty-six (36) feet in width. The driveway system shall allow for unobstructed emergency access at least twelve (12) feet in width as close as possible to each structure and shall be clearly marked to prohibit parking or other obstruction of such emergency access.
- b. A required off-street loading space in an M district shall be at least fourteen (14) feet in width and at least seventy-five (75) feet in length, exclusive of access drives, aisles, ramps,

maneuvering space, columns and work areas, and shall have a vertical clearance of not less than fifteen (15) feet.

- c. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or drive in a manner which will least interfere with traffic movements; and in an M district, an unobstructed maneuvering area of not less than one hundred twenty-five (125) feet in depth shall be provided for access to any off-street loading space.
 - d. Where a use is not required to have a loading space, provisions shall be made for incidental deliveries and refuse pickup which shall not interfere with on-site or off-site traffic movements.
 - e. All open off-street loading spaces, access drives, aisles and maneuvering space shall be improved with a compacted base and a permanent wearing surface.
4. Site coverage and open space.
- a. In all B and M districts, except the B-3 district, the maximum coverage of the site by buildings and paved areas shall not exceed ninety (90) percent of the total lot area. There is no limitation on site coverage in the B-3 District.
 - b. In all R-3C and R-3D Districts, the maximum coverage of the site by structures and paved areas shall not exceed eighty-five (85) percent of the total lot area.
 - c. Areas of the lot covered by structure or paved area used solely for recreational purposes may be included as usable open space and not counted as part of the site coverage.
5. Preservation of vegetation. Existing nature vegetation (trees of six (6) inches or greater in caliper) shall be preserved through:
- a. Avoidance of clear-cutting outside necessary construction area.
 - b. Retention of existing vegetation in required yard areas, open space, screening areas, and boundary parking lot landscaping.
6. Landscaping and screening.
- a. Open space. All open space on the site shall be permanently landscaped with vegetative material which may include grasses and other ground covers, shrubs and trees. All cuts and fills shall be restored with appropriate vegetation.
 - b. Screening. Screening of uses in the B and M districts shall be required as set forth in Article 27 of the city zoning ordinance.
 - c. Boundary landscaping. In all B and M districts, except the B-3 District, boundary landscaping shall be provided along the abutting public right-of-way (except an alley). Such landscaping shall consist of a combination of ground covers and deciduous and evergreen shrubs and may also include trees, provided that they will not obstruct sight distances or vehicular or pedestrian circulation. Varieties of landscape material used shall be consistent with those listed in Appendix B. No specific spacing shall be required for boundary landscaping, provided that the landscaping is appropriate to the character of the site and that the landscaped areas are of a size to allow proper owner maintenance.
 - d. Parking lot landscaping. For any off-street parking lot containing over ten (10) spaces or for any combination of parking areas on a single lot providing more than ten (10) spaces, landscaping shall be required. The landscaping shall consist of a combination of ground cover and deciduous and evergreen shrubs and trees which are consistent with the varieties listed in Appendix B. The required landscaping may be located within or adjacent to a parking lot and no specific spacing shall be required; provided that the landscaping is appropriate to the character of the site and that the landscaped areas are sufficient in size to allow proper owner maintenance.

- e. Maintenance of landscaping. All landscaping required in this section shall be maintained in a neat and healthy condition, and such maintenance shall be an ongoing obligation of the owner of the property, and prompt replacement shall be made of diseased or dead plant material. Sprinkling or irrigation systems may be required when necessary to ensure that landscaping is properly maintained.
- 7. Signage. Signs shall be located in accordance with the requirements of this ordinance.
- 8. Building setback and orientation. In addition to the yard requirements applicable for the district in which a structure is located:
 - a. All buildings shall comply with the setback requirements of city codes.
 - b. Where more than one (1) principal building is located on a lot, the distance between such buildings shall not be less than twenty-five (25) feet, provided that such distance shall be increased by one (1) foot for every two (2) feet or fraction thereof by which each building exceeds twenty-five (25) in height.
- 9. Lighting. On-site lighting shall be provided where hazards exist which can be minimized by lighting or where use extends into hours of darkness. The lighting of parking areas, walks and drives shall be required in such manner and during such hours as may be deemed necessary in the interest of public safety and security. Such lighting may be attached to a building or freestanding fixture. Freestanding fixtures should be low level not exceeding twelve (12) feet in height unless a greater height is necessary for a specific reason of safety of security. Both freestanding and attached fixtures and exposed accessories should be harmonious with building design. No fixed spacing of on-site lighting shall be required, provided that illumination is even through parking areas and along walks and drives.

APPENDIX B. - BUFFER CRITERIA

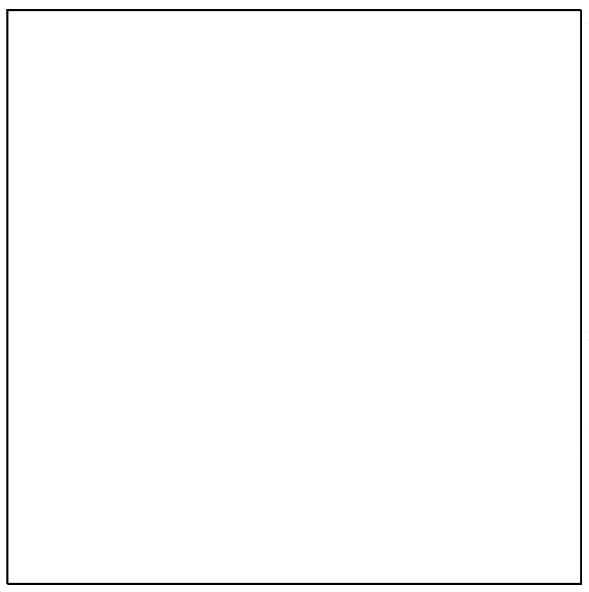
Wood, sightproof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Fence - 6' minimum from property line

