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12/15/2014 LAND DEVELOPMENT CODE

SECTION I. TITLE

This Ordinance shall be known and may be cited as the Land Development Code or Zoning Ordinance of the City of Decatur.

SECTION II. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herewith defined as listed herein.

Terms used in this Ordinance shall have their customary meanings except that terms of art in the legal, engineering, land surveying, and planning professions shall be used in the professional sense.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not permissive. Masculine pronouns refer equally to persons of either gender unless the context clearly indicates otherwise.

ACCESS DRIVE: Any driveway that provides for the movement of vehicles to or from the public roadway system.

ACCESSORY BUILDING, STRUCTURE OR USE: A building or use which (a) Is subordinate to, and serves a principal building or principal use, and is located on the same lot as said principal building or use; and (b) Is subordinate in height, extent, and purpose to the principal building or principal use served; (c) The aggregate ground floor area of all accessory structures does not exceed the ground floor area of the main building, except that a minimum gross area of 750 square feet for such accessory building or aggregate areas of two or more buildings shall be permitted; and (d) Is naturally and normally incidental to that of the dominant use of the main building or land. A distance of eight (8) feet shall separate an accessory structure and the main structure or other accessory structure. (Amended, Ordinance No. 2016-69, October 3, 2016) (Amended, Ordinance No. 2005-105, December 19, 2005)

ADULT ENTERTAINMENT ACTIVITY: An establishment having as a substantial or significant portion of its business the sale, rental, display, exhibition, or viewing of books, magazines, films, photographs, sexual paraphernalia or other materials distinguished by or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or specified anatomical areas as defined herein.

ADULT ENTERTAINMENT CABARET: A nightclub, theater, or other establishment that features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers where such performances are distinguished by or characterized by an emphasis on sexual conduct of specified anatomical areas as defined herein.

ADULT ENTERTAINMENT USE: Sex-related or oriented establishments providing adult services, products or entertainment including but not limited to adult entertainment activity, adult entertainment cabaret, model studios, adult picture arcades or adult motion picture theaters, and similar establishments.

ADULT MOTION PICTURE THEATER: An establishment, other than an adult picture arcade, in an enclosed building wherein slides or movies are presented for observation by patrons for a substantial or significant portion of its presentations because the same

contain material distinguished or characterized by emphasis on matters depicting, describing or relating to sexual conduct or specified anatomical areas as defined herein.

ADULT PICTURE ARCADE: Any place to which the public is permitted or invited where coin- or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video cassette recorders or players or other image producing devices are maintained to show images so displaying that are distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein.

ALL-WEATHER SURFACE: A dust-free, durable surface other than soil, typically utilized for parking or storage areas, composed of materials that withstand seasonal degradation and have sufficient capacity to carry vehicle load without rutting or sinking.

ALLEY: A public or private right-of-way primarily designed to provide access to utilities and to serve as secondary access to the side or rear of those properties whose principal frontage is on a public some other street.

ANIMAL CLINIC OR HOSPITAL: A place where small animals, including household pets are given medical or surgical treatment and are cared for during the time of such treatment. Kennel use shall be limited to short-time boarding, incidental to hospital use and such kennels shall be located within the building (unless expressly permitted outdoors). Amended, Ordinance No. 2004-27, April 19, 2004

ANIMAL KENNEL: An establishment where more than four (4) dogs or cats (except litters of animals not more than six (6) months of age) are kept, raised, cared for, or boarded for a fee.

APARTMENT HOUSE: See Dwelling, Multiple.

ASSISTED LIVING FACILITY: Residences for the elderly that provide rooms, meals, personal care and supervision of self-administered medication. Residents do not require 24 hour nursing care. These facilities may provide other services, such as residential activities, financial counseling, and transportation.

AUTOMATIC TELLER MACHINE (ATM): An automated device that provides banking and similar financial functions at a location that is remote from the controlling financial institution. An ATM that is located outdoors on the same site as a financial institution is subject to the same setback requirements as the main building.

AUTOMOBILE REPAIR AND SERVICE: An establishment dedicated to the repair of motor vehicles that does not include the sale of automotive fuel. This definition includes the following categories:

Minor: This category includes automotive repair and service activities which, under ordinary circumstances, generate minimal noise, odor, or traffic. Examples of these uses include automotive interior and upholstery shops; brake shops; diagnostic centers, including oil change and lubrication shops; general automotive repair and maintenance; radiator shops; tire shops; and transmission shops.

