

ORDINANCE NO. 2008 - 24

WHEREAS, the Illinois Municipal Code authorizes the City of Byron to regulate zoning of property within its boundaries as well as properties within one and one-half miles of the municipal corporate limits;

WHEREAS, the Byron Municipal Code, Title 17, relating to zoning has not been substantially revised since approximately 1954;

WHEREAS, it is in the best interest of the residents of the City of Byron that the zoning classifications and land use restrictions be updated;

WHEREAS, the Byron Zoning Board of Appeals conducted a Public Hearing on December 1, 2008, and recommended by Resolution that the City Council adopt the amendments to the Zoning Ordinance;

WHEREAS, any property currently used for a specific purpose shall not, by the adoption of this Ordinance, be deemed in violation of this Ordinance so long as the current use and structure on the premises does not lapse or fall into a state of disrepair requiring substantial renovation as provided in this Ordinance or until such time that the use is discontinued or eliminated as provided in the Illinois Municipal Code, 65 ILCS 5/11-13-1;

WHEREAS, the Technical Advisory Staff, Plan Commission and Zoning Board of Appeals have had the opportunity to provide input into the revisions to Byron's new zoning classifications;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BYRON, OGLE COUNTY, ILLINOIS, as follows:

SECTION 1: Title 17, ZONING shall be amended by replacing Title 17 in its entirety to read as follows:

Title 17 ZONING

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Plan Commission
- 17.16 Districts Established
- 17.20 District No. 1 - R-1, Single Family Residential

- 17.22 District No. 2 - R-2, Two Family Residential
- 17.24 District No. 3 - R-3, Multi-Family Residential
- 17.26 District No. 4 - R-4, Rural Residential
- 17.28 District No. 5 - C-1, Limited Office
- 17.30 District No. 6 - C-2, Commercial Retail
- 17.32 District No. 7 - C-3, Commercial General
- 17.34 District No. 8 - C-4, River Commercial
- 17.36 District No. 9 - I-1, Light Industrial
- 17.38 District No. 10 - I-2, Heavy Industrial
- 17.40 District No. 11- PR, Park and Recreation
- 17.42 Planned Unit Development District
- 17.44 General Zoning Regulation
- 17.45 Exterior Lighting
- 17.46 Adult Businesses
- 17.48 Administration and Enforcement

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Short title.
- 17.04.020 Interpretation.
- 17.04.030 Purpose.

17.04.010 Short title. The ordinance codified in this Title shall be known and may be cited as the Byron Zoning Ordinance.

17.04.020 Interpretation. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at variance with the requirements of this Title, the most restrictive, or that imposing the higher standards, shall govern.

17.04.030 Purpose. The purpose of this Title is to guide development in accordance with existing and future needs in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of the City. These regulations are made in accordance with the Comprehensive Plan, as amended from time to time. More specifically, this ordinance is intended to assist in achieving the following objectives:

- A. To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while

accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

- B. To protect and enhance the character and stability of existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;
- C. To conserve and increase the value of taxable property throughout this municipality;
- D. To ensure the provision of adequate light, air and privacy for the occupants of all buildings;
- E. To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- F. To provide for efficient administration and fair enforcement of all regulations set forth herein; and
- G. To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments and the like.

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010 Generally.
- 17.08.020 Alley.
- 17.08.030 Access way.
- 17.08.040 Apartment house.
- 17.08.050 Area, building.
- 17.08.060 Area, habitable.
- 17.08.070 Area, net site.
- 17.08.080 Basement.
- 17.08.085 Buffer.
- 17.08.090 Building.
- 17.08.100 Building, accessory.
- 17.08.110 Building, detached.
- 17.08.120 Building, front line of.
- 17.08.130 Building, height of.
- 17.08.140 Building, principal.

17.08.150 Camp.
17.08.160 Camp, trailer.
17.08.170 Camping ground.
17.08.180 Court.
17.08.190 Court, auto.
17.08.200 Court, inner.
17.08.210 Coverage.
17.08.220 Curb level.
17.08.230 Dump.
17.08.240 Dwelling.
17.08.250 Dwelling, multifamily.
17.08.260 Dwelling, one-family.
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17.08.280 Efficiency apartment house.
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17.08.310 Fire hazard.
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17.08.360 Grade, established.
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17.08.390 Home occupation.
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17.08.520 Motor vehicle repair shop.
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17.08.540 Nursing or convalescent home.
17.08.550 Open space.
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17.08.570 Plat.

17.08.580	Recreational vehicle.
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17.08.620	Line, street.
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17.08.660	Use, manufacturing.
17.08.670	Use, conforming.
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17.08.690	Yard.
17.08.700	Yard, front.
17.08.710	Yard, rear.
17.08.720	Yard, side.

17.08.010 Generally. Except where specifically defined herein, all words used in this Title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; lot includes plot, tract, site and parcel; buildings includes structure; shall is intended to be mandatory; may is intended to be discretionary; abutting shall include adjacent and contiguous; occupied or used shall be considered as though followed by the words or intended, arranged or designed to be used or occupied.

17.08.020 Alley. Alley means a public right-of-way providing a secondary means of access to abutting properties.

17.08.030 Access way. Access way means a curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

17.08.040 Apartment house. Apartment house means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

17.08.050 Area, building. Building area means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

17.08.060 Area, habitable. Habitable area means the building area minus square footage occupied by interior partitions and exterior walls.

17.08.070 Area, net site. "Net site area means the total area within the property lines excluding exterior streets.

17.08.080 Basement. Basement means a story partly underground, but having less than half its clear height below finished grade.

17.08.085 Buffer. A neutral area of landscaping or other means which separates incompatible land uses and helps preserve the character, appearance and value of the neighborhood.

17.08.090 Building. Building means any structure having a roof supported by columns or by walls permanently attached to the ground and intended for the shelter, housing or enclosure of persons, animals or chattels.

17.08.100 Building, accessory. Accessory building means a subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

17.08.110 Building, detached. Detached building means a building surrounded by open space on the same lot.

17.08.120 Building, front line of. Front line of building means the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered, enclosed porches, but does not include steps. On a corner lot, the building front is the side on which it is addressed.

17.08.130 Building, height of. Height of building means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

17.08.140 Building, principal. "Principal building means a building in which is conducted the main or principal use of the lot on which the building is situated.

17.08.150 Camp. Camp means any area of land or water on which are located two or more cabins, trailers, tents, shelters, houseboats or other accommodations of a design or character suitable for seasonal living purposes or other more or less temporary living purposes, regardless of whether such structure or other accommodations actually are occupied seasonally or otherwise.

17.08.160 Camp, trailer. Trailer camp means a land or floor area occupied or designed for occupancy by two or more trailers or camp cars in use for living purposes.

17.08.170 Camping ground. Camping ground means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

17.08.180 Court. Court means an open unoccupied space bounded on two or more sides by the exterior walls and lot lines.

17.08.190 Court, auto. Auto court means a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. Auto court includes buildings designated as tourist courts, motor lodges, motels and similar appellations.

17.08.200 Court, inner. Inner court means a court enclosed on all sides by exterior walls or a building or by exterior walls and lot lines on which walls are allowable.

17.08.210 Coverage. Coverage means that percentage of the plot or lot area covered by the building area.

17.08.220 Curb level. Curb level means the officially established grade of the curb in front of the mid-point of the lot.

17.08.230 Dump. Dump means a lot or land or part thereof used primarily for the disposal of waste material of any kind.

17.08.240 Dwelling. Dwelling means a building designed or used as the living quarters of one or more families. Dwelling, one-family dwelling, multiple dwelling, two-family dwelling, or dwelling group shall not be deemed to include auto court, rooming house or tourist home.

17.08.250 Dwelling, multifamily. Multifamily dwelling means a dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both.

17.08.260 Dwelling, one-family. One-family dwelling means a detached building designed for or occupied exclusively by one family.

17.08.270 Dwelling, two-family. Two-family dwelling means a detached building containing two dwelling units.

17.08.275 Easement. Easement means a right to use another person's real property for certain limited purposes.

17.08.280 Efficiency apartment house. Efficiency apartment house means an apartment house in which the minimum dwelling area shall be five hundred square feet and which may house no more than two adults and one child under twelve years of age in each dwelling unit.

17.08.290 Family. Family means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

17.08.300 Farm. Farm means any parcel of land containing at least ten acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

17.08.310 Fire hazard. Fire hazard means any area of land, including the structures thereon, that is used or intended to be used for manufacturing processes of, or the storage use or manufacture of materials or products of combustible nature. Such uses include, but are not limited to, ammunition storage, bakeries, building material establishment, cleaning plants, coal and coke yards, contractor's plant or storage yards, foundries or forges, feed establishments, freight yards or terminals, junkyards, laundries, lumberyards, paint stores and shops, potteries, paper storage, welding shops, warehouses, wholesale houses and the storage, use or manufacture of explosive gases, liquids or solids.

17.08.320 Floor area of building. The floor area of a building means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

17.08.330 Garage, private. A private garage means an accessory building intended or designed to be used for the storage of noncommercial motor vehicles. "Garage, private" include "carport".

17.08.340 Garage, public. Public garage means any garage not a private garage, and which is used for storage or servicing of motor vehicles.

17.08.350 Gasoline station. Gasoline station means any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles. Gasoline station shall include Filling station and Auto Service Station.

17.08.360 Grade, established. Established grade means the elevation of the centerline of the streets as officially established by the city authorities.

17.08.370 Grade, finished. Finished grade means that completed surfaces of lawns, walks, and roads brought to grades shown on official plans or designs relating thereto.

17.08.380 Green belt planting strip. Green belt planting strip means a cultivated strip of ground of width specified and planted with such plant materials that will, at maturity, grow to an average height or greater than the specified height.

17.08.390 Home occupation. Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be a home occupation.

Such home occupations, where permitted in a residential district of any zoning type, shall be subject to the following conditions:

- a. The occupation shall be conducted wholly within the principal building;
- b. Only persons residing within the dwelling unit shall be employed in the occupation;
- c. No equipment shall be used in the occupation, other than that which is customarily incidental to domestic use;
- d. No outdoor storage in conjunction with the occupation shall be allowed;
- e. No exterior display or exterior sign shall be permitted, except as allowed by the sign regulations for each district;
- f. No alterations of any kind shall be made to the dwelling which changes its residential character;
- g. No equipment or material or compounds used in such occupation shall be of a dangerous, hazardous, poisonous, noxious or like nature.

17.08.400 Hospital. Hospital means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

17.08.410 Hotel. Hotel means a building containing rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

17.08.420 House trailer. House trailer means any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers or skids in place.

17.08.430 Junkyard. Junkyard means lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

17.08.440 Launderette. Launderette means a business premises equipped with individual clothes washing machines for use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel. It shall also include dry cleaners.

17.08.450 Loading space, off-street. Off-street loading space is a unit space being ten feet wide, thirty feet long and fourteen feet high located within the structure, or within a side or rear yard or within an access drive or aisle of a required off-street parking space.

17.08.460 Lot. Lot means a parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this title.

17.08.470 Lot, corner. Corner lot means a parcel of land at the junction of and fronting on two or more intersecting streets.

17.08.480 Lot depth. Depth of lot means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

17.08.490 Lot, interior. Interior lot means a lot other than a corner lot.

17.08.500 Lot width. Width of lot means the mean width measured at right angles to its depth.

17.08.510 Lot lines. Lot lines means the lines bounding a lot.

17.08.520 Motor vehicle repair shop. Motor vehicle shop means a building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

17.08.530 Motor vehicle sales lot. Motor vehicle sales lot means a lot arranged, designed or used for the storage and display for sale of any motor vehicle including trucks or any type of trailer, provided that the trailer is unoccupied and where repair work as an accessory use is done to automobiles or trailers.

17.08.540 Nursing or Convalescent Home. Nursing or convalescent home means a licensed public or private home or institution which provides maintenance, personal care

and nursing for three or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence. It shall also include Assisted Living Facilities.