Commercial or Industrial District or Special Use District

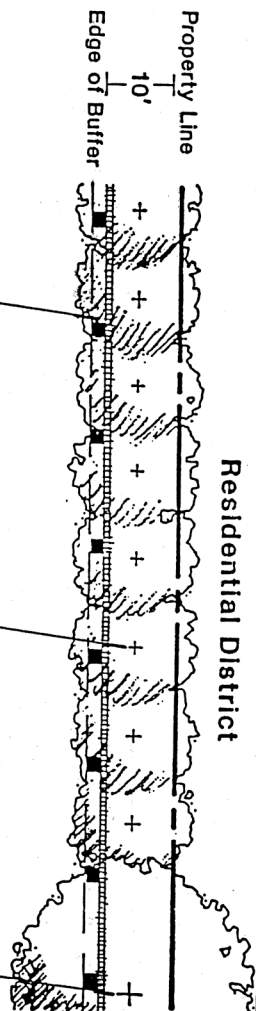
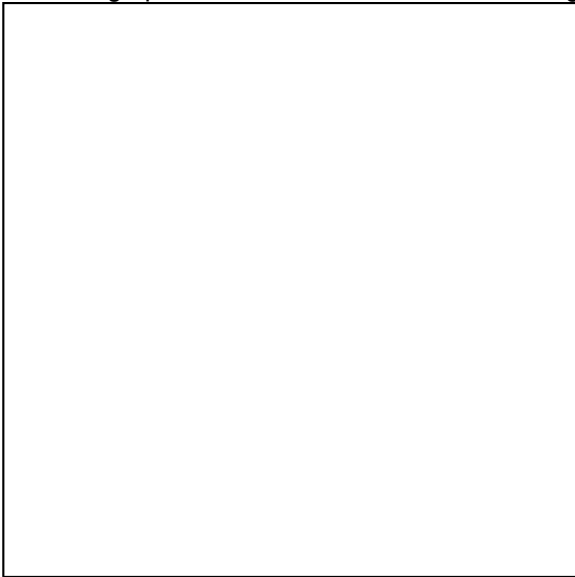
Fence Wood, sight proof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Type A Buffer



Type A Buffer

Wood, sightproof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone



Commercial or Industrial District or Special Use District

Fence Wood, sight-proof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Large Trees Plant 15'-40' o.c., 5' minimum from property line, minimum 3 1/2"-4" caliper, suggested plants:

- Acer saccharum (Sugar Maple)
- Fraxinus americana (White Ash)
- Pinus strobus (White Pine)
- Quercus rubra (Red Oak)
- Tilia cordata (Littleleaf Linden)
- Tsuga canadensis (Canadian Hemlock)

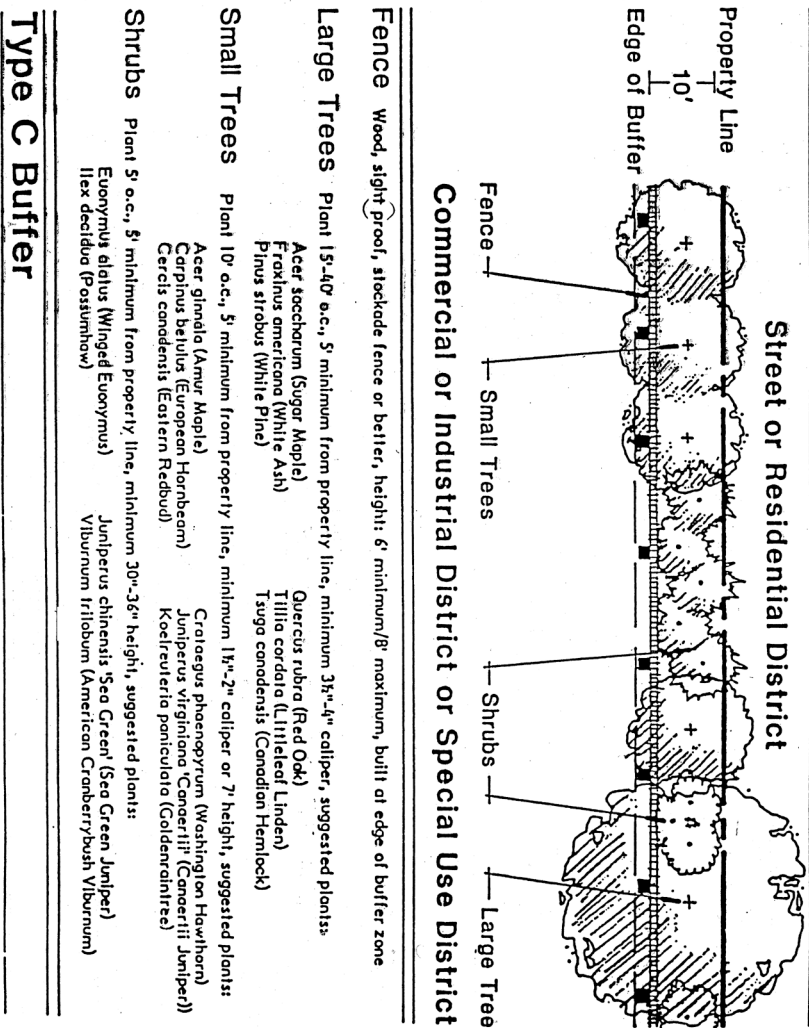
Small Trees Plant 10' o.c., 5' minimum from property line, minimum 1 1/2"-2" caliper or 7' height, suggested plants:

- Acer ginnala (Amur Maple)
- Corpinus betulus (European Hornbeam)
- Cercis canadensis (Eastern Redbud)
- Craetagus phoenopyrum (Washington Hawthorn)
- Juniperus virginiana (Conocrit?) (Conocrit? Juniper?)
- Koeleruteria paniculata (Goldenrain Tree)

Type B Buffer

Type B Buffer

Wood, sightproof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone



Fence Wood, sight proof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Large Trees Plant 15'-40' o.c., 5' minimum from property line, minimum 3 1/2"-4" caliper, suggested plants:

- Acer saccharum* (Sugar Maple)
- Fraxinus americana* (White Ash)
- Pinus strobus* (White Pine)
- Quercus rubra* (Red Oak)
- Tilia cordata* (Littleleaf Linden)
- Tsuga canadensis* (Canadian Hemlock)

Small Trees Plant 10' o.c., 5' minimum from property line, minimum 1 1/2"-2" caliper or 7' height, suggested plants:

- Acer glabro* (Amur Maple)
- Carpinus betulus* (European Hornbeam)
- Cercis canadensis* (Eastern Redbud)
- Crotaegus phoenopyrum* (Washington Hawthorn)
- Juniperus virginiana* 'Concertii' (Concertii Juniper)
- Koeleruteria paniculata* (Goldenrain tree)