Major: This category includes automotive repair and service activities which, under ordinary circumstances, generate relatively high levels of noise, odor, or traffic.:

Examples of these uses include auto body and paint shops; front-end repair shops; engine rebuilding shops for gasoline or diesel engines; frame shops which install springs, shock absorbers, or struts; axle-straightening establishments; muffler/exhaust system shops; and rust proofing and undercoating establishments

AUTOMOBILE SERVICE STATION: Any building or structure used for the retail sale of any automobile fuels and lubricants from no more than six (6) pumps located on no more than three (3) bays and any combination of one or more of the following uses: (1) retail sale of new automobile parts, accessories, and supplies when ancillary to the repair and maintenance of motor vehicles; (2) all uses listed under the definition of Automobile Repair and service–Minor; and (3) minor repair and maintenance of automobiles and trucks not exceeding a 2-ton capacity, excluding there from all uses defined as Automobile Repair and Service–Major. Convenience items, such as snack foods and beverages, may be sold through vending machines and over-the-counter sales, provided they do not occupy more than 100 square feet of the indoor floor space of the establishment.

AUTOMOTIVE & EQUIPMENT DEALERS: Establishments primarily involved in the retail sale or storage of inventory items of an automotive nature. Outdoor storage and display of merchandise is a common practice. Ancillary activities include storage, rental, service, repair work, and sale of replacement parts and accessories. This definition includes the following uses: Auto/Truck Dealer; Motorcycle Dealer; Lawnmower and Lawn Equipment Dealer; Boat Dealer; Recreational Vehicle/Bus Dealer; Construction Equipment Dealer; Used Car Dealer.

AUTOMOTIVE SALVAGE OPERATION: Automotive business operations engaged in the purchase, collection, accumulation, or storage of inoperable automotive equipment including but not limited to automobiles, trucks, buses, motorcycles, and other minor vehicles or parts thereof primarily for the purpose of reselling the material so accumulated or parts thereof.

AUTOMOTIVE STORAGE YARD: A tract of land used for the collection, accumulation or storage of damaged, towed, abandoned, or repossessed automotive equipment including but not limited to automobiles, trucks, buses, motorcycles and other motor vehicles or parts thereof, but excluding businesses such as public garages, service stations, or dealerships which temporarily store automotive equipment in the course of the repair or sale of the same and for which such storage is secondary or incidental to the primary purposes of such businesses.

BACKGROUND: The display representing the animation or graphics which lie behind the text and are less prominent in nature. (Amended, Ordinance No. 2008-48, August 4, 2008)

BAR OR COCKTAIL LOUNGE: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be made available for on-premises consumption as accessory to the principal use. The term Tavern is included in this definition.

BASEMENT: A story completely or partly underground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the

quarters of a watchman or janitor. For purposes of this Ordinance, the term Cellar is synonymous with that of Basement.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied residence that provides sleeping accommodations and breakfasts on a short-term basis for paying customers and that conforms to 50 ILCS 820 Illinois Compiled Statutes. A bed and breakfast establishment may have no more than five (5) sleeping rooms for guests, and only breakfast may be served.

BLOCK: A tract of land bounded by streets, or by a combinations of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARDING OR LODGING HOUSE: A building other than a hotel where, for individual compensation and by arrangement for rooms designed for sleeping, lodging or lodging and meals are provided for three (3) or more persons. This includes multi-room structures where individuals pay for a bedroom and common living areas. (Amended, Ordinance 2014-72, December 15, 2014)

BUFFER YARD: An open, landscaped area, not located on public right-of-way, providing a transition and screening between high intensity/high density uses or districts and low intensity/low density uses or districts, on which there are no structures or parking areas other than fences or landscape features.

BUILDING: Any structure that is principally above ground and is enclosed by walls and a roof, including manufactured housing and prefabricated housing units, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. (Amended, Ordinance No. 2011-35, June 6, 2011)

BUILDING ENVELOPE: The area in which a building may be erected on a lot, said area formed by the lines of required front, rear and side setbacks.

BUILDING, HEIGHT OF: The vertical distance from the surrounding grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING MATERIALS SALES: Establishments engaged primarily in the sale of lumber and associated products to the public. They may sell rough or dressed lumber and plywood, flooring, doors, molding, doors, sashes, frames, and similar goods.

BUILDING LINE: A line delineated on a plat which designates the minimum setback area between the front of the main building and the lot line abutting the public right-of-way. Where a building line on a plat conflicts with the setback regulations required herein, the more restrictive shall apply, subject to the exceptions enumerated in Section XXI

BUILDING, MAIN: A building in which is conducted the principal or main use of the lot on which it is located. Wherever the words main and principal are used in this Ordinance to describe a building, they shall have the same meaning.