17.08.550 Open space. Open space means an unoccupied space open to the sky on the same lot with the building.

17.08.560 Parking space, off-street. Off-street parking space means each unit or space being nine feet wide and twenty feet long exclusive of access drives and turning areas, located within an accessory garage or in a side or rear yard, properly graveled, or paved and maintained.

17.08.570 Plat. Plat means a map, plan or layout of a parcel or parcels of land, indicating the location and boundaries of individual properties.

17.08.580 Recreational vehicle. Recreational vehicle means any type of vehicle used primarily for recreational pleasure, including but not limited to, travel trailers, motor homes, boats, campers, water craft, 4-wheelers, snowmobiles and the like.

17.08.590 Sign. Sign means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

17.08.600 Street. Street means a public way which affords principal means of access to abutting property. It shall not include an alley or easement.

17.08.610 Street Grade. Street grade means the officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

17.08.620 Line, street. Street line means the dividing line between the street and the lot.

17.08.630 Structure. Structure means a combination of materials other than a building to form a construction that is safe and stable and includes among other things platforms, bleachers, towers, bins, fences and display signs.

17.08.640 Tourist Home. Tourist home means a dwelling in which overnight accommodations are provided or offered for a transient guest for compensation.

17.08.650 Use, accessory. Accessory use means a use incidental to the principal use of a building. In buildings restricted to residence use, the office of a professional man, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.

17.08.660 Use, manufacturing. Manufacturing use means any building or lot used for making articles or products and employing more than four persons or consuming more than sixty man-hours per week for manufacturing purposes.

17.08.670 Use, conforming. Conforming use means a building, structure or use of land in compliance with the applicable provisions of the Title.

17.08.680 Use, nonconforming. Nonconforming uses means a building, structure or use of land existing at the time of enactment and codified in this Title, and which does not conform to the regulations of the district or zone in which it is situated.

17.08.690 Yard. Yard means an unoccupied space open to the sky, on the same lot with a building or structure.

17.08.700 Yard, front. Front yard means a yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. As used in this Title front yard applies to all buildings on the lot.

17.08.710 Yard, rear. Rear yard means a yard on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot. As used in this Title rear yard applies to principal buildings only.

17.08.720 Yard, side. Side yard means a yard on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. As used in this Title side yard applies to principal buildings only.

Chapter 17.12

PLAN COMMISSION

Sections:

- 17.12.010 Creation.
- 17.12.020 Membership.
- 17.12.030 Powers and Duties.
- 17.12.040 Plan Commission Procedures.
- 17.12.050 Comprehensive Plan - Applicability.
- 17.12.060 Comprehensive Plan - Procedure and Provisions.

17.12.010 Creation. A Plan Commission is hereby created and hereby known as the City of Byron Plan Commission.

17.12.020 Membership.

A. The Plan Commission shall consist of a chairman and a maximum of ten other voting members who shall be appointed by the Mayor and confirmed by the City Council. The Mayor shall appoint members to the Plan Commission two-year terms. Each successive member and chairman shall serve two-year terms, unless appointed to serve the remaining unexpired term of a member or chairman, and shall serve until his or her successors have been appointed.

B. Members of the Plan Commission shall be registered voters and must reside within the corporate limits or within one and one-half miles of the corporate limits. A majority of the members of the Plan Commission shall live within the corporate limits.

C. No more than one member of the Plan Commission shall also serve as a member of the Byron Zoning Board of Appeals.

D. The Mayor may appoint up to two Aldermen of the City Council to serve as non-voting members of the Plan Commission. The Alderman shall not be considered as a part of the eleven members of the Plan Commission.

17.12.030 Powers and Duties. The Plan Commission shall have the following powers:

A. To recommend to the City Council a Comprehensive Plan for the present and future development or redevelopment of the City. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the City. This Plan may include reasonable requirements with reference to streets, alleys, public ground, and other improvements. The

plan, as recommended by the Plan Commission, and as thereafter adopted by the City, may be made applicable, by the terms thereof, to land situated within the corporate limits, and contiguous territory not more than one and one-half miles beyond the corporate limits, and not included in any other municipality of this State.

1. Such plan may be implemented by recommendations for ordinances to be adopted by the City, establishing reasonable standards of design for development or re-development of unimproved land, and of areas subject to redevelopment in respect to public improvements. The plan may also establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways of public service facilities, curbs, gutters, sidewalks, street lights, parks, play grounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.
2. The plan may designate land suitable for annexation to the municipality, and the recommended zoning classification for such land upon annexation.
3. In the event that the plan is adopted by the City, the Plan Commission may from time to time, recommend changes thereof to the City Council.

B. To prepare and recommend to the City Council plans for specific improvements in pursuance of the official Comprehensive Plan.

C. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of such projects and, generally to promote the realization of the official Comprehensive Plan.

D. To review and assist in the implementation of developments within the City of Byron or within the one and one-half miles of corporate limits as prescribed in Title 16 of the Municipal Code of Byron, Illinois, as amended from time to time.

E. To exercise such other powers as may be conferred by the City Council from time to time.

17.12.040 Plan Commission Procedures. The Plan Commission shall follow these procedures.

A. All recommendations and actions of the Plan Commission shall require a majority vote of those members present at a meeting, so long as there is a quorum present (a quorum being defined as fifty percent plus one member of those then holding office).

B. The Mayor, with approval of the City Council, shall appoint a member of the Plan Commission to serve as the Plan Commission's initial Chairperson, said person to serve for one year. Thereafter, the members of the Plan Commission shall appoint one of its members to serve as chairperson on an annual basis. The Chairperson's sole responsibility shall be to facilitate discussion at the meeting.

C. The Plan Commission shall appoint one of its members to serve as secretary on an annual basis for the purpose of recording minutes of the meetings of the Plan Commission.

D. The Plan Commission shall meet as needed, on the first Tuesday of each month at 7:00 o'clock p.m.

E. These procedures are a guideline and to be followed whenever practical. Failure to obtain strict compliance with the guidelines, however, shall not invalidate any action taken by the Plan Commission or any action taken by the City pursuant to a recommendation of the Plan Commission. Failure to obtain strict compliance shall not constitute a waiver by the City of any requirement herein.

17.12.050 Comprehensive Plan - Applicability. The official Comprehensive Plan, or any amendments thereof or additions thereto proposed by the Plan Commission, shall be effective in the City limits and contiguous area only after its formal adoption by the City Council. Such plan shall be advisory and of itself shall not be construed to regulate or control the use of private property in any way except pursuant to ordinance duly enacted by the City Council implementing the Comprehensive Plan, or parts thereof.

17.12.060 Comprehensive Plan - Procedure and Provisions.

A. The Mayor and City Council may initiate plans and maps by requesting the Plan Commission to prepare an official Comprehensive Plan and recommend the same, or may originate an official Comprehensive Plan, or a part thereof, or an amendment thereto, and may refer same or suggested changes in an existing Comprehensive Plan to the Plan Commission for its consideration and recommendation thereon.

B. The City Council may adopt part of a Comprehensive Plan recommendation by the Plan Commission without adopting the entire Comprehensive Plan as recommended, or may modify or amend portions of a recommended Comprehensive Plan without a re-reference of same to the Plan Commission and may adopt such Comprehensive Plan, as modified or amended. Such Comprehensive Plan, when adopted, shall be the official Comprehensive Plan, or part thereof, of the City.

C. Upon submission by the City Council of any suggested Comprehensive Plan, part thereof or amendment to an existing Comprehensive Plan to the Plan Commission for

consideration and recommendation, the City Council may require a report thereon from the Plan Commission with its recommendation within ninety days from the date of such submission, and if the Plan Commission shall fail to make such report within such ninety days, then the City Council may proceed to consider such Comprehensive Plan, part thereof, or amendment to an existing Comprehensive Plan, for adoption, including arranging for and holding of a public hearing thereon in accordance with the provisions contained in Subsection D of this Section in the same manner as if the Plan Commission had made its recommendation.

D. Upon submission of a Comprehensive Plan by the Plan Commission, or a proposed amendment to an existing Comprehensive Plan, the City Council shall schedule a public hearing, either before the Plan Commission or the City Council. Not less than 15 days notice of the proposed hearing, and the time and place thereof, shall be given by publication in a newspaper of general circulation in Ogle County. The hearing shall be informal, but all persons desiring to be heard in support or opposition to the Comprehensive Plan or amendment shall be afforded such opportunity, and may submit their statements orally, in writing, or both. The hearing may be recessed to another date if not concluded, if notice of the time and place thereof is publicly announced at the hearing or is given by newspaper publication not less than five days prior to the next date for the recessed hearing.

E. Within 90 days after the conclusion of the hearing, the City Council, after consideration of the recommendation of the Plan Commission and such information as shall have been derived from the hearing, shall either adopt the Comprehensive Plan or amendment in whole or in part or reject the entire Comprehensive Plan or amendment. If adopted, the City Council shall enact the ordinance including a map or maps as previously provided in this Chapter. In adopting an official Comprehensive Plan, the City Council shall be subject to the same limitations as to subject matter as apply to the Plan Commission. If at the expiration of such 90 days, the City Council has taken no formal action, the Comprehensive Plan or amendment thereto may hereafter not be acted upon by the City Council without again complying with the notice and hearing conditions previously provided in Subsection D of this Section.

F. No official map, or development or amendment or addition thereto, shall be ground for rejection of any plat of subdivision, re-subdivision or development, by the City Council, if application for final approval of such subdivision re-subdivision or development is filed with the City Council 15 days or more prior to the date on which the ordinance approving the official map, or amendment or addition thereto is adopted.

G. The Comprehensive Plan or amendment shall become effective upon the expiration of 10 days after the date of filing notice of the adoption of such Comprehensive Plan of amendment with the Ogle County Recorder of Deeds.

Chapter 17.16

DISTRICTS ESTABLISHED

Sections:

- 17.16.010 Designation of Districts.
- 17.16.020 Zoning Map to Include Districts.
- 17.16.030 Boundaries - Interpretation.
- 17.16.040 Application of Regulations.
- 17.16.050 Buffers Between Districts.

17.16.010 Designation of Districts. For the purpose of promoting the public health, safety, morals and general welfare of the City of Byron, the municipality is divided into the following designated zoning districts:

- District No. 1 R-1, Single Family Residential
Zoning District
- District No. 2 R-2, Two Family Residential
Zoning District
- District No. 3 R-3, Multi-Family Residential
Zoning District
- District No. 4 R-4, Rural Residential
Zoning District
- District No. 5 C-1, Limited Office
Zoning District
- District No. 6 C-2, commercial Retail
Zoning District
- District No. 7 C-3, Commercial General
Zoning District
- District No. 8 C-4, River Commercial
Zoning District

- District No. 9 I-1, Light Industrial
Zoning District
- District No. 10 I-2, Heavy Industrial
Zoning District
- District No. 11 PR, Park and Recreation
Zoning District

17.16.020 Zoning Map to Include Districts. The districts are bounded and defined as shown on the map entitled Zoning Map of the City of Byron, Illinois, which, with all explanatory matter thereon, is made a part of this Title.

17.16.030 Boundaries - Interpretation. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerline of streets or street lines, such centerline or street lines shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately following the lot lines, such lot lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the centerline or street lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

17.16.040 Application of Regulations. Except as hereinafter provided:

A. No building or land shall hereafter be used or occupied and no part thereof shall be erected, moved, or altered unless in conformity with the regulations specified in this Title for the district in which it is located.

B. No building shall hereafter be erected or altered to:

1. Exceed the height;
2. Accommodate or house a greater number of families;
3. Occupy a greater percentage of lot area; or
4. Have narrower or smaller rear yards, front yards, side yards, inner or outer court;

than is specified in this Title for the district in which such building is located.

C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Title shall be included as part of a yard or other open space similarly required for another building.

17.16.050 Buffers Between Districts. The Zoning Board of Appeals where appropriate, in its discretion, may require a buffer area between zoning districts.

Chapter 17.20

DISTRICT NO. 1 - R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

Sections:

- 17.20.010 Regulations Generally.
- 17.20.020 Permitted Uses.
- 17.20.030 Special Uses.
- 17.20.040 Lot Size.
- 17.20.050 Yard Areas.
- 17.20.060 Height of Building.
- 17.20.070 Coverage.
- 17.20.080 Accessory Building Regulations.