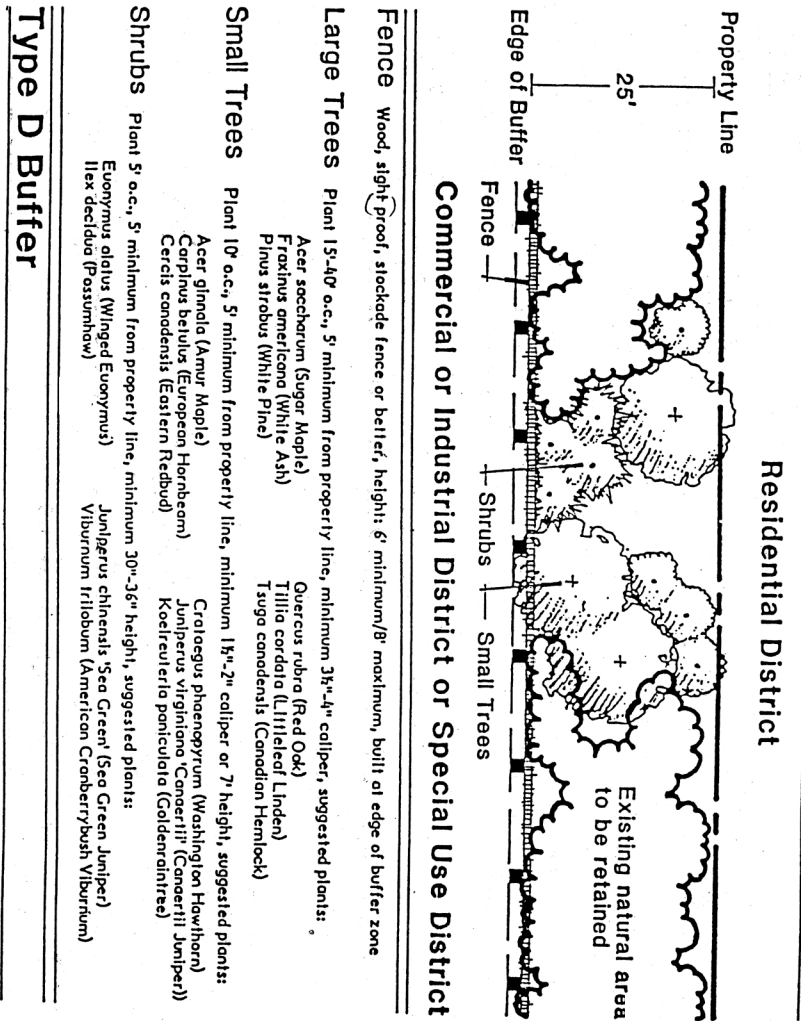
Shrubs Plant 5' o.c., 5' minimum from property line, minimum 30"-36" height, suggested plants:

- Euonymus alatus* (Winged Euonymus)
- Ilex decidua* (Postunhaw)
- Juniperus chinensis* 'Sea Green' (Sea Green Juniper)
- Viburnum trilobum* (American Cranberrybush Viburnum)

Type C Buffer

Type C Buffer

Wood, sightproof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone



Fence Wood, sight proof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Large Trees Plant 15'-40' o.c., 5' minimum from property line, minimum 3 1/4"-4" caliper, suggested plants:

- Acer saccharum (Sugar Maple)
- Fraxinus americana (White Ash)
- Pinus strobus (White Pine)
- Quercus rubra (Red Oak)
- Tilia cordata (Littleleaf Linden)
- Tsuga canadensis (Canadian Hemlock)

Small Trees Plant 10' o.c., 5' minimum from property line, minimum 1 1/2"-2" caliper or 7' height, suggested plants:

- Acer glabro (Amur Maple)
- Cornus belulus (European Hornbeam)
- Cercis canadensis (Eastern Redbud)
- Crotaegus phoenopyrum (Washington Hawthorn)
- Juniperus virginiana 'Comeriti' (Comeriti Juniper)
- Koeleruteria paniculata (Goldenrainree)

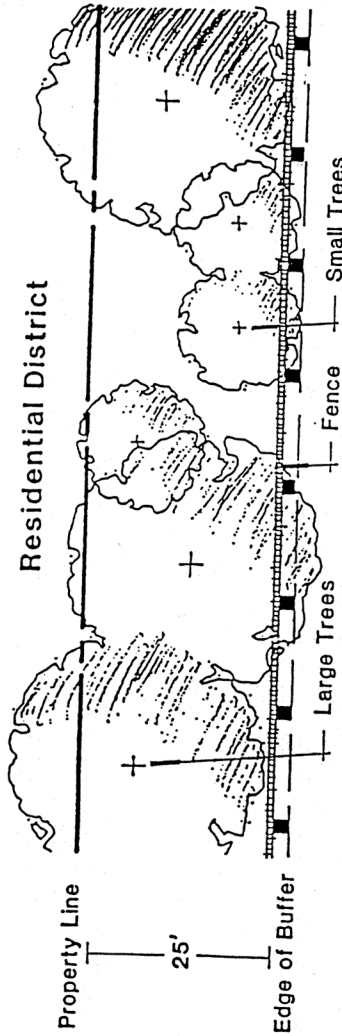
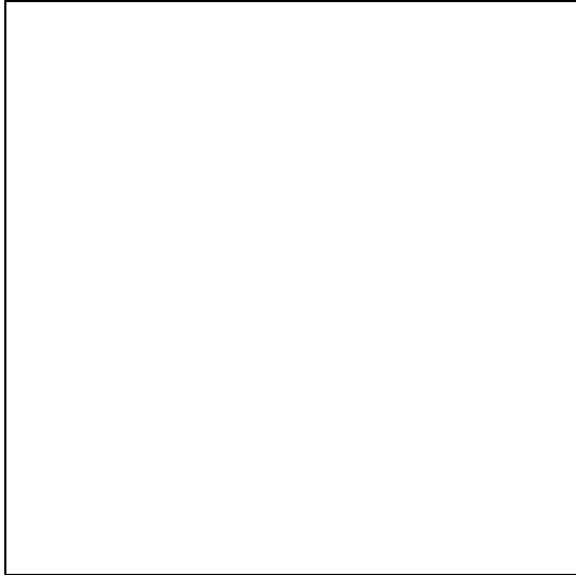
Shrubs Plant 5' o.c., 5' minimum from property line, minimum 30"-36" height, suggested plants:

- Euonymus alatus (Winged Euonymus)
- Ilex decidua (Possumhaw)
- Juniperus chinensis 'Sea Green' (Sea Green Juniper)
- Viburnum trilobum (American Cranberrybush Viburnum)

Type D Buffer

Type D Buffer

Wood, sightproof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone



Commercial or Industrial District or Special Use District

Fence Wood, sight proof, stockade fence or better, height: 6' minimum/8' maximum, built at edge of buffer zone

Large Trees Plant 15'-40' o.c., 5' minimum from property line, minimum 3 1/2"-4" caliper, suggested plants:

- Acer saccharum (Sugar Maple)
- Fraxinus americana (White Ash)
- Pinus strobus (White Pine)

- Quercus rubra (Red Oak)
- Tilia cordata (Littleleaf Linden)
- Tsuga canadensis (Canadian Hemlock)

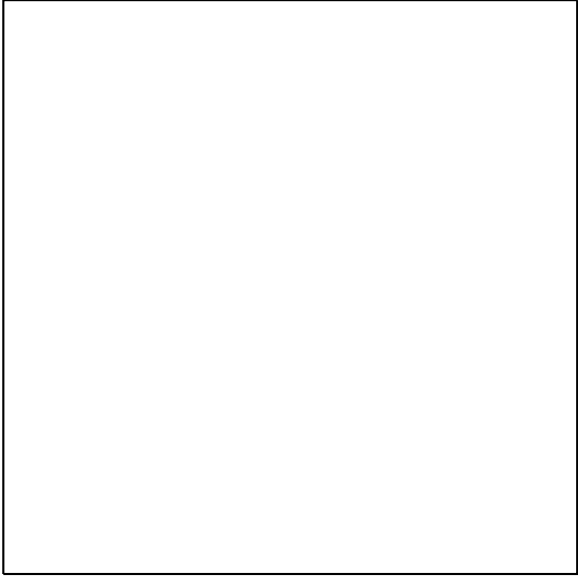
Small Trees Plant 10' o.c., 5' minimum from property line, minimum 1 1/2"-2" caliper or 7' height, suggested plants:

- Acer ginnala (Amur Maple)
- Carpinus betulus (European Hornbeam)
- Cercis canadensis (Eastern Redbud)

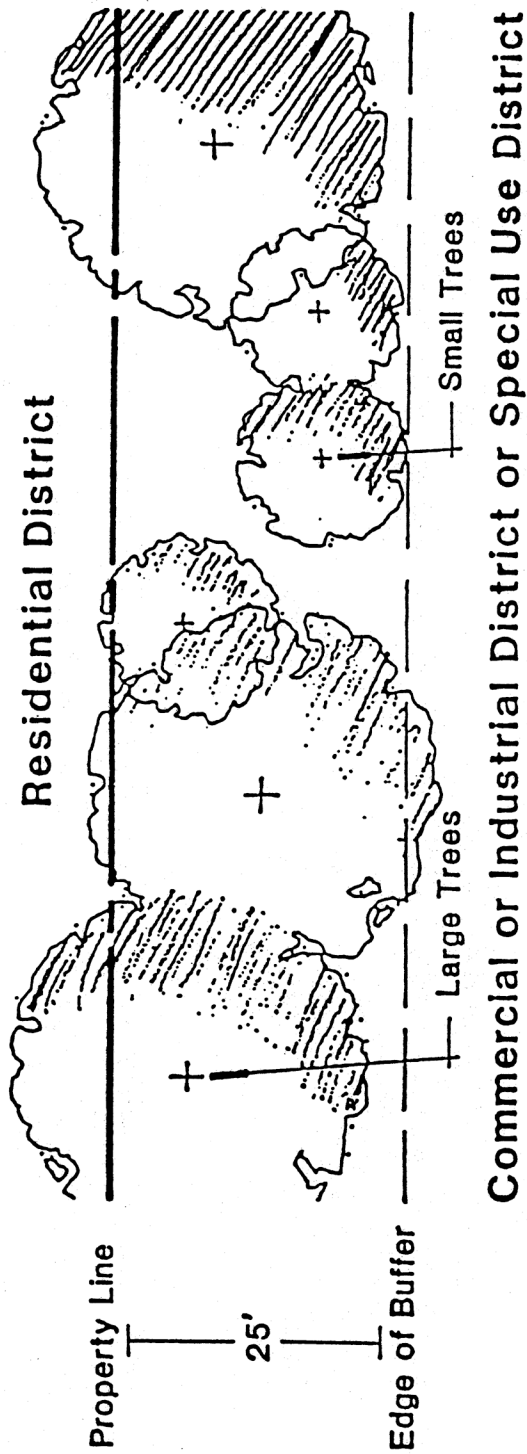
- Crataegus phaenopyrum (Washington Hawthorn)
- Juniperus virginiana 'Conaertii' (Conaertii Juniper)
- Koeleruteria paniculata (Goldentrainree)

Type E Buffer

Type E Buffer



Type F Buffer



Large Trees Plant 15'-40' o.c., 5' minimum from property line, minimum 3½"-4" caliper, suggested plants:

- Acer saccharum (Sugar Maple)
- Fraxinus americana (White Ash)
- Pinus strobus (White Pine)

- Quercus rubra (Red Oak)
- Tillia cordata (Littleleaf Linden)
- Tsuga canadensis (Canadian Hemlock)

Small Trees Plant 10' o.c., 5' minimum from property line, minimum 1½"-2" caliper or 7' height, suggested plants:

- Acer glabrala (Amur Maple)
- Carpinus betulus (European Hornbeam)
- Cercis canadensis (Eastern Redbud)

- Crataegus phaenopyrum (Washington Hawthorn)
- Juniperus virginiana 'Canoertii' (Canoertii Juniper)
- Koeleruteria paniculata (Goldenraintree)

Type F Buffer

Footnotes:

--- (3) ---

Editor's note—Ord. No. 26-2000, adopted April 18, 2000, repealed Ord. No. 56-99, adopted June 15, 1999, provisions of which had been included within the zoning ordinance as App. D, §§ 1—15. Ord. No. 26-2000 enacted similar new provisions, which have been included herein as App. D, §§ 1—15, at the discretion of the editor. Appendices A through E of Ord. No. 26-2000 have not been included within this Appendix D, but may be found attached to Ord. No. 26-2000, on file in the office of the city secretary. An amendment to any section of Appendix D shall be followed by a history note in parentheses following that section.