BUSINESS SERVICE ESTABLISHMENTS: Businesses that provide services to other businesses or the general public that, by nature, require business to be carried on off-site or require patrons to visit the establishment. For the purpose of this Ordinance, there are two categories of business service establishments:

On-Site: Business service establishments that customarily occupy standard office space that generally require patrons to visit the establishment to receive services, and do not require the outdoor storage of supplies or use of vehicles other than automobiles or small vans. Examples of these establishments include, but are not limited to, bail bonding establishments, blueprinting and photocopying services, caterers (not including in-shop dining or carry-out), collection services, detective agencies and protective services (not including armored car or guard dog services), messenger services, packaging services, talent agencies, and ticket brokers.

Off-Site: Business services which are generally carried on off-site, and due to equipment and vehicle storage or to processes used, typically require facilities in addition to standard office space. Examples of these establishments include, but are not limited to, armored car services, automobile claim adjustment, cleaning and maintenance services (excluding repair) pest control businesses, swimming pool cleaning and maintenance services, and water softening services.

CAR WASH, AUTOMATIC: A building or structure wherein conveyors, blowers, steam cleaners, and other mechanical equipment are employed for the purpose of washing motor vehicles in a production line manner.

CAR WASH, COIN-OPERATED SELF-SERVICE: A building or structure wherein mechanical equipment for washing motor vehicles is provided for a fee while the vehicle owner furnishes the labor.

CELLULAR SERVICE: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission cell sites, either to the public switched network or to other mobile cellular phones.

CELLULAR TELECOMMUNICATIONS: A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

CELLULAR TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephones lines.

CITY COUNCIL: The elected governing body of the City of Decatur, Illinois, composed of the Mayor and Council members.

CITY MANAGER: The chief administrative officer of the City of Decatur, chosen by the City Council.

CLUBS: Club, Fraternal: A group of people associated or formally organized for a common purpose, interest, or pleasure. This definition includes the usual understanding of the terms "lodge" and "fraternal organization," and it includes fraternities and sororities when they do not offer overnight accommodations. Fraternal club facilities may be rented to non-members for receptions, meetings, and similar events. For purposes of this ordinance, this definition does not include bottle clubs.

Club, Membership Organization: An organization with pre-established formal requirements for affiliation, which promotes the interest of its affiliates. This definition includes trades associations, professional organizations, labor unions, and similar organizations with a political, civic, or religious purpose.

Club, Private: A social organization customarily open to members and their invited guests. These organizations may offer a variety of services and facilities to their members, including overnight accommodations, dining rooms, and social activities. Private club facilities may be rented to non-members for receptions, meetings, and similar events. For purposes of this ordinance, this definition does not include bottle clubs.

CO-LOCATION: Locating wireless communications equipment from more than one provider on a single site.

COMMON CARRIER: An entity licensed by the FCC or a state agency to supply local or long distance telecommunications services to the general public at established and stated prices.

COMMUNICATION TOWER: a guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communications.

COMMUNICATIONS FACILITY: A land use facility supporting antennas and microwave dishes that sends or receives radio frequency signals. These facilities include structures or towers and accessory buildings.

COMMUNICATIONS TRANSMISSION SYSTEM OR COMMUNICATIONS SYSTEM: A wired system or open video system regulated by this ordinance.

COMMUNITY CENTER: A building used for recreation, social, educational, and cultural activities, open to the public or to residents of a neighborhood or group of neighborhoods, usually owned and operated by a public or nonprofit group or agency.

COMPREHENSIVE PLAN: An official document, accompanied with tables and maps, adopted by City Council to guide long-range land development and capital projects decision-making in the City of Decatur.

CONDITIONAL APPROVAL: The acceptance of an application as approved provided the applicant meets a specific provision or provisions.

CONDITIONAL USE: A use permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the City Council.

CONGREGATE ELDERLY HOUSING: Residential facilities for the elderly where partial living services such as meals, transportation and recreation may be provided. These facilities may include assisted living facilities, retirement communities and single-room occupancy (SRO) establishments but do not include convalescent care facilities, nursing homes or institutions.

CONSTRUCTION STANDARDS: The engineering design standards and specifications for the construction of roads and streets, sanitary sewers, storm sewers, water mains, traffic signals, sidewalks and other miscellaneous improvements as adopted by the City Council, or promulgated by an agency having jurisdiction (e.g. the Illinois Department of Transportation), or by a City agency in a manner prescribed in this Ordinance.