17.20.010 Regulations Generally. The regulations set out in Sections 17.20.020 through 17.20.080 shall apply in all No. 1 Districts.

17.20.020 Permitted Uses. Permitted uses in the R-1, Single Family Residential District are as follows:

1. Single-family detached dwellings.
2. Home occupations, as permitted in accordance with provisions of Section 17.08.390 of this Title.
3. Parks and forest preserves.

17.20.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Nonprofit and charitable institutions.
2. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
3. Churches, rectories, seminaries, convents, monasteries and similar religious institutions.
4. Community swimming pools.
5. Day nursery schools.
6. Daytime or nighttime care centers.

7. Educational institutions.
8. Golf courses, public or private.
9. Offices, business and professional.
10. Planned community developments.
11. Public service uses, including but not limited to:
 - Filtration plant
 - Sewage treatment plant
 - Police and fire stations
 - Telephone exchange
 - Electric substations and booster stations
 - Other governmental uses
12. Bed and Breakfast Inns.
13. Cemetery, crematory, mausoleum.
14. A conversion of a sing-family dwelling to a two-family or multi-family dwelling.

17.20.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.
2. Every special use permitted in the R-1 district shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.20.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be

increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.

3. *Rear Yard.* A rear yard shall be not less than 25 feet.

17.20.060 Height. In the R-1 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.20.070 Coverage. All buildings including accessory buildings shall not cover more than 30% of the net site area.

17.20.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.22

DISTRICT NO. 2 - R-2, TWO FAMILY RESIDENTIAL ZONING DISTRICT

Sections:

- 17.22.010 Regulations Generally.
- 17.22.020 Permitted Uses.
- 17.22.030 Special Uses.
- 17.22.040 Lot Size.
- 17.22.050 Yard Areas.
- 17.22.060 Height of Principal Building.
- 17.22.070 Coverage.
- 17.22.080 Accessory Building Regulations.

17.22.010 Regulations Generally. The regulations set forth in Sections 17.22.020 through 17.22.080 shall apply in all No. 2 Districts.

17.22.020 Permitted Uses. Permitted uses shall be any use permitted in the R-1 District as set forth in 17.20.020 and any uses as follows:

1. Two-family dwellings.
2. Public parks and recreation areas.

17.22.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Non-profit and charitable institutions.
2. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
3. Churches, rectories, seminaries, convents, monasteries and similar religious institutions.
4. Community swimming pools.
5. Day nursery schools.
6. Daytime or nighttime care centers.
7. Educational institutions.
8. Golf courses, public or private.
9. Offices, business and professional.
10. Planned community developments.
11. Public service uses, included but not limited to:
 - Filtration plant
 - Sewage treatment plant
 - Police and fire stations
 - Telephone exchange
 - Electric substations and booster stations
 - Other governmental uses
12. Radio and television towers, commercial
13. Bed and Breakfast Inns
14. A conversion of a two-family dwelling to a single-family dwelling.

17.22.040 Lot Sizes. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.

2. Every special use permitted in the R-2 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.22.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.
3. *Rear Yard.* A rear yard shall be not less than 25 feet.

17.22.060 Height. In the R-2 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.22.070 Coverage. All buildings including accessory buildings shall not cover more than 40% of the net site area.

17.22.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.24

DISTRICT NO. 3 - R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT

Sections:

- 17.24.010 Regulations Generally.
- 17.24.020 Permitted Uses - Principal.
- 17.24.030 Special Uses.
- 17.24.040 Lot Size.
- 17.24.050 Yard Areas.
- 17.24.060 Height of Principal Building.
- 17.24.070 Coverage.
- 17.24.080 Accessory Building Regulations.

17.24.010 Regulations Generally. The regulations set forth in Sections 17.24.020 through 17.24.080 shall apply in all No. 3 Districts.

17.24.020 Permitted Uses. Permitted uses in the R-3, Multi-Family Residential District shall be any uses permitted in the R-2 District as set forth in 17.22.020, along with the following:

1. Multiple family dwellings of two or more dwellings per building.
2. Public parks and recreation areas.

17.24.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Non-profit and charitable institutions.
2. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
3. Churches, rectories, seminaries, convents, monasteries and similar religious institutions.
4. Community swimming pools.
5. Day nursery schools.
6. Daytime or nighttime care centers.
7. Educational institutions.

8. Golf courses, public or private.
9. Offices, business and professional.
10. Planned community developments.
11. Public service uses, including but not limited to:
 - Filtration plant
 - Sewage treatment plant
 - Police and fire stations
 - Telephone exchange
 - Electric substations and booster stations
 - Other governmental uses
12. Funeral homes
13. Meeting halls
14. Bed and Breakfast Inns
15. Cemetery, crematory, mausoleum
16. Nursing and convalescent home

17.24.040 Lot size requirements are as follows:

Unit Type	Lot Size	Frontage
4 bedrooms	4,500 sq.ft. per dwelling unit	120 feet wide
3 bedrooms	3,500 sq.ft. per dwelling unit	120 feet wide
2 bedrooms	3,000 sq.ft. per dwelling unit	100 feet wide
1 bedroom & efficiency	2,500 sq.ft. per dwelling	100 feet wide

17.24.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.
3. *Rear Yard.* A rear yard shall be not less than 25 feet.

17.24.060 Height. In the R-3 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.24.070 Coverage. The maximum site coverage in the R-3 District shall not exceed 40% of the lot area.

17.24.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.26

DISTRICT NO. 4 - R-4, RURAL RESIDENTIAL ZONING DISTRICT

Sections:

- 17.26.010 Regulations Generally/Purpose.
- 17.26.020 Permitted Uses.
- 17.26.030 Special Uses.
- 17.26.040 Lot Size.
- 17.26.050 Yard Areas.
- 17.26.060 Height of Principal Building.
- 17.26.070 Coverage.
- 17.26.080 Accessory Building Regulations.
- 17.26.090 Special Accessory Uses.

17.26.010 Regulations Generally/Purpose. The regulations set forth in Sections 17.26.020 through 17.26.090 shall apply to all No. 4 Districts. The Rural Residential Zoning District is established to provide a larger lot residential setting in a residential area.

17.26.020 Permitted Uses. Permitted uses in the R-4, Rural Residential District are as follows:

1. One-family detached dwellings.
2. Home occupations, as permitted in accordance with provisions of 17.08.390 of this Chapter.
3. Parks and forest preserves.

17.26.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Non-profit and charitable institutions.
2. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
3. Churches, rectories, seminaries, convents, monasteries and similar religious institutions.
4. Day nursery schools.
5. Daytime or nighttime care centers.
6. Educational institutions.
7. Golf courses, public or private.
8. Off-street parking areas.
9. Offices, business and professional.
10. Planned community developments.
11. Public service uses, including but not limited to:
 - Filtration plant
 - Sewage treatment plant
 - Police and fire stations
 - Telephone exchange
 - Electric substations and booster stations
 - Other governmental uses
12. Radio and television towers, commercial
13. Bed and Breakfast Inns.

17.26.040 Lot Size. Lot size requirements fare as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than one acre and a width at the established building line of not less than 125 feet.
2. Every special use permitted in the R-4 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.26.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 50 feet.
2. *Side Yard.* A side yard on each side of the lot of not less than 20 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street.
3. *Rear Yard.* A rear yard shall be not less than 75 feet.

17.26.060 Height. In the R-4 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.26.070 Coverage. All buildings including accessory buildings shall not cover more than 20% of the net site area.

17.26.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

17.26.090 Special Accessory Uses. Horses may be allowed under the following requirements:

1. Keeping of a horse requires a minimum two acre lot. One additional acre required for each additional horse.
2. If property abuts to any other zoning district a 100-foot buffer will be required between properties.

3. With the exception of cats and dogs, all other outside livestock is prohibited unless a special use permit is granted.

Chapter 17.28

DISTRICT NO. 5 - C-1, LIMITED OFFICE ZONING DISTRICT

Sections:

- 17.28.010 Regulations Generally/Purpose.
- 17.28.020 Permitted Uses.
- 17.28.030 Special Uses.
- 17.28.040 Lot Size.
- 17.28.050 Yard Areas.
- 17.28.060 Height of Building.
- 17.28.070 Coverage.
- 17.28.080 Accessory Building Regulations.

17.28.010 Regulations Generally/Purpose. The regulations set forth in Sections 17.28.020 through 17.28.080 shall apply to all No. 5 Districts. This zoning classification may serve as a buffer between established commercial uses and residential neighborhoods. The intent is also to allow the conversion of structures built for residential purposes which are suitable for office use and thereby preserve their character. This District also allows service-oriented uses that are low traffic generators as included in the list below. No outside storage, sales or displays are permitted in the C-1 District.

17.28.020 Permitted Uses. Permitted uses in the C-1, Limited Office District, are as follows:

1. Business and professional offices.
2. Medical offices (excluding clinics) not exceeding 3,000 square feet.
3. Educational facilities, private or public.
4. Churches and other religious institutions (indoor use only).
5. Nursing homes.
6. Photography Studio.
7. Beauty/Barber Shop.
8. Travel Agency.

9. Tailor or Dressmaker.
10. Bed and Breakfast Inns.

17.28.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title.

1. Medical offices over 3,000 square feet.
2. Funeral Homes.
3. Public service or utility uses.
4. Trade or business schools and studios.
5. Art galleries and museums.
6. Any use allowed in multi-family.
7. Community service organization.
8. Child care facility or elderly care facility.
9. Interior decorating shop.

17.28.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.
2. Every special use permitted in the C-1 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.28.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.

2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.
3. *Rear Yard.* A rear yard shall be not less than 25 feet.

17.28.060 Height. In the C-1 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.28.070 Coverage. All buildings including accessory buildings shall not cover more than 40% of the net site area.

17.28.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in the height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.30

DISTRICT NO. 6 - C-2, COMMERCIAL RETAIL ZONING DISTRICT

Sections:

- 17.30.010 Regulations Generally.
- 17.30.020 Permitted Uses.
- 17.30.030 Special Uses.
- 17.30.040 Lot Size.
- 17.30.050 Yard Areas.
- 17.30.060 Height.
- 17.30.070 Coverage.
- 17.30.080 Accessory Building Regulations.

17.30.010 Regulations Generally. The regulations set forth in Sections 17.30.020 through 17.30.080 shall apply in all No. 6 Districts.

17.30.020 Permitted Uses. Permitted uses in the C-2, Commercial Retail District, are as follows:

1. All uses allowed in C-1, Limited Office District.
2. Retail sales of, but not limited to, the following:

Antiques

- Auto parts, but not including installation
- Books, cameras, stationery
- Clothing, new and used
- Drugstores
- Florists
- Groceries
- Hardware and garden supplies
- Hobby shops
- Household items including furniture, appliances, window and floor treatments
- Jewelry and pawn shops
- Musical instruments
- Office supplies, office equipment
- Paint and wallpaper shops
- Pet shops and supplies
- Plumbing fixtures
- Second-hand stores
- Sporting goods
- Yard goods and sewing machines

3. Services:

- Appliance repair
- Art studios
- Barber shops, beauty, nail and tanning salons
- Caterers
- Child-care facilities for more than eight children
- Churches
- Equipment rentals
- Financial institutions excluding drive-up windows
- Funeral homes
- Health clubs
- Hospitals on less than 10 acres
- Interior decorating
- Laundromats and dry cleaning
- Locksmiths
- Medical and dental clinics
- Optical shops
- Parcel delivery offices
- Parking lots
- Photography studios
- Printers
- Radio and television studios
- Restaurants and cafes excluding with drive-up windows
- Shoe repair

Tailor
Taxicab office
Travel agency
Veterinarians excluding outside kennels
Schools - beauty, dance, driving
Recreational uses - amusement arcades, art gallery, billiard hall, bowling alley, clubs, lodges, health club, skating rink, tennis club, indoor theater

17.30.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Packaged liquor sales.
2. Outside sales of liquor.