SECTION 1. - ADOPTION.

The findings made in the prefatory portion of this ordinance [Appendix D] are hereby adopted.

SECTION 2. - LIMITATION.

Nothing contained in this ordinance [Appendix D] shall restrict any of the permitted uses of any zoned property within the corporate boundaries of the City of Effingham. Nothing contained in this ordinance [Appendix D] shall affect the right of a property owner to continue any legal non-conforming use existing prior to the date of this ordinance. This ordinance [Appendix D] shall not apply to the area outside of the city's corporate boundaries.

SECTION 3. - DEFINITIONS.

- A. Construction with other ordinances: To the extent this ordinance [Appendix D] conflicts with any other ordinance of the City of Effingham, this ordinance [Appendix D] shall control.
- B. Rules for words and phrases: For the purposes of this ordinance [Appendix D], words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or "arranged to be used or occupied."
- C. Definitions: The following words, phrases and terms shall have the following meanings:
 - 1. "Antenna array" means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (hereinafter referred to as "rod"), directional antenna (hereinafter referred to as "panel") and parabolic antenna (hereinafter referred to as "disc"). The antenna array does not include the support structure.
 - 2. "Attached wireless communication facility" (hereinafter referred to as "attached WCF") means an antenna array that is attached to an existing building or structure (hereinafter referred to as "attachment structure"), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (hereinafter referred to as "attachment device") which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.
 - 3. "Collocation" shall mean use of a common WCF or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of

communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

4. "Equipment facility" shall mean a shelter, building or similar structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.
5. "FAA" shall mean the Federal Aviation Administration.
6. "FCC" shall mean the Federal Communications Commission.
7. "FTA" shall mean the Federal Telecommunications Act of 1996.
8. "Height," when referring to a WCF, shall mean the distance measured from ground level to the highest point on the WCF, excluding the antenna array. In all other circumstances, "height" shall have its common meaning.
9. "Setback" shall mean the required distance from the property line of the parcel on which the WCF is located to the perimeter fence surrounding the support structure, or, in the case of guy-wire supports, the guy anchors.
10. "Support structure" shall mean a structure designed and constructed specifically to support an antenna array, and may include a monopole, self supporting tower, guy-wire-support tower and other similar structures. Any device (hereinafter referred to as "attachment device") which is used to attach an attached WCF to an existing building or structure (hereinafter referred to as "attachment structure") shall be excluded from the definition of and regulations applicable to support structures.
11. "Temporary wireless communication facility" (hereinafter referred to as "temporary WCF") shall mean a WCF to be placed and used for ninety (90) or fewer days.
12. "Tower use permit" (hereinafter referred to as "TUP") shall mean a permit issued by the city specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the zoning administrator to be appropriate under the provision of this ordinance [Appendix D].
13. "Wireless communications" shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (hereinafter referred to as "PCS"), specialized mobile radio (hereinafter referred to as "SMR"), enhanced specialized mobile radio (hereinafter referred to as "ESMR"), paging, and similar services that currently exist.
14. "Wireless communication facility" (hereinafter referred to as "WCF") shall mean any facility used for the transmission and/or reception of wireless telecommunications services, and consisting of all or a part of the following: an antenna array, connection cables, an equipment facility, and a support structure.
15. "City" shall mean the City of Effingham, Illinois.
16. "Zoning Code" shall mean the City of Effingham Zoning Ordinance, as amended from time to time, including the official zoning map, as amended from time to time, and the comprehensive plan, as amended from time to time.
17. "Building official" shall mean that person appointed by the city to serve as the building official for the city.
18. "TUP applicant" shall mean that person, limited liability company, corporation, partnership, entity, association or other similar entity applying with the city for a TUP.
19. "Permittee" shall mean that person, limited liability company, corporation, partnership, entity, association or other similar entity that has applied for and received a TUP from the city.

20. "TUP application" shall mean that application attached to this ordinance [Appendix D] as Appendix B [of Ordinance No. 26-2000, incorporated herein by reference].
21. "Zoning board of appeals" shall mean the City of Effingham Zoning Board of Appeals.
22. "Plan commission" shall mean the City of Effingham Plan Commission.
23. "Person" shall mean any natural person, individual, firm, association, organization, partnership, trust, foundation, limited liability company, company or corporation or other similar organization.

SECTION 4. - RESTRICTION.

No person shall install, operate, construct, or maintain, or cause to be installed, operated, constructed or maintained a WCF, temporary WCF, attached WCF or antenna array within the corporate boundaries of the city, unless and until such person receives a TUP issued by the city pursuant to this ordinance [Appendix D].

SECTION 5. - OVERLAY DISTRICTS CREATED.

All real estate situated within the corporate boundaries of the city shall be, and the same are hereby divided into three (3) overlay districts, as follows:

- A. District #1 shall include that real estate described in Appendix A [of Ordinance No. 26-2000], which is attached hereto and hereby incorporated by reference as though fully stated herein. Antenna array, WCF's and attached WCF's may be permitted in District #1 in accordance with this ordinance [Appendix D].
- B. District #2 shall consist of that real estate within the corporate boundaries of the city, except that real estate zoned residential in accordance with the Zoning Code. Attached WCF's, antenna array, and WCF's may be permitted in District #2 in accordance with this ordinance [Appendix D].
- C. District #3 shall consist of all support structures existing within the corporate boundaries of the city. Attached WCF's and antenna array, but not WCF's, may be permitted in District #3 in accordance with this ordinance [Appendix D].
- D. Temporary WCF's. A temporary WCF may be permitted in accordance with this ordinance [Appendix D].
- E. Exempt communications facilities. This ordinance [Appendix D] shall not govern the operation, maintenance, installation or construction of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator. Such operation, maintenance, installation, or construction shall be governed by Article 26 of the Zoning Code. This ordinance [Appendix D] shall not govern the operation, maintenance, installation or construction of any antenna or communications tower that does not transmit or receive personal wireless services as defined in the FTA. Such operation, maintenance, installation or construction shall be governed by Article 26 of the Zoning Code.
- F. Airport zoning. Any antenna array, attached WCF, or WCF located or proposed to be located in any airport zone(s) as identified in the Zoning Code, or such other areas governed by the FAA or the Illinois Department of Aeronautics, shall comply with this ordinance [Appendix D], the Zoning Code, and the applicable rules, regulations of the FAA and the Illinois Department of Aeronautics.