CONSUMER CREDIT SERVICES: Include Consumer Installment Lenders 205 ILCS 670/1 et seq. as amended, Payday Loan Lenders 815 ILCS 122/1-1 et seq. as amended and Title Secured Lenders 205 ILCS 670/1 et seq. as amended as defined and regulated by the State of Illinois. (Amended, Ordinance 2013-12; March 4, 2013)

CONTRACTORS AND BUILDERS: Businesses relating to the building trades including: General contractor; Highway and street construction; Heavy construction; Plumbing, heating, air conditioning; Painting, paperhanging and decorating; Electrical; Masonry and other stonework; Carpentering and flooring; Roofing and sheet metal; Concrete work; Water well drilling; and similar.

CONVENIENCE FOOD AND BEVERAGE STORE: A retail establishment of 6000 square feet or less of enclosed area, typically offering groceries, carryout beer and wine, soft drinks, and snack foods. This definition includes those establishments which are open for business no earlier than 5:00 AM and no later than 11:00 PM. [See Convenience Food and Beverage Store, Extended Hours]. This definition does not include sales of automotive fuels or services (see Automobile Service Station; Gasoline Station).

CONVENIENCE FOOD AND BEVERAGE STORE, EXTENDED HOURS: A convenience food and beverage store as herein defined which is open for business any time during the period from 11:00 PM to 5:00 AM, including those businesses open for 24 hours.

CORE AREA: Area bounded by Pershing Road/Illinois Route 121, 22nd Street, Lake Shore Drive, South Side Drive, and Oakland Avenue/Illinois Route 48. (Amended, Ordinance No. 2008-48, August 4, 2008)

COUNCIL: The City Council of the City of Decatur.

COUNTRY CLUB: A large area, including buildings, containing recreational facilities, clubhouse and accessory uses, frequently including a golf course, and open only to members and their guests for a membership fee. Occasionally these facilities may be leased to nonmembers outsiders for banquets, weddings, or other social engagements.

CREMATORY or CREMATORIUM: An establishment containing a furnace for the reduction by burning of human remains.

CULTURAL FACILITIES, PRIVATE: Facilities in public or private ownership for the maintenance, of historic, educational, or artistic interest, including animal or reptile exhibits, arboreta, art galleries, aquariums, botanical or zoological gardens, historical sites, landmarks, or shrines; libraries, museums, opera and drama houses, playhouses and community theaters, planetariums, and zoos. This category does not include motion picture theaters or establishments that specialize in entertainment with an adult theme.

CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis as defined, amended and regulated by the State of Illinois, 410 ILCS 130/10 et. seq. (Amended, Ordinance No. 2014-27, June 16, 2014)

CUTOFF ANGLE - The angle formed by a line drawn from the direction of the light rays at a light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

DAY CARE HOME:

Day Care Home, Small: A private residence wherein the owners residing thereon provide care for less than 24 hours per day for no more than three additional minor children other than the owner's dependent children.

Day Care Home, Large: A business licensed by the State of Illinois conducted wholly within a private residence, wherein the owners residing thereon, along with any additional caregivers allowed by the State license, provide care for minor children for less than 24 hours per day, and where the number of children cared for exceeds the maximums for Day Care Home, Small. The maximum number of children cared for shall not exceed the maximum allowed by the State of Illinois.
(Amended, Ordinance No. 2002-72, August 19, 2002)

DAY CARE CENTER: A business licensed by the State of Illinois and not conducted within a private residence where three or more minor children are cared for less than 24 hours per day.
(Amended, Ordinance No. 2002-72, August 19, 2002)

DANCING OR MUSIC ACADEMY: An establishment that offers vocal, instrumental, or dancing lessons or instructions. Social dancing may also be offered for no more than forty (40) persons at any time.

DECK: An open structure, which may or may not have a roof but is otherwise open to the elements, that is designed for outdoor enjoyment and is a minimum of six (6) inches above grade. Any deck attached to the main building is subject to the area and setback requirements of the main building. Any deck that is detached is subject to the area and setback requirements for accessory structures.

DEVELOPMENT: Any man-made change to real estate, exclusive of maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

DIGITAL TECHNOLOGY: Technology that converts voice and data messages into digits that represent sound intensities at specific points of time and data content.

DIRECTIONAL ANTENNA: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

DISH ANTENNA: An antenna with a concave surface used to link communications sites together by wireless transmission or voice or data. Also called microwave antenna or microwave dish antenna.

DISTRICT: Any section of the City of Decatur for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DORMITORY, FRATERNITY HOUSE OR SORORITY HOUSE. A building in which sleeping rooms are provided for occupancy by, and maintained as, a place of residence exclusively for, students affiliated with an accredited college or university, which may offer meals, when authorized and regulated by such institution. Separate living quarters with cooking facilities may be designed for the resident manager only.

DRIVE-UP OR DRIVE-THROUGH FACILITY: A building or portion thereof which is designed to provide, either wholly or in part, service to customers in vehicles that