17.30.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 8,000 square feet and a width at the established building line of not less than 60 feet.
2. Every special use permitted in the C-2 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.30.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street, with a maximum 60 feet.
3. *Rear Yard.* A rear yard shall be not less than 15 feet.
4. *Transitional Yard Requirements.* In the C-2 Commercial Retail District, the minimal front, rear and side yards required shall not be less than those required in the abutting District. The most restrictive District setbacks shall govern.

17.30.060 Height. In the C-2 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.30.070 Coverage. None required.

17.30.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.32

DISTRICT NO. 7 - C-3, COMMERCIAL GENERAL ZONING DISTRICT

Sections:

- 17.32.010 Regulations Generally.
- 17.32.020 Permitted Uses.
- 17.32.030 Special Uses.
- 17.32.040 Lot Size.
- 17.32.050 Yard Areas.
- 17.32.060 Height.
- 17.32.070 Coverage.
- 17.32.080 Minimum Open Space.
- 17.32.090 Accessory Building Regulation.

17.32.010 Regulations Generally. The regulations set out in Sections 17.32.020 through 17.32.090 shall apply in all No. 7 Districts.

17.32.020 Permitted Uses. Permitted uses in the C-3, Commercial General District are as follows:

1. Any use permitted in Limited Office or Commercial Retail District.

17.32.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Chapter:

1. Gasoline stations
2. Home service center
3. Indoor auction house or flea market
4. Lawn and garden center
5. Sales of passenger vehicles
6. Swimming pool sales

7. Animal hospital with outdoor kennels
8. Auto or truck leasing
9. Auto repair
10. Auto body shops
11. Care washes
12. Commercial laundry
13. Contractors office
14. Equipment rental
15. Financial institutions with drive up
16. Hospitals, no acreage limit
17. Hotels or motels
18. Massage parlors
19. Mausoleums
20. Research and development facilities
21. Restaurants, fast food with drive up
22. Sign shops
23. Outdoor recreational uses like amusement park, miniature golf course, zoo, dance halls
24. Intertrack wagering facility
25. Billboards
26. Outdoor produce markets
27. Wholesale florists or bakeries

17.32.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.
2. Every special use permitted in the C-3 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.32.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be

increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.

3. *Rear Yard.* A rear yard shall be not less than 25 feet.
4. *Transitional Yard Requirements.* In the C-3 Commercial General District, the minimum front, rear and side yards required shall not be less than those required in the abutting district. The most restrictive district setbacks shall govern.

17.32.060 Height. In the C-3 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.32.070 Coverage. All buildings including accessory buildings shall not cover more than 60% of the net site area.

17.32.080 Minimum Open Space. The sum total of the ground area designated, continuously maintained and appropriately landscaped as permanent open space, shall not be less than 10% of the lot area.

17.32.090 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.34

DISTRICT NO. 8 - C-4, RIVER COMMERCIAL ZONING DISTRICT

Sections:

- 17.34.010 Regulations Generally/Purpose
- 17.34.020 Permitted Uses.
- 17.34.030 Special Uses.
- 17.34.040 Lot Size.
- 17.34.050 Yard Areas.
- 17.34.060 Height.
- 17.34.070 Coverage.
- 17.34.080 Accessory Building Regulation.

17.34.010 Regulations Generally/Purpose. The regulations set forth in Sections 17.34.020 through 17.34.080 shall apply in all No. 8 Districts. The purpose of the C-4, River Commercial Zoning District is to establish and maintain areas for commercial and

retail business operations, especially those serving marine based or tourist oriented activities.

17.34.020 Permitted Uses. Permitted uses within the C-4, River commercial District are as follows:

1. Restaurant
2. River-oriented service and retail
3. River-oriented entertainment
4. River-oriented recreation

17.34.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Packaged liquor sales
2. Outside sales of liquor
3. Gasoline/marina services

17.34.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.
2. Every special use permitted in the C-4 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.34.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* A side yard on each side of the zoning lot of not less than 10 feet, except, where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street, with a maximum of 60 feet.

3. *Rear Yard.* None required. City shall reserve the right to require rear yard for recreation path use if deemed necessary.
4. *Transitional Yard Requirements.* In the C-3 Commercial General District, the minimal front, rear and side yards required shall not be less than those required in the abutting District. The most restrictive District setbacks shall govern.

17.34.060 Height. In the C-4 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.34.070 Coverage. All buildings including accessory buildings shall not cover more than 40% of the net site area.

17.34.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

Chapter 17.36

DISTRICT NO. 9 - I-1, LIGHT INDUSTRIAL ZONING DISTRICT

Sections:

- 17.36.010 Regulations Generally.
- 17.36.020 Permitted Uses.
- 17.36.030 Special Uses.
- 17.36.040 Lot Size.
- 17.36.050 Yard Areas.
- 17.36.060 Height.
- 17.36.070 Coverage.
- 17.36.080 Accessory Building Regulations.
- 17.36.090 Zoning Board of Appeals Review.

17.36.010 Regulations Generally. The regulations set forth in Sections 17.36.020 through 17.36.090 shall apply in all No. 9 Districts.

17.36.020 Permitted Uses. Permitted uses in the I-1, Light Industrial District, are as follows:

1. Light manufacturing and light industrial processing
2. Wholesaling and warehousing including mini-warehouses

3. Research and development facilities
4. Public service and utility uses
5. Commercial greenhouses
6. Light assembly
7. Commercial laundry
8. Equipment rental
9. Lumber yard
10. Contractors office
11. Monuments and grave markers
12. Printers
13. Radio or TV studios
14. Grave marker and monument sales
15. Sign shop
16. Animal care with no outdoor kennel
17. Art studio
18. Electrical contractor and shop
19. Heating and air conditioning contractor
20. Plumbing contractor and shop
21. Swimming pool sales

17.36.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Motor freight terminals

2. Truck storage yards
3. Recycling plant
4. Distribution center
5. Packaging plant
6. Animal kennels
7. Truck rental or sales
8. Outside storage of materials, goods, equipment
9. Any use listed as an A-1 emissions use by EPA
10. Farm implement sales
11. Car wash
12. Passenger vehicle and motorcycle sales
13. Passenger vehicle rental

17.36.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 15,000 square feet and a width at the established building line of not less than 100 feet.
2. Every special use permitted in the I-1 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.36.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.

2. *Side Yard.* Where side yard abuts a zoning district other than Industrial, 40 feet required. Where yard abuts another Industrial District, 25 feet required. Where yard abuts a railroad right-of-way, none required.
3. *Rear Yard.* Where rear yard abuts a zoning district other than Industrial, 40 feet required. Where yard abuts another Industrial District, 25 feet required. Where yard abuts a railroad right-of-way, none required.

17.36.060 Height. In the I-1 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.36.070 Coverage. All buildings including accessory buildings shall not cover more than 40% of the net site area.

17.36.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

17.36.090 Zoning Board of Appeals Review.

A. All proposed uses shall be reviewed and approved by the Zoning Board of Appeals prior to the issue of any building permits to assure compliance with all provision of this Section.

B. **Noise and Shock.** Any machines, presses, breaks, forges, hammers and similar constructions shall be placed on suitable shock absorbing mountings and on suitable, reinforced concrete footings; shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness; shall not be loaded beyond capacity as prescribed by the manufacturer.

C. **Glare and Heat.** Any processes emitting glare and heat shall be performed so as not to be seen from any point beyond the outside of the property.

D. **Smoke and Dirt.** Smoke and dirt shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500E Fahrenheit, nor shall smoke emitted to atmosphere be more dense than Ringlemann No. 1 for periods aggregating four minutes in any 30 minutes.

E. **Odor and Gases.** The emission of obnoxious odors of any kind shall not be permitted nor shall any gas be emitted which is deleterious to the public health, safety or general welfare.

F. Fire and Safety Hazards.

1. All tanks providing storage of flammable liquids above ground shall be located not less than 100 feet from property lines. All tanks providing storage of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
2. The storage of rags, wastepaper or similar products of combustible nature, when enclosed in a building shall be enclosed in a building of "four hours' construction", not part of which may be located closer than 100 feet from any property line.

G. Open Storage for Junk, Auto Wrecking Yards and Other Waste Products. All such storage shall be enclosed within a tight, un-pierced fence not less than six feet in height made of materials similar to or architecturally compatible with the construction materials of the principal building and subject to yard requirements for accessory buildings listed in Section 17.36.080, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

H. Open Storage of Other than Junk. All such storage shall be enclosed within a tight, un-pierced fence made of materials similar to or architecturally compatible with the construction materials of the principal building and not less than six feet in height, or enclosed within a green belt planting strip not less than six feet in width, and not less than six feet in height, to normally screen view of stock piles from any outside street; all fences subject to yard requirements of accessory buildings listed in Section 17.36.080. The storage of lumber, coal or other combustible material shall be provided with a roadway, graded, surfaced and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

I. Sewage Waste. No wastes shall be discharged in the public sewer system which are dangerous to the public health and safety. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of pH 5.0 to 10.0. Wastes shall contain no cyanides and no halogens, and shall contain not more than 10 ppm of the following gases: hydrogen sulphide, sulphur dioxide, and nitrous oxide. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch. Wastes shall not have a chlorine demand greater than 15 ppm. Wastes shall not contain phenols in excess of .005 ppm. Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

Chapter 17.38

DISTRICT NO. 10 - I-2, HEAVY INDUSTRIAL ZONING DISTRICT

Sections:

- 17.38.010 Regulations Generally.
- 17.38.020 Permitted Uses.
- 17.38.030 Special Uses.
- 17.38.040 Lot Size.
- 17.38.050 Yard Areas.
- 17.38.060 Height.
- 17.38.070 Coverage.
- 17.38.080 Accessory Building Regulation.
- 17.38.090 Zoning Board of Appeals Review.

17.38.010 Regulations Generally. The regulations set forth in Section 17.38.020 through 17.38.090 shall apply in all No. 10 Districts.

17.38.020 Permitted Uses. Permitted uses in the I-2, Heavy Industrial District, are as follows:

1. All uses listed under Light Industrial.
2. Any other industrial uses contained within enclosed structures.

17.38.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title:

1. Any use not contained within an enclosed structure.
2. Any use listed as an A-2 emissions use by EPA.
3. Auto salvage yard.
4. Concrete or asphalt batch plant.
5. Airport.
6. Gravel, rock or sand extraction.
7. Slaughterhouse.
8. Refinery.

9. Stamping and forging.
10. Manufacturing of chemicals.
11. Manufacturing of animal by-products.
12. Electroplating operation.
13. Paint manufacturing.
14. Landfill.

17.38.040 Lot Size. Lot size requirements are as follows:

1. Every principal permitted use in this Section shall be located on a tract of land having an area of not less than 25,000 square feet and a width of the established building line of not less than 150 feet.
2. Every special use permitted in the I-2 District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

17.38.050 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. *Front Yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side Yard.* Where side yard abuts a zoning district other than Industrial, 40 feet required. Where yard abuts another Industrial District, 25 feet required. Where yard abuts a railroad right-of-way, none required.
3. *Rear Yard.* Where rear yard abuts a zoning district other than Industrial, 40 feet required. Where yard abuts another Industrial District, 25 feet required. Where yard abuts a railroad right-of-way, none required.

17.38.060 Height. In the I-2 District, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

17.38.070 Coverage. All buildings including accessory buildings shall not cover more than 50% of the net site area.

17.38.080 Accessory Building Regulations. Accessory buildings shall be located on the same lot with the principal building, shall not be less than 10 feet from the principal building if not attached, shall not exceed 15 feet in height, nor be less than 6 feet from the side or rear lot line.

17.38.090 Zoning Board of Appeals Review.

A. All proposed uses shall be reviewed and approved by the Zoning Board of Appeals prior to the issue of any building permits to assure compliance with all provisions of this Section.

B. Noise and Shock. Any machines, presses, breaks, forges, hammers and similar constructions shall be placed on suitable shock absorbing mountings and on suitable, reinforced concrete footings; shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness; shall not be loaded beyond capacity as prescribed by the manufacturer.