SECTION 6. - TOWER USE PERMIT.

- A. Application submission. TUP applications shall be filed with the building official.
- B. Application contents. In addition to the information required in the TUP application, all TUP applicants shall submit the following material and information with the TUP application:

1. Scaled site plan containing a scaled profile and elevation views and other supporting drawings, calculations and other documentation showing the location and dimensions of the attached WCF, antenna array, or WCF and all improvements associated therewith, including information concerning specifications, antenna array locations, equipment facility and shelters, parking, access, landscaping, screening, topography, adjacent uses and existing vegetation; and
 2. TUP applicants proposing to collocate in accordance with Section 9 [of this Appendix D] or proposing locate in District #2 or District #3, shall also include a radio frequency intermodulation study with their TUP application, and a non-refundable radio frequency intermodulation study review fee of five hundred dollars (\$500.00); and
 3. A copy of the TUP applicant's FCC license for the proposed attached WCF, antenna array, or WCF; and
 4. A non-refundable administrative review fee of five hundred dollars (\$500.00).
- C. Technical assistance. To assist the building official, plan commission or the city in reviewing a TUP application, the building official may employ an engineer(s) or other consultant(s) qualified in the design and installation of attached WCF's, antenna arrays, or WCF's to assist the technical aspects of the TUP application. In such cases, the costs therefor shall be paid by the TUP applicant as a condition precedent to the issuance of a TUP, provided however, that such costs shall not to exceed one thousand five hundred dollars (\$1,500.00).

SECTION 7. - TUP APPLICATION PROCESS.

- A. District #1 and District #3. TUP applications for attached WCF's, antenna array, and WCF's proposed to be operated, installed, maintained, and constructed in District #1 or District #3 shall be submitted to the building official for consideration in accordance with Section 6 [of this Appendix D]. The building official shall grant a TUP to the TUP applicant within thirty (30) days from the filing of the TUP application if the TUP application complies with the provisions of Section 8A [of this Appendix D]. The building official may elect to extend said thirty-day period for an additional thirty (30) days for purposes of necessary technical review upon written notification to the TUP applicant prior to the expiration of the initial thirty-day review period. If the TUP application does not comply with the provisions of Section 8A [of this Appendix D], then the building official shall deny the TUP application. In the event of a denial of a TUP application by the building official, the TUP applicant may appeal the decision of the building official to the zoning board of appeals pursuant to Section 13 [of this Appendix D]. If the building official fails to render a decision within the time frame(s) stated above, then the TUP application shall be deemed to have been granted by the building official in accordance with the terms of the TUP application.
- B. District #2. TUP applications for WCF's, attached WCF's and antenna array proposed to be operated, installed, maintained, and constructed in District #2 shall be submitted to the building official for administrative review in accordance with Section 6 [of this Appendix D]. The building official shall conduct an administrative review of the TUP application to determine compliance with the provisions of Section 8B [of this Appendix D] for period not to exceed thirty (30) days. the building official may elect to extend said thirty-day administrative review period for an additional thirty (30) days for purposes of conducting necessary technical review upon written notification to the TUP applicant prior to the expiration of the initial thirty-day administrative review period. Upon the conclusion of the building official's administrative review, the building official shall submit a written report to the plan commission stating the findings of the building official's administrative review. Within five (5) days after the conclusion of the building official's administrative review, the building official shall set the TUP application for public hearing at the next regularly scheduled plan commission meeting. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than fifteen (15) days nor more than thirty (30) days from the date of the public hearing. The plan commission shall consider the TUP application at the public hearing, at which time interested persons may appear and offer testimony and evidence in support of or in opposition to the TUP application. The plan commission shall consider the following in reaching a decision on the TUP application:

1. TUP criteria. The TUP application shall be reviewed for compliance with the provisions of Section 8B [of this Appendix D].
2. Tower siting conditions. The plan commission may deny a TUP application requesting a TUP in District #2 or may impose additional conditions and restrictions on the TUP as it deems necessary to reduce or minimize any adverse effects or to otherwise enhance the compatibility of the attached WCF, antenna array, or WCF with the surrounding property in accordance with the purposes and intent of this ordinance [Appendix D]. The violation of any such condition imposed shall be grounds for revocation of the TUP. The plan commission may deny the TUP application or may impose such additional conditions and restrictions on the TUP only after making the following findings:
 - a. The attached WCF, antenna array, or WCF would result in significant adverse visual impact, adverse aesthetic impact, adverse impact on property values on the surrounding neighborhood, or the non-compliance with the standards stated in paragraph 8B [of this Appendix D]; and
 - b. The denial, or the additional conditions or restrictions, are based upon the purposes and goals of this ordinance [Appendix D].

The plan commission shall submit a written recommendation to the city recommending the grant or denial of the TUP application within thirty-five (35) days after the public hearing. The recommendation shall be in writing and be supported by substantial evidence contained in a written record. Upon receipt of the plan commission's recommendation, the city shall consider the recommendation and the TUP application. Within thirty (30) days of receipt of the plan commission's recommendation, the city shall grant or deny the TUP application. In the event the TUP application is denied by the city, the TUP applicant may seek judicial review of the city's decision pursuant to the FTA.

SECTION 8. - STANDARDS.

All WCF's, attached WCF's and antenna array shall satisfy the following standards. Failure to satisfy the following standards, or failure to continue to satisfy the following standards during the effective term of the TUP, shall result in the revocation of the TUP, and the city may seek any and all remedies available to it pursuant to this ordinance [Appendix D].

- A. District #1 and District #3 standards.
 1. Height standards.
 - a. The height of attached WCF's shall not exceed twenty (20) feet above the attachment structure.
 - b. The height of an antenna array attached to support structures shall not exceed the maximum permitted height of the support structure.
 - c. For District #1 TUP's only, the height of any support structure shall not exceed the maximum height as stated in Appendix A [of Ordinance No. 26-2000, incorporated herein by reference].
 2. Setback standards. Antenna arrays, attached WCF's, and WCF's are exempt from the setback provisions.
 3. Landscaping and screening. The following landscaping and screening requirements shall apply to all WCF's:
 - a. Antenna array and attached WCF's shall be landscaped and screened in accordance with Appendix C [of Ordinance No. 26-2000, incorporated herein by reference], unless waived by the building official.
 - b. All other WCF's shall be landscaped and screened in accordance with Appendix D [of Ordinance No. 26-2000, incorporated herein by reference], unless waived by the building official.

- c. Preservation. Existing mature tree growth and natural topography on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed with the prior written approval of the building official.
 - 4. Lighting. The following lighting requirements shall apply to antenna array, attached WCF's and WCF's:
 - a. Artificial illumination. Antenna array, attached WCF's and WCF's shall not be artificially illuminated, directly or indirectly, except for:
 - 1. Security and safety lighting of equipment facilities and support structures, provided that such lighting is shielded to keep light within the boundaries of the real property for which the TUP applies.
 - 2. Such illumination required by the FAA or Illinois Department of Aeronautics.
 - 5. Signage. Antenna array, attached WCF's and WCF's shall not display any signage, logos, decals, flags, symbols or any messages of a commercial or noncommercial nature, except for a single sign not greater than three (3) square feet in area containing provider identification and emergency telephone numbers.
 - 6. Security fencing. WCF's and support structures shall be enclosed by a wooden security fence not less than eight (8) feet in height, or other security fence approved by the building official. Security features may be incorporated into the buffer, landscaping and screening requirements for the site.
 - 7. Radio frequency emissions/sound. The FCC maintains jurisdiction over radio frequency (RF) emissions. WCF's shall comply with FCC standards, as amended from time to time. The permittee, upon the written request of the building official, shall provide evidence to the city that the permittee's WCF is in compliance with said FCC standards governing RF emissions. TUP's shall not be denied on the basis of RF emissions. TUP applicants shall provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
 - 8. Structural integrity. Support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended from time to time. Each support structure shall be capable of supporting multiple antenna arrays consistent with the purposes of Section 9 [of this Appendix D].
- B. District #2 standards.
- 1. Height standards.
 - a. The height of attached WCF's shall not exceed twenty (20) feet above the attachment structure.
 - b. The height of antenna array attached to support structures shall not exceed the maximum permitted height of the support structure.
 - c. The height of any attached WCF, antenna array, WCF or support structure shall not exceed one hundred (100) feet.
 - 2. Setback standards. Antenna arrays and attached WCF's are exempt from the setback provisions of the zone in which they are located. An attached WCF antenna array may extend up to thirty (30) inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel, tract, or lot of real estate. All other WCF's shall meet the setback requirements for principle structures of the zones in which the WCF is located.

3. Landscaping and screening. The following landscaping and screening requirements shall apply to all WCF's:
 - a. Antenna array and attached WCF's shall be landscaped and screened in accordance with Appendix C [of Ordinance No. 26-2000, incorporated herein by reference], unless waived by the building official.
 - b. All other WCF's shall be landscaped and screened in accordance with Appendix D [of Ordinance No. 26-2000, incorporated herein by reference], unless waived by the building official.
 - c. Preservation. Existing mature tree growth and natural topography on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed with the prior, written approval of the building official.
4. Lighting. The following lighting requirements shall apply to antenna array, attached WCF's and WCF's:
 - a. Artificial illumination. Antenna array, attached WCF's and WCF's shall not be artificially illuminated, directly or indirectly, except for:
 1. Security and safety lighting of equipment facilities and support structures, provided that such lighting is shielded to keep light within the boundaries of the real estate for which the TUP is issued.
 2. Such illumination required by the FAA, or the Illinois Department of Aeronautics.
5. Signage. Antenna array, attached WCF's and WCF's shall not display any signage, logos, decals, flags, symbols or any messages of a commercial or noncommercial nature, except for a single sign not greater than three (3) square feet in area and displayed not greater than eight (8) feet in height containing provider identification and emergency telephone numbers.
6. Security fencing. WCF's and support structures shall be enclosed by an opaque security fence not less than eight (8) feet in height. Security features may be incorporated into the buffer, landscaping and screening requirements for the site.
7. Radio frequency emissions and noise. The FCC maintains jurisdiction over radio frequency (RF) emissions. WCF's shall comply with FCC standards, as amended from time to time. The permittee, upon the written request of the building official, shall provide evidence to the city that the permittee's WCF is in compliance with said FCC standards governing RF emissions. TUP's shall not be denied on the basis of RF emissions. TUP applicants shall provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards. The TUP applicant shall conduct noise analysis of the proposed WCF, attached WCF or antenna array and demonstrate to the plan commission that noise emissions from the WCF, attached WCF, or antenna array shall comply with the provisions of the Title VI, of the Illinois Environmental Protection Act, 415 ILCS 5/23 et seq., and the rules and regulations promulgated pursuant thereto by the Illinois Pollution Control Board.
8. Structural integrity. WCF's with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each support structure shall be capable of supporting multiple antenna arrays consistent with the purposes of Section 9 [of this Appendix D].
9. Demonstration of inadequacy of District #1 and District #3 locations. No TUP for real estate in District #2 shall be granted to a TUP applicant unless the TUP applicant demonstrates

that the locations in District #1 and District #3 will not provide for functionally equivalent service.

10. Compliance with collocation. No TUP for real estate in District #2 shall be granted to a TUP applicant unless the TUP applicant provides substantial evidence demonstrating that the TUP applicant has made good faith, reasonable effort to comply with Section 9 [of this Appendix D], but that despite such effort, has been unable to comply with Section 9 [of this Appendix D].

C. Temporary WCF's. Temporary WCF's may be allowed by the building official for a period not to exceed ninety (90) days by obtaining a temporary TUP by filing a temporary TUP application in that form as contained in Appendix E [of Ordinance No. 26-2000, incorporated herein by reference].

SECTION 9. - COLLOCATION.

A. As a condition precedent to the issuance and continuation of a TUP for District #2 or District #3, the TUP applicant shall:

1. Provide detailed engineering plans, certified by a professional engineer, showing that the WCF and/or support structure requested pursuant to the TUP application shall be engineered, designed and constructed to be capable of allowing the collocation of at least three (3) other TUP applicants; and

2. Agree to reasonably accommodate the future collocation of at least three (3) antenna arrays, WCF's or attached WCF's.

B. A TUP shall not be granted to a TUP applicant unless the TUP applicant demonstrates that it has made a reasonable, good faith effort to locate its WCF, attached WCF or antenna array in District #1 and District #3. Competitive conflict and financial burden shall be presumed not to be an excuse to collocation.

C. In the case of a TUP applicant, failure to comply with the provisions of this section shall be grounds for denial of the TUP application. In the case of a TUP granted under this ordinance [Appendix D], failure to comply with the provisions of this section shall be deemed a violation of this ordinance [Appendix D], and the permittee shall be penalized in accordance with Section 12 [of this Appendix D].

SECTION 10. - NONCONFORMING AND ABANDONED WCF'S.

Antenna array, attached WCF's, and WCF's in existence on the effective date of this Ordinance [Appendix D] which do not comply with the requirements of this Ordinance [Appendix D] (hereinafter referred to as "nonconforming WCF") are subject to the following provisions:

A. Expansion. Nonconforming WCF's may continue to be used for that purpose existing as of the effective date of this Ordinance [Appendix D] now used, but neither the use nor size, nor the height, nor the physical structure, nor the number of antenna arrays of the WCF may be increased, renewed, or expanded without complying with this ordinance [Appendix D].

B. Repairs or reconstruction. Nonconforming WCF's which are damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions; provided, however, that:

1. The nonconforming WCF may not (i) be expanded, (ii) have its height increased, (iii) increase the number or size of antenna array, or (iv) otherwise increase its size or use.

2. If the damage to the nonconforming WCF exceeds fifty (50) percent of its replacement cost, said nonconforming WCF shall not be reconstructed or repaired.

[C. Reserved.]

- D. Abandonment. Any WCF not in use for the transmission of wireless communications for a period of one hundred eighty (180) consecutive days shall be deemed abandoned and all rights conferred by this ordinance [Appendix D] as a nonconforming WCF, or rights conferred by a TUP shall terminate and cease, and the abandoned WCF shall not be placed in service or otherwise used, and the abandoned WCF shall be removed within ninety (90) days after written notice from the city to remove the abandoned WCF. If the abandoned WCF is not removed within ninety (90) days, the city may, at its election, enter on to the real estate in which the abandoned WCF is located, and remove same and recover the costs of removal from the owner. If the owner of an abandoned WCF cannot be located at its address as indicated on the TUP application, or is no longer in business, compliance with this section, including but not limited to payment of the cost of removal of the abandoned WCF shall be the responsibility of the landowner on whose real estate the abandoned WCF is located.

SECTION 11. - REVOCATION OF TUP's.

All TUP's issued pursuant to this ordinance [Appendix D] shall be revocable pursuant to this section.

- A. Upon discovery of a violation of this ordinance [Appendix D], the building official shall serve a notice of violations on the permittee by mailing such written notice by certified mail, return receipt requested to the permittee's address shown on the TUP. The notice of violation shall identify the permittee, the TUP, the nature of the violation, the date of discovery of the violation, that the permittee's TUP may be revoked for such violation, and setting an administrative hearing date for administrative review of the violation. The date set for the administrative hearing shall be not earlier than fifteen (15) days and not later than thirty (30) days from the date of the notice. The permittee shall be entitled to continue the administrative hearing date for good cause for a period not to exceed fifteen (15) days. At said administrative hearing, the permittee may:
 - 1. Admit the violation and enter into a written corrective action plan with the building official. Such corrective action plan shall (i) be in writing (ii) signed by the building official and a duly authorized representative of the permittee, (iii) identify the violation, and (iv) provide for the method of curing of the violation within a period not to exceed thirty (30) days from the date of the corrective action plan.
 - 2. Deny the violation.
- B. In the event the permittee denies the violation, or fails to cure the violation as provided for in the corrective action plan, the city may file suit against the permittee in the Effingham County Circuit Court for injunctive relief to enforce the corrective action plan, or to enforce this ordinance [Appendix D] and impose a penalty upon the permittee in accordance with Section 10 [of this Appendix D]. If the permittee fails to appear at the administrative hearing, the permittee will be deemed to have admitted the violation, and the TUP shall be immediately revoked, and the city may proceed to file suit against the permittee for injunctive and other relief in accordance with Section 10 [of this Appendix D].

SECTION 12. - PENALTY.

Violation of this ordinance [Appendix D] shall be deemed a civil ordinance violation and shall be punishable as follows:

- A. Revocation of the TUP; and
- B. A fine of one thousand dollars (\$1,000.00) per day for each day that the violation exists or continues to exist after notification of violation.
- C. The city may file suit against the permittee in a court of competent jurisdiction for declaratory or injunctive relief.

SECTION 13. - APPEALS

In the event that a permittee or TUP applicant desires to appeal the decision of the building official made pursuant to this ordinance [Appendix D], the permittee or TUP applicant shall file a written petition appealing such decision to the zoning board of appeals. Said petition of appeal shall be clear, state the decision being appealed, and the basis for the appeal. The zoning board of appeals shall conduct a hearing on said petition of appeal within thirty (30) days of the filing of the petition, and shall render a written decision within thirty (30) days after such hearing. The written decision of the zoning board of appeals shall be considered a final administrative order. Decisions rendered by the city pursuant to this ordinance [Appendix D] shall be deemed a final administrative order upon issuance.

SECTION 14. - REPEALER.

Ordinance 56-99 is hereby repealed.

SECTION 15. - MISCELLANEOUS.

- A. Severability and infectious invalidity. In the event a court of competent jurisdiction declares any particular provision of this ordinance [Appendix D] to be invalid or unenforceable, the remaining provisions of this ordinance [Appendix D] shall be construed to be valid and enforceable.
- B. Titles of paragraphs. Titles of several paragraphs, sections or articles of this ordinance [Appendix D] are inserted for convenience of reference only and shall be disregarded in construing or interpreting any provision hereof.
- C. Notices. Notices required to be sent to the city by this ordinance [Appendix D] shall be in writing and shall be served by certified mail, return receipt requested to the City of Effingham, c/o Building Official, 201 East Jefferson Avenue, Effingham, Illinois 62401.
- D. Non-waiver. Any delay by the city in enforcing any of its rights or remedies under this ordinance [Appendix D] shall not constitute a waiver of such right or remedy.
- E. Cumulative rights. Any and all of the city's rights and remedies under this ordinance [Appendix D] shall be cumulative, and the exercise or non-exercise of any one or more rights or remedies shall not preclude the city from subsequently exercising such rights or remedies.