C. Glare and Heat. Any processes emitting glare and heat shall be performed so as not to be seen from any point beyond the outside of the property.

D. Smoke and Dirt. Smoke and dirt shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500E Fahrenheit, nor shall smoke emitted to atmosphere be more dense than Ringlemann No. 1 for periods aggregating four minutes in any 30 minutes.

E. Odor and Gases. The emission of obnoxious odors of any kind shall not be permitted nor shall any gas be emitted which is deleterious to the public health, safety or general welfare.

F. Fire and Safety Hazards.

1. All tanks providing storage of flammable liquids above ground shall be located not less than 100 feet from property lines. All tanks providing storage of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
2. The storage of rags, wastepaper or similar products of combustible nature, when enclosed in a building shall be enclosed in a building of "four hours' construction", no part of which may be located closer than 100 feet from any property line.

G. Open Storage for Junk, Auto Wrecking Yards and Other Waste Products. All such storage shall be enclosed within a tight, un-pierced fence not less than six feet in height made of materials similar to or architecturally compatible with the construction materials of the principal building and subject to yard requirements for accessory buildings listed in Section 17.38.080, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

H. Open Storage Other than Junk. All such storage shall be enclosed within a tight, un-pierced fence made of materials similar to or architecturally compatible with the construction materials of the principal building and not less than six feet in height, or enclosed within a green belt planting strip not less than six feet in width, and not less than six feet in height, to normally screen view of stock piles from any outside street; all fences subject to yard requirements of accessory buildings listed in Section 17.38.080. The storage of lumber, coal or other combustible materials shall be provided with a roadway, graded, surfaced and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

I. Sewage Waste. No wastes shall be discharged in the public sewer system which are dangerous to the public health and safety. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of pH 5.0 to 10.0. Wastes shall contain no cyanides and no halogens, and shall contain not more than 10 ppm of the following gases: hydrogen sulphide, sulphur dioxide and nitrous oxide. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (.) inch. Wastes shall not have a chlorine demand greater than 15 ppm. Wastes shall not contain phenols in excess of .005 ppm. Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

J. Mining of Sand and Gravel. Nothing in this Chapter shall be construed to prohibit the mining of sand and gravel in property zoned District No. 10, Heavy Industrial District. However, any such activity shall be conducted only under a special use permit granted under the provisions of this Chapter and upon compliance with conditions set forth in that special use permit that adequately address, including but not limited to, noise, hours of operation, dust, impact on surrounding properties (including those properties not within a District No. 10 zoning classification), traffic concerns, road improvements and economic benefit to the City.

Chapter 17.40

DISTRICT NO. 11- PR, PARKS AND RECREATION ZONING DISTRICTS

Sections:

- 17.40.010 Regulations Generally/Purpose.
- 17.40.020 Permitted Uses.
- 17.40.030 Special Uses.

17.40.010 Regulations Generally/Purpose. The regulations set forth in Sections 17.40.020 through 17.40.030 shall apply in all No. 11 Districts. The purpose of the PR, Parks and Recreation Zoning District is to preserve natural ravine areas, green belts and other areas deemed environmentally sensitive, to provide protection of the natural setting and aesthetic beauty of the City, and to establish and maintain areas for parks, recreation and community open spaces.

17.40.020 Permitted Uses. Permitted uses in the PR, Parks and Recreation District, are as follows:

1. Assembly, Cultural and Recreation Facilities.
2. Cemeteries.
3. Fair Grounds.
4. Forest Management.
5. Golf Courses.
6. Natural Areas, Open Spaces and Parks.
7. Public Parks and Playgrounds.
8. Tennis Courts.

17.40.030 Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this Title.

1. Picnic Areas.
2. Public Toilets.

3. One Dwelling for a Caretaker or Watchperson.

Chapter 17.42

PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

- 17.42.010 Regulations - General.
- 17.42.020 Permitted Uses - Principal.
- 17.42.030 Permitted Uses - Special.
- 17.42.040 Lot Size.
- 17.42.050 Density.
- 17.42.060 Coverage.
- 17.42.070 Yard Areas.
- 17.42.075 Building Distances.
- 17.42.080 Procedure.
- 17.42.090 Concept Plan.
- 17.42.100 Preliminary PUD Plan.
- 17.42.110 Final PUD Plan.
- 17.42.120 Major Changes.
- 17.42.130 Minor Changes.

17.42.010 Regulations - General.

A. The Planned Unit Development (PUD) District is intended to encourage more efficient use of land by allowing, under certain circumstances, a more flexible method of land development and redevelopment than is otherwise permitted under strict application of the other Chapters of this Title.

B. Planned Unit Development provisions are intended for large tracts or unique sites where a flexible approach to zoning regulations would facilitate, to the extent possible:

1. A maximum choice in the type of environment available to the public by allowing a development that would not otherwise be possible under the other Chapters of this Title;
2. Protection or preservation of natural resources, vegetation, topographic and geologic features through clustering development and other innovative site planning and design techniques;
3. A more efficient use of the land resulting in more economic networks of utilities, streets and other public or private facilities;

4. Maximization of open or recreational space; and
5. Provide for condominium developments in accordance with the Condominium Property Act, Chapter 765 Illinois Compiled Statutes Section 605/1 *et seq.*, as amended.

C. The PUD District is intended to provide for a development incorporating a single type or variety of related residential uses which are planned and developed as a unit, but departs from the normal standards and requirements of the other Chapters of this Title. The PUD may provide amenities not otherwise required by ordinance and may establish facilities and open space greater than the minimum required.

D. The PUD District is an overlay district in addition to the underlying residential zoning district(s). In this Chapter, the term underlying zoning district means that residential zoning district (either District No. 1, single-family, District No. 2, two-family, or District No. 3, multi-family) which a tract is zoned at the time of application for amendment to a PUD District.

17.42.020 Permitted Uses - Principal. Principal permitted uses in a PUD District shall include the following, provided such permitted uses are also listed as permitted uses for the underlying zoning district:

- A. One-family detached dwellings;
- B. Two-family detached dwellings;
- C. Multi-family dwellings not exceeding four dwelling units per building;
- D. Condominiums not exceeding four dwelling units per building;
- E. Townhouses not exceeding four contiguous or joined units;
- F. Churches, parish houses, convents or Sunday schools;
- G. Public, private or parochial educational uses;
- H. Recreational uses;
- I. Libraries and museums; and
- J. Accessory uses, as defined in other Sections of this Title.

17.42.030 Permitted Uses - Special. Special permitted uses shall include, but not be limited to:

- A. Hospitals; and
- B. Home occupations as permitted in accordance with provisions of Section 17.08.390 of this Title.

17.42.040 Lot Size. For property which is undeveloped, the minimum allowed property size for a PUD shall be 90,000 square feet. For property which is already developed, the minimum allowed property size for a PUD shall be 60,000 square feet. Additional land may be added to an existing PUD if it is adjacent (except for public roads), forms a logical addition to the existing PUD and is under the same ownership or control.

17.42.050 Density. The density for a PUD shall not exceed the average density of the underlying zoning district(s). Density shall be determined by dividing the net project area by the minimum lot size for the underlying zoning district. The net project area shall not include public right-of-way, designated flood way or projections of the tract having a width less than the minimum lot width of the underlying zoning district.

17.42.060 Coverage. All buildings, including accessory buildings, shall not cover more than 40% of the net site area. Open space shall be not less than 40% of the project site area. Open space may include bike and recreation paths, sidewalks, active and passive recreational uses, flood ways and flood hazard areas. Open space does not include parking areas, private drives or private roadways.

17.42.070 Yard Areas.

- A. Front yard depth shall be at least 30 feet.
- B. The required side yard along the perimeter of the PUD shall be at least equal in width or depth to that of the adjacent zoning district.
- C. All other yards shall be subject to approval during the zoning review and approval process.

17.42.075 Building Distances. Residential buildings in the PUD property shall be no closer than the average height of the two buildings.

17.42.080 Procedure. The owner(s), or a bona fide agent of the owner(s), of any tract of land may petition for an amendment to zoning to adopt a PUD District, in accordance with the provisions of this Title.

17.42.090 Concept Plan.

A. The petition for an amendment to include a PUD District shall be accompanied by a concept plan. The concept plan shall contain the following information:

1. A boundary survey at a scale of not less than one inch equals 100 feet;
2. Total area of the tract;
3. Abutting street names, width, route numbers, etc.;
4. Abutting zoning districts and the uses of each abutting tract;
5. Available public utilities and facilities;
6. Topographical data with maximum contour interval of 10 feet;
7. Existing covenants, land use restrictions and related information, including flood hazard boundaries; and
8. The proposed location and extent of the land uses, buildings, streets, lots and other features.

B. Approval of the PUD District shall constitute an expression of approval of the concept plan and shall serve as a guideline for the preparation of the preliminary PUD plan.

C. To reduce the number of steps involved in the approval of a PUD District, a preliminary PUD plan may be submitted in place of a concept plan.

17.42.100 Preliminary PUD Plan.

A. The preliminary PUD plan shall be submitted in the same manner as required for amendments to this Title. The preliminary PUD plan shall be submitted within six months of the approval of the amendment to the PUD District. Should the preliminary PUD plan not be submitted within such time, the tract shall automatically revert to the underlying zoning district.

B. The preliminary PUD plan shall contain, at a minimum, the following information:

1. All information required for tentative plats as stated in Chapter 16.20 of this Code. The topographical information shall extend at least 100

feet beyond the tract boundary to provide sufficient information to determine the impact on the adjacent properties and uses;

2. The underlying zoning district(s) of the tract and adjacent zoning districts;
3. Open space intended to be dedicated for common use of all property owners and the indicated purpose or use of the open space;
4. The location and arrangement of all proposed land uses, including height and number of floors of all buildings (other than one and two family dwellings) both above and below the finished grade;
5. A plan or statement showing the location and design of all screening, including the type and height of such screening;
6. A plan or statement detailing the proposed agreements, provisions, covenants, restrictions and conditions pertaining to the use, maintenance and operation of common spaces;
7. Preliminary architectural plans for all buildings having sufficient detail to permit an understanding of the style of the development, the design of the buildings and the number, size and type of dwelling units;
8. Preliminary plans for proposed public and private facilities for roads, sanitary sewers, storm drainage and erosion control, water supply, lighting and grading;
9. A traffic impact analysis showing the effect of traffic generated by the project on the surrounding roads;
10. A sequence development schedule showing the order of construction of each principal functional element of the stages or units and the approximate completion date for each stage or unit;
11. Information on the density of the residential units and the number of dwelling units for each type; and
12. Tabulations showing the following:
 - a. Total project area,
 - b. Net project area,

- c. Area covered by buildings,
- d. Area covered by parking areas, private drives or private roads,
- e. Area within a designated floodway,
- f. Area within a designated 100 year flood hazard zone, but outside a designated floodway, and
- g. Area of open space proposed.

C. A final PUD plan may be submitted instead of a preliminary PUD plan if the entire tract shall be developed at one time.

17.42.110 Final PUD Plan.

A. The final PUD plan shall be submitted in the same manner as an amendment to this title. The final PUD plan shall, after approval, be recorded in the same manner as required for final plats under Title 16. The final PUD plan must be submitted for approval within one year of the approval of the preliminary PUD plan. Should the final PUD plan not be submitted within such time, the tract shall automatically revert to the underlying zoning district.

B. The final PUD plan shall conform to the preliminary PUD plan as approved or with requested minor changes. The final PUD plan may be submitted in stages conforming to the approved development schedule. If submitted in stages, all final PUD plans must be submitted within five years of the approval of the preliminary PUD plan.

C. The final PUD plan shall be suitable for recording. The purpose of the plan is to designate the land subdivided into conventional and unconventional lots or units and common open areas, and designate building areas and public land dedication. The final PUD plan must contain, at a minimum, the following information:

1. An accurate legal metes and bounds description of the entire area under immediate development within the PUD;
2. A subdivision plan containing all information required for a final plat by Title 16;
3. An accurate metes and bounds description of each separate unsubdivided use area, including common space;
4. Designation of the exact location of all buildings to be constructed, except those on conventional lots to be subdivided;

5. All information required for the preliminary PUD plan in final form;
6. Architectural plans unless waived by the City Council during approval of the preliminary PUD plan;
7. Final common open space documents conveying to a municipal or public corporation, nonprofit corporation, or entity established for the purpose of benefiting the owners and residents of the PUD or retained by the developer with legally binding guarantees, in a form approved by the City attorney, that the common open space shall be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or entity shall be subject to the right of the corporation or entity to impose a legally enforceable lien for maintenance and improvement of the common open space;
8. Final agreements, provisions, covenants or restrictions which shall govern the use, maintenance and continued protection of the PUD; and
9. Final detailed public and private improvement plans as required by Title 16. Private roads shall be constructed to public road standards unless otherwise approved by the City Council during approval of the preliminary PUD plan.

17.42.120 Major Changes.

A. A change in the approved preliminary PUD plan or an approved final PUD plan that alters the concept or intent of the PUD shall only be approved by application of a new preliminary PUD plan as previously described. Examples of major changes included but are not limited to the following:

1. A change in usage;
2. A change in building configuration;
3. An increase in floor area or building height;
4. An increase in density;
5. A reduction of open space;
6. A change of location or increase in the areas of parking or private drives of roadways;

7. A change in the location of public improvements or standards;
8. A change in the final governing agreement, provisions, covenants or restrictions;
9. A change in the underlying zoning district; and
10. Any other major change.

B. All approved major changes in the final PUD plan shall be recorded as amendments to the recorded final PUD plan.

17.42.130 Minor Changes. Changes which do not alter the concept of intent of the approved preliminary or final PUD plan may be approved by the enforcing authority of this title. Minor changes are defined as any change which is not a major change.

Change 17.44

GENERAL ZONING REGULATIONS

Sections:

- 17.44.010 Generally.
- 17.44.020 Cemeteries and Sewage Disposal Plants.
- 17.44.030 Dwellings on Small Lots.
- 17.44.050 Buildings for Construction Purposes.
- 17.44.060 Quarries, Landfills and Topsoil Stripping.
- 17.44.080 Net Site Area - Reduced Lot Area.
- 17.44.090 Net Site Area - Visibility at Intersections.
- 17.44.100 Yards - Terraces.
- 17.44.110 Yards - Porches, Garages and Carports.
- 17.44.120 Yards - Projecting Features.
- 17.44.130 Yards - Front Yard Depth.
- 17.44.140 Yards - Reduction in Rear Yards.
- 17.44.150 Heights.
- 17.44.160 Hazards - Garages, Filling Stations and Motor Vehicle Repair Shops.
- 17.44.170 Hazards - Establishments Containing Fire Hazards.
- 17.44.180 Minimum Dwelling Area.
- 17.44.190 Length of Building Construction.
- 17.44.200 Exterior Design Restrictions.
- 17.44.210 Transition Requirements.
- 17.44.220 Off-Street Parking.
- 17.44.230 Off-Street Loading.

- 17.44.240 Floodplain Management.
- 17.44.250 Lot Arrangement.

17.44.010 Generally. The provisions of this Title shall be subject to such exceptions, additions or modifications as provided by the supplementary regulations set forth in this Chapter.

17.44.020 Cemeteries and Disposal Plants. Notwithstanding the limitations imposed by any other provisions of this Title, the Zoning Board of Appeals may permit erection or extension to existing cemeteries and the existing sewage disposal plant; provided, however, that such erection or extension is contiguous to present facilities.

17.44.030 Dwellings on Small Lots. Notwithstanding the limitations imposed by any other provisions of this Title the Zoning Board of Appeals may permit erection of a dwelling on any lot in District Nos. 2, 3 and 4, separately owned or under contract of sale and containing, at the time of the passage of the ordinance codified in this Section, an area or width smaller than that required for a one-family dwelling. Zoning Board of Appeal approval will not be required for the erection of a dwelling on any lot in District No. 1, separately owned or under contract of sale and containing, at the time of the passage of the ordinance codified in this Section, an area or width smaller than that required for a one-family dwelling.

17.44.050 Buildings for Construction Purposes. Any structure used for construction purposes may be erected in any district; provided, however, that within 18 months from the date of erection of such structure it shall be modified or removed to comply with all provisions of this Title.

17.44.060 Quarries, Landfills and Topsoil Stripping.

A. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, except upon approval by the Zoning Board of Appeals as provided for in this Title.

B. The excavation, quarrying or drilling of natural mineral or organic deposits (except topsoil and water) for sale is prohibited in all districts, except District No. 10 pursuant to the provisions of Chapter 17.38.

C. Public and private landfill operations are subject to the following provisions: waste products used for fill and natural soils must be well compacted, level, alternating layers of more or less constant section with a one-foot thick layer of natural soils occurring at least every four feet through the entire depth of the fill with all containers of any volume pressed flat before placement as fill. Topsoil required to bring to fill to the desired finished grade must be well-compacted black dirt no less than four inches in thickness.

17.44.080 Net Site Area - Reduced Lot Area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which the lot is located. Whenever such reduction in lot area occurs, any building located on the lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.

17.44.090 Net Site Area - Visibility at Intersections. On a corner lot in any residential district no fence, wall, hedge or other structure or planting more than three and one-half (3-1/2) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 30 feet distant from the point of intersection, measured along the street lines.

17.44.100 Yards - Terraces. A paved terrace shall not be considered in the determination of yard sizes of coverage; provided, however, that such terrace is unroofed and unenclosed except for open guard railings not over three (3) feet high and shall not project into any yard to a point closer than four (4) feet from any lot line.

17.44.110 Yards - Porches, Garages and Carports. An unenclosed porch with roof may project into a required yard area a distance not to exceed six (6) feet and shall not be considered in the determination of yard sizes or coverage; provided, however, that such porch shall not be closer than four (4) feet at any point to any lot line. Any enclosed porch, garage or unenclosed carport shall be considered a part of the building in the determination of yards and coverage.

17.44.120 Yards - Projecting Features. Bay windows, sills, belt courses, cornices and eaves and other architectural features may project into any required yard not more than three (3) feet. Open fire escapes may extend into any required yard not more than four and one-half (4-1/2) feet.

17.44.130 Yards - front Yard Depth. In District No. 1, District No. 2 and District No. 3 each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than 10 feet, nor need any front yard have a greater depth than 30 feet, except that each dwelling hereafter erected fronting on State Routes No. 2 and/or No. 72 shall have a front yard not less than 40 feet in depth.

17.44.140 Yards - Reduction in Rear Yards. When a lot is less than 100 feet deep at the date of passage of the ordinance codified in this Title, such rear yard may be decreased one-quarter (1/4) the distance that the lot depth is less than the 100 feet; provided, however, that no rear yard shall be less than 20 feet in depth.

17.44.150 Heights.

A. Exceptions. The height limitations of this Title shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, parapets, cornices, similar features, and necessary mechanical appurtenances usually carried above roof level.

B. Height and Open Space. In any district any main building may be erected to a height in excess of that specified for the district provided each front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height.

17.44.160 Hazards - Garages, Filling Stations and Motor Vehicle Repair Shops.

In District No. 7 plans for the erection or structural alteration of any garage for more than five (5) motor vehicles, or of a filling station, or of a motor vehicle repair shop, shall be approved by the Zoning Board of Appeals. The Board may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

17.44.170 Hazards - Establishments Containing Fire Hazards. In District No. 7 plans for the use, erection or alteration of any building or lot for the storage, use or manufacture of materials or products of flammable nature or the use of manufacturing processes employing fire hazards shall be approved by the Zoning Board of Appeals. The Board may require such change therein in yards, location of machinery and buildings and construction buildings as it may deem best suited to insure safety, and to safeguard adjacent properties.

17.44.180 Minimum Dwelling Area.

A. Any single-family residence, except trailers and camp buildings, hereinafter erected and used for dwelling purposes shall have a habitable area of not less than 1,000 square feet. Dwellings on small lots in District No. 1 only, as described in Section 17.44.030, shall have a habitable area of not less than 720 square feet. Any two-family dwelling unit hereinafter erected and used for dwelling purposes shall have a habitable area of not less than 850 square feet per unit. Any multi-family dwelling unit consisting of three (3) or more dwelling units shall have a habitable area of not less than 750 square feet per unit.

B. Any efficiency apartment house hereinafter erected and used for dwelling purposes shall have a habitable area of not less than 500 square feet for each family housed therein; provided, however, that there is in each family dwelling unit no less than 160 square feet of habitable area for each person over one (1) year of age residing therein.

17.44.190 Length of Building Construction. All buildings erected after the passage of the ordinance codified in this Title shall be completed in all exterior details within 18 months from the date of construction start.

17.44.200 Exterior Design Restrictions. The construction of any building the exterior design of which is intended to resemble an item of clothing, or food, or mechanical device, or an igloo, tepee, teapot, ice cream freezer, bottle, barrel, boat or objects of similar nature is prohibited in all districts.

17.44.210 Transition Requirements.

A. Lots in Two Districts. Where a District boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the larger portion of the lot shall be extended to include the entire lot.

B. Business Entrances on Residential Streets. Where a residential district is bounded by a portion of District No. 5 through District No. 8, buildings for a business use erected on those lots adjacent to residence districts shall have front yard setbacks not less than one-half (1/2) the distance required for the adjacent residential district.

C. Side Yard and Rear Yard Transition. Where a lot in a commercial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

D. Corner Lot Transition. On every corner lot in a residential district there shall be provided on the side street a side yard equal in depth to the required front yard depth on such side street.

17.44.220 Off-Street Parking.

A. The following parking spaces shall be provided and satisfactorily surfaced and maintained, by the owner of the property, for each building which, after the date when the ordinance codified in this Title becomes effective, is erected, enlarged or altered for use for any of the following purposes:

1. Dwelling, at least two parking spaces for each dwelling unit in the building or buildings;
2. Office buildings, at least one parking space for each 300 square feet of office floor area;
3. Industrial establishments, at least one parking space for each five employees;

4. Efficiency apartment house, at least one and one-half parking stalls per unit.

B. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Appeals may permit the parking spaces to be on any lot within 500 feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

17.44.230 Off-Street Loading. The following loading spaces shall be provided and satisfactorily surfaced and maintained, by the owner of the property, for each building which, after the date when the ordinance codified in this Chapter becomes effective, is erected, enlarged or altered for use for any of the following purposes:

A. Stores, at least one loading space in side or rear yard for each store and if net merchandising floor area exceeds 5,000 square feet on additional loading space for each additional 2,000 square feet or major fraction thereof;

B. Industrial, at least one loading space for each 5,000 square feet or major fraction thereof devoted to such use.

17.44.240 Floodplain Management - Provisions Adopted. The provisions of the Floodplain Management Measures, as set forth in Section 44 CFR 60.3(c) of the National Flood Insurance program, through the Federal Emergency Management Agency, are adopted by reference in full and as subsequently amended, as ordinances of the City, except where state flood regulations are more restrictive than those set forth in 44 CFR 60.3(c), in which case the state regulations shall apply.

17.44.250 Lot Arrangement. All lots shall abut on a street and each lot must contain a suitable building site. All lots shall be situated such that the building's front door shall face the front yard and street.

Chapter 17.45

EXTERIOR LIGHTING

Sections:

- 17.45.010 Light Trespass and Distraction
- 17.45.020 Levels of Light Trespass
- 17.45.030 Unshielded Lighting
- 17.45.040 Light Pole and Building-Mounted Lighting Heights

17.45.010 Light Trespass and Distraction. No exterior lighting shall produce glare into, or upon, the surrounding area or any residential premises. In addition, no exterior

lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares. Specifically, the following types of light trespass are prohibited:

1. Any light not designated for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
2. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.

17.45.020 Levels of Light Trespass. The following levels of light trespass shall be permitted:

1. No lighting source shall cause more than one-tenth (0.10) footcandle of illumination to cross the property line of an adjoining residentially zoned property (District Numbers 1 through 3).
2. No lighting source shall cause more than two (2.0) footcandles of illumination to cross the property line of an adjoining commercially zoned property (District Numbers 4 and 5).
3. No lighting source shall cause more than five (5.0) footcandles of illumination to cross any public way in industrial areas (District Number 6).

17.45.030 Unshielded Lighting. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved carnivals, fairs or other similar activities are held and only when such activities are taking place.

17.45.040 Light Pole and Building-Mounted Lighting Heights. The maximum height of light poles on private property, as measured from grade at the base of the bottom of the luminaire, shall be as specified below. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:

1. Non-Residential Districts (District Numbers 4 through 6): Light poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts shall not exceed sixteen (16) feet in height. The Planning and Development Commission may approve, in appropriate circumstances as part of site plan review, a pole or mount of up to twenty-four (24) feet.
2. Residential Districts (District Numbers 1 through 3): Light poles for single-family and two-family dwellings shall not exceed eight (8) feet

in height. Light poles for multi-family uses shall not exceed twelve (12) feet in height. Lighting, including under-soffit lighting mounted upon a single-family, two-family or multi-family residential dwelling shall not be mounted higher than ten (10) feet above grade. Light poles on school sites or that light public outdoor recreational facilities shall not exceed twenty-four (24) feet in height.

Chapter 17.46

ADULT BUSINESSES

Sections:

- 17.46.010 Legislative Purpose.
- 17.46.020 Definitions.
- 17.46.030 Adult Business Development Permit.

17.46.010 Legislative Purpose. It is the intent of this Chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult businesses in close proximity to each other or proximity to other incompatible uses such as schools, parks, religious institutions and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult businesses causes an increase in the number of transients in the area, and an increase in crime and in addition to the effects described in this Section can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Chapter to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas. It is also the purpose of this Chapter to regulate adult businesses in order to promote the health, safety and general welfare of the citizens of the City. The provisions of this Chapter have neither the purposes nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to adult materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

17.46.020 Definitions. For the purpose of this Section, the following definitions shall apply:

“Adult Arcade” means an establishment where, for any form of consideration, one or more motion picture projectors, slide projections or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or

other photographic reproductions, which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Bookstore” means an establishment which has a substantial portion of its stock-in-trade and offers for sale any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

“Adult Business/Adult Entertainment Business/Sexually-Oriented Business” means:

1. Any business establishment which as a regular and substantial course of conduct offers, sells or distributes adult or sexually-oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities which are preempted by state law; or
2. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult modeling, adult theater, massage parlor or sexual encounter establishment.

“Adult Cabaret” means nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Motel” means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Motion Picture Theater” means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Theater” means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

“Establishment of an Adult Entertainment Business” means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined in this Section;
3. The addition of any of the adult entertainment businesses defined in this Section to any other existing adult entertainment business; or
4. The relocation of any such business.

“Massage Parlor” means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

“Sexual Encounter Establishment” means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities: or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist psychiatrist or similar professional person licensed by the state engages in sexual therapy.

“Specified Anatomical Areas” means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activities” means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this Section.

“Substantial Enlargement” means the increase in floor area occupied by the business by more than 10% as such floor area exists on the effective date of the ordinance codified in this Chapter.

“Substantial Portion” for the purposes of this Chapter means 20% or more of the face value of the stock-in-trade, or 20% of the floor area of the store, whichever is more.

17.46.030 Adult Business Development Permit. Adult businesses are permitted, subject to a development permit only in the Industrial Land Use Districts. (Districts 9 or 10). It is unlawful for any person to establish an adult business in the City of Byron unless the person first obtains and continues to maintain in full force and effect a development permit from the City of Byron as required in this Section.

- A. Notwithstanding any other provision of the City Code, the building and zoning administrator shall adopt findings and approve an application for an adult business development permit within 45 days after receipt of a complete application, if the application satisfies the requirements of this Section. If the building and zoning administrator determines that the application does not satisfy the requirements of this Section, the building and zoning administrator shall deny the application. Should the application be denied, the applicant or permittee may seek, within 14 days from the date of the denial, review of such determination through the City Council. Within seven days of the filing

of such an appeal, the Council shall schedule a hearing date on such appeal. The hearing shall be commenced and a decision rendered within 30 days of the date such appeal was filed, unless this time period is extended by written consent of the applicant or permittee. The rules of evidence applicable in a court of law in the State of Illinois shall be relaxed at this hearing. The City Council's written decision shall be mailed to the applicant within 24 hours of the decision being rendered.

- B. If the denial, suspension or revocation is affirmed by the City Council upon review, the City Council's decision may be reviewed by a court if such petition for review is filed in the Circuit Court of Ogle County, or any other court of competent jurisdiction, within 30 days of the date the City Council's decision was mailed to the applicant. An applicant is free to utilize all rights afforded to it for the review of the City Council's rulings by way of application for a writ of certiorari to the applicable court of competent jurisdiction.
- C. The City Council shall take all lawful steps to ensure that any party aggrieved by its decision shall be afforded prompt judicial review of the City Council's decision. Unless extended or waived by the applicant, the judicial review must be completed within 180 days of the date in which the applicant filed its action for judicial review.
- D. The applicant or permittee shall meet all of the following standards for approval to receive an Adult Business Development Permit.
 - 1. The operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to the City's building, fire, zoning and health regulations.
 - 2. The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the application process, or on any document required by the City in conjunction therewith.
 - 3. It is unlawful to cause or permit the establishment or substantial enlargement of an adult business, within 2,000 feet of another adult business or within 1,000 feet of any religious institution, any school or any public park within the City or within 1,000 feet of any property designated for residential use or used for residential purposes.
 - 4. Measurement of Distance. The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, streets, or roadways, from the closest exterior structural wall of each business. The distance between any adult entertainment business and any religious institution, school or public park or any property designated for residential use or used for

residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the religious institution, school or public park of the property designated for residential use or used for residential purposes. Should the straight-line distance be intersected by the river, the distance shall instead be measured by the shortest route of travel by way of street or roadway.

5. Signs. All on-site signage shall conform to Chapter 12 of this Title and all other sign regulations within this Code.
6. Viewing Area.
 - a. It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any adult business in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall or other enclosure. For purposes of this Section, viewing area means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show or film.
 - b. It is unlawful for more than one person at a time to occupy any individual, partitioned viewing area or booth.
 - c. It is unlawful to create, maintain or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.
 - d. The opening to the viewing area shall be from the main aisle.
7. The applicant and owner, and every subsequent owner of the adult business shall obtain an adult entertainment license pursuant to Chapter 5.54 of this Code, as amended by time to time. Failure to maintain such adult entertainment license in effect while the adult business is in operation shall be grounds for revocation of the adult business development permit. The conditions of approval imposed on such adult entertainment license shall be included as conditions of approval on the adult business development permit.
8. All construction shall comply with all applicable requirements in this Code including, but not limited to the Byron Building Code, IBC, as incorporated in Title 15 of this Code.

9. The building and zoning administrator shall impose additional conditions prior to approval of an application for an adult business development permit, which are deemed necessary by the building and zoning administrator to insure compliance with this Code and to protect the public health and safety. Such conditions shall be limited to the following: hours of operation, maximum occupancy, fire and life safety issues, fire suppression, exterior signage, exterior and interior lighting, parking, landscaping, existence of public telephone and security guards.

Chapter 17.48

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.48.010 Board of Appeals - Creation - Appointment.
- 17.48.020 Board of Appeals - Powers and Duties.
- 17.48.030 Nonconforming Uses - Generally.
- 17.48.040 Nonconforming Uses - Unsafe Structures.
- 17.48.050 Nonconforming Uses - Iterations.
- 17.48.060 Nonconforming Uses - Extensions.
- 17.48.070 Nonconforming Uses - Exemptions.
- 17.48.080 Nonconforming Uses - Restoration.
- 17.48.090 Nonconforming Uses - Abandonment.
- 17.48.100 Nonconforming Uses - Changes.
- 17.48.110 Nonconforming Uses - Displacement.
- 17.48.120 Nonconforming Uses - District Changes.
- 17.48.130 Enforcement - Official Authority.
- 17.48.140 Building Permits.
- 17.48.150 Certificate of Occupancy.
- 17.48.160 Amendments to Title.
- 17.48.170 Violation - Complaint.
- 17.48.180 Fees.
- 17.48.190 Rules of Procedures Before Zoning Board of Appeals.

17.48.010 Board of Appeals – Creation - Appointment. A Zoning Board of Appeals is created. The Board shall consist of seven members appointed by the Mayor

and confirmed by the City Council to serve the following terms: two for one year, two for two years, two for three years, with the remaining current member's term expiring April 30, 2005. The successor to each member so appointed shall serve a term of three years. One of the members shall be named as chairman by the Mayor, at the time of his/her appointment. The Board shall appoint a secretary from its membership and shall prescribe rules for the conduct of its affairs. Such rules shall be approved by the City Council. The Board shall meet on the second Thursday of each month, provided that there is business to be addressed by the Board.

17.48.020 Board of Appeals - Powers and Duties. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Title, which are more particularly specified as follows:

- A. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Title, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- B. Special Use Permits. To conduct a hearing on all applications for special use permits for any of the uses for which this Title requires the obtaining of such permits from the Board of Appeals; or for the extension of a building or use as such existed at the time of the passage of the ordinance codified in this Title into a contiguous more restrictive district for a distance not exceeding 50 feet; not for any other use or purpose. The Zoning Board of Appeals shall not recommend to the City Council that any special use permit be granted by the City Council unless the Board of Appeals finds that:
 - 1. The use is listed in the Title as a special permitted use.
 - 2. All provisions of the Title governing the issuance of such permits are followed exactly.
 - 3. The Board of Appeals has the duty of conducting hearings on applications for special permits or special use permits and to make all of the considerations and set forth all the findings in writing as is required for variances, as stated in Subsection C of this Section. The special permits, uses or special use permits shall be heard before the Board of Appeals at a public hearing, of which there shall be notice of the time and place of the hearing published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the City. The Board of Appeals shall forward their recommendation for such special use permits, special permits,

or uses to the City Council who shall grant or deny such special use permit, or special permit or temporary special permit, without further public hearing, by Ordinance.

- C. Variances. To conduct a hearing to vary or adopt the strict application of any requirements of this Title, and to recommend to the City Council, which shall have final power to determine and approve, variations exercisable by the adoption of ordinances. The City Council is to determine and vary the application of any of the requirements of this Title in harmony with their general purpose and intent where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of these regulations relating to the use, construction, or alteration of buildings or structures, or the use of land. The Board of Appeals is to consider, and the City Council is to consider, the standards of practical difficulties or particular hardships, and it must be shown to the Board of Appeals and to the City Council, and finding shall be made 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;
 4. The proposed variance will not be unreasonably detrimental to the value of the surrounding properties in the neighborhood in which it is located;
 5. That the proposed variance complies with all provisions of the applicable district regulations;
 6. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided;
 7. That the proposed use can be operated in a manner that is not detrimental to the permitted development and uses in the zoning district; can be developed and operated in a matter that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to

preserve and promote the public health, safety and general welfare of the City of Byron.

The recommendation of the Board of Appeals is to be communicated in writing along with the above-captioned findings to the Clerk of the City who shall submit to the City Council at the next special or regular meeting. No such variation shall be made, except in a specific case and after a public hearing before the Board of Appeals of which there shall be a notice of the time and place of the hearing published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the municipality, or, if not newspapers are published therein, then in one or more newspapers with a general circulation within the municipality. This notice shall contain the particular location for which the variation is requested, as well as a brief statement of what the proposed variation consists. The corporate authorities, by ordinance, without further public hearing, may adopt any proposed variation indicated to it by the Board of Appeals, or may refer it back to the Board of Appeals for further consideration, and any proposed variation which fails to receive the approval of the Board of Appeals shall not be passed by the City Council except by the favorable vote of two-thirds (2/3) of all aldermen. Every variation shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Board of Appeals. Findings of fact shall specify the reason or reasons for making the variation. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Board of Appeals or ordinance. Property for which relief has been granted shall not be used in violation of the specific terms of the Board of Appeals' findings or the findings recited in the ordinance, unless its usage is changed by further findings of fact of the Board of Appeals and additional ordinances.

- D. Rules and Regulations. To adopt such rules and regulations as may be deemed necessary from time to time to carry into effect the provisions of this Title.
- E. Procedure. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Title. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

17.48.030 Nonconforming Uses - Generally. The lawful use of any building or land existing at the time of the enactment of the ordinance codified in this Title may be continued although such use does not conform with the provisions of this Title.

17.48.040 Nonconforming Uses - Unsafe Structures. Any structure or portion thereof declared to be unsafe by a proper authority may be restored to a safe condition.

17.48.050 Nonconforming Uses - Alterations. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 25% of the assessed value of the building unless the building is changed to a conforming use.

17.48.060 Nonconforming Uses - Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of the ordinance codified in this Title shall not be deemed the extension of such nonconforming use.

17.48.070 Nonconforming Uses - Exemptions. Nothing contained in this Chapter shall require any change in plans, construction or designated use of a building the construction of which has begun prior to the enactment of the ordinance codified in this Title and which construction remains uncompleted prior to the enactment of the ordinance codified in this Title provided such construction shall be completed within one year from date of enactment of the ordinance codified in this Title.

17.48.080 Nonconforming Uses - Restoration. No building damaged by fire or other causes to the extent of more than 50% of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this Title.

17.48.090 Nonconforming Uses - Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Title.

17.48.100 Nonconforming Uses - Changes. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or higher classification, and when so changed to a higher classification, such use thereafter shall not be changed to a lower classification.

17.48.110 Nonconforming Uses - Displacement. No nonconforming use shall be extended to displace a conforming use.

17.48.120 Nonconforming Uses - District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of different classification, the provisions of Section 17.48.030 through 17.48.110 shall also apply to any nonconforming uses existing therein. Whenever the principal permitted uses

of a district are changed so as to transfer the principal permitted uses therein to a special permitted use therein or when the principal permitted uses of a district are changed to another district of different classification, provisions of Sections 17.48.030 through 17.48.110 shall also apply to any nonconforming uses existing therein.

17.48.130 Enforcement - Official Authority. This Title shall be enforced by the City Clerk and the Building and Zoning Administrator who shall perform such duties in addition to present duties and without additional compensation.

17.48.140 Building Permits.

- A. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the City Clerk or his/her designee. Except upon a written order of the Board of Appeals, no such building permit, or certificate of occupancy, shall be issued for any building where the construction, addition or alteration of use thereof would be in violation of any of the provisions of this Title.
- B. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building or accessory building to be erected and such other information as may be necessary to determine and provide for the enforcement of this Title.
- C. One copy of such layout or plat plan shall be returned when approved by the City Clerk together with such permit to the applicant upon payment of a fee of one dollar (\$1.00).

17.48.150 Certificate of Occupancy.

- A. No land shall be occupied or used and no building hereafter erected or extended shall be used or changed in use until a certificate of occupancy has been issued by the City Building and Zoning Administrator, stating that the building or proposed use thereof complies with the provisions of this Title. All commercial buildings will require additional review and written confirmation from the Byron Fire Protection District of compliance with applicable fire regulations.
- B. All certificates of occupancy shall be applied for coincident with the application for a building permit. The certificates shall be issued within ten days after the erection or alteration has been approved as complying with the provisions of this Title.

- C. No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

17.48.160 Amendments to Title.

- A. The City Council may from time to time on its own motion, or on petition, or on recommendation of the Plan Commission amend, supplement, or repeal the regulations and provisions of this Title.
- B. Every such proposed amendment or change whether initiated by the City Council or by petition shall be referred to the Board of Appeals for report thereon resulting from public hearing as provided in Subsection C of this Section.
- C. The Board of Appeals, by resolution adopted at a stated meeting, shall fix the time and place of public hearing on the proposed amendments and cause notice to be given not more than 30 days nor less than 15 days before the hearing by publishing a notice thereof at least once in one or more newspapers published in the City.
- D. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners or 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all the aldermen of the City. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorneys, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
- E. Whenever the owners of 50% or more of the street frontage in any district or any specified part thereof, present to the City Council a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for the zoning maps including the district or specified part thereof, it shall be the duty of the City Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Subsection C of this Section.

17.48.170 Violation - Complaint. Whenever a violation of this Title occurs, any person may file a complaint in regard thereto. Such complaints must be in writing and shall be filed with the Building and Zoning Administrator, who shall properly record such complaint and immediately investigate and report thereon.

17.48.180 Fees.

- A. Minimum Fees. The following minimum fees shall be paid at the time an application for zoning map amendment, variance or special use is submitted:
1. Zoning map amendment - \$250.00
 2. Request for variance - \$150.00
 3. Special Use Permit - \$300.00
- B. Additional Fees. In addition to the minimum fees required under Subsection A of this Section, a deposit of \$100.00 shall be submitted at the time of application to cover the actual costs of any and all court reporters/stenographic recording, engineering, City attorney, appraisal or publication costs incurred by the City. Any refund of the deposit or additional payment required of the applicant to cover such costs shall be paid before the City Council takes action on any recommendation of the Zoning Board of Appeals on the zoning request.

17.48.190 Rules of Procedures Before Zoning Board of Appeals.

- A. General Provisions.
1. These rules are supplementary to the provisions of this Title as they relate to procedures of the Zoning Board of Appeals.
 2. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any decision making on such matter.
 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance including the zoning map, which authority is reserved to the City Council.
 4. The City Attorney shall be consulted in cases where the powers of the Board are not clearly defined.
 5. In the event that there is no stenographer or court reporter present at the meeting, the meeting shall be postponed.

B. Officers and Duties.

1. The chairman shall supervise the affairs of the Zoning Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and subcommittees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The chairman shall be an ex officio member of all committees and subcommittees so appointed.
2. The acting chairman, in the absence or disability of the chairman, shall perform all the duties and exercise all the powers of the chairman.
3. The secretary or his/her designee shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; shall, subject to the Board and chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file the minutes and records in the office of the Board, which minutes and records shall be a public record; and shall be the custodian of the files of this Board and keep all records.

C. Meetings.

1. Regular meetings may be cancelled by the chairman when there are no cases pending. Notification must be given to members, however, not less than 24 hours prior to the time set for such meeting.

2. Special meetings may be called by the chairman at his discretion, or upon the request of two or more members, provided that 48 hours notice is given each member and all requirements of the Illinois Open Meetings Act are complied with.
3. All meetings shall be open to the public.
4. A quorum shall consist of four members for any regular or special meeting, and is required for any decision, determination, or official action by the Board.
5. Public hearings may be held by less than a quorum of the Board.
6. Once publication of a meeting agenda has occurred, there shall be no amendments to the agenda.

D. Order of Business.

1. All meetings of the Board shall proceed as follows:
 - a. Roll call and declaration of quorum;
 - b. Reading and approval of minutes of previous meeting;
 - c. Communications;
 - d. Reports of committees;
 - e. Hearing and cases on agenda;
 - f. Unfinished business;
 - g. New business;
 - h. Adjournment.
2. Except as otherwise prescribed by these rules, the meetings of the Zoning Board of Appeals may be conducted in accordance with Robert's Rules of Order. If any question arises as to procedure, the ruling of the chair shall be final unless reversed by a vote of at least four members of the Board.

3. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance as follows:
 - a. New Cases (First Time on Agenda). Continuances may be granted upon request.
 - b. Continued Cases (All Cases Which Have Previously Appeared on the Agenda of this Board Constitute Continuing Cases). Request for further continuance will be considered upon application therefore by the party or his representative at the time the case is called, and upon showing:
 - i. That he has given reasonable notice in writing to all persons who have filed an appearance in the matter; and
 - ii. That he will be unable to proceed with his evidence at this hearing.
4. In the event that an applicant fails to appear:
 - a. The chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.
 - b. In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the secretary of the Board.
 - c. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the secretary for reinstatement. Reinstatement shall be at the discretion of the chairman for good cause shown, and payment of any additional publication fees.
 - d. In all cases reinstated in above-described manner, the case will be docketed, noticed and republished in the usual manner prescribed for new cases.

E. Procedures on Hearings.

1. At the time of the hearing, the applicant may appear in this own behalf or be represented by counsel or agent.
2. In the event that objectors retain counsel to represent them at a hearing before the Board, then such counsel shall notify the applicant, or his agent or attorney, that he has been so retained and will be present to object. Such notice shall be delivered to the offices of the Board and to the applicant, or his agent or attorney, at least five (5) business days prior to the scheduled hearing date. If such notice is not given by counsel retained by the objectors, then the applicant, or his agent or attorney, shall have the option of postponing the hearing to the next regular meeting of the Board.
3. All witnesses shall testify under oath.
4. Evidence shall be presented in the following order:
 - a. State purpose of hearing, acknowledge publication, posting of property and written notifications, acknowledge comments received from the City departments and other public agencies.
 - b. Presentation of evidence by the petitioner or designated representative(s).
 - i. Opening statement;
 - ii. Testimony by petitioner's witness(es);
 - iii. Questioning/cross-examination of each witness by the members of the Board;
 - iv. Questioning/cross-examination of each witness by any interested party that has filed an appearance with the Board office no later than five business days prior to the hearing;

Note: This is an opportunity only to question the witness, not to make statements or offer personal testimony.

 - v. Close of petitioner's evidence.

- c. Presentation of evidence by the objectors or their representative(s).
 - i. Opening statements;
 - ii. Testimony by objector's witness(es);
 - iii. Questioning/cross-examination of each witness by the members of the Board;
 - iv. Questioning/cross-examination of each witness by the applicant or any interested party that has filed an appearance with the Board office no later than five (5) business days prior to the hearing;

Note: This is an opportunity only to question the witness, not to make statements or offer personal testimony.

- v. Close of petitioner's evidence.
 - d. Presentation of statements by any person attending the hearing.
 - e. Closing statements and rebuttal by the petitioner or designated representative, if desired.
 - f. Closing statements and rebuttal by the objectors or designated representative, if desired.
 - g. Closing of public testimony.
 - h. Findings of fact by the Board.
 - i. Recommendation or decision (where the Board's action constitutes a final administrative decision) by the Board.
- 5. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.
 - 6. All persons in attendance at public hearing shall have an opportunity to be heard. However, any person who also wishes to appear as an interested party with rights to question/cross-examine others at the hearing must complete and file an appearance form with the

Secretary of the Board at City Hall, 232 W. Second Street, Byron, Illinois, 61010, no later than five (5) business days before the date of the hearing.

7. The chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

F. Decisions.

1. Final decision or recommendations shall be made within a reasonable time from the date of the hearing.
2. The Board shall conduct its findings of fact and vote in public session at the meeting in which evidence testimony is concluded, unless the Board considers additional time for deliberation necessary.
3. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decisions or determination of the zoning administrator and to grant any variation in the ordinance.
4. All decisions of the Board shall be made at a public meeting by motion made, seconded and the chairman polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed on the granting of a variation, or in the recommending of the granting of a special use by the Board, such conditions shall be included in the motion.
5. The transcript of the case shall be acknowledged as to accuracy by the chairman and the secretary and shall be a part of the public record of the Board.
6. Notice of the decision of the Board shall be given to the applicant, and other interested parties as soon as possible after the decision is reached.

G. Records.

1. A file of materials and decision relating to each case shall be kept by the Secretary as part of the records of the Board.
2. All records of the Board shall be public record.

H. **Amendment of Rules.**

1. These rules may be amended by an affirmative majority vote of all members of the Board.
2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

SECTION 2: Any Ordinances or Resolutions, or parts thereof, inconsistent with this Ordinance are hereby repealed.


SECTION 3: This Ordinance shall become effective upon its passage and publication as required by law.

Passed and approved by the Mayor and City Council this 15th day of December, 2008.



R. Scot Nason, Mayor
City of Byron

ATTEST:



Kim P. Gouker, City Clerk

Ayes: Palmgren, Hillis, Huber, Johnson, Hanlin, Isaacs

Nays: None

Absent: Coyne

Abstention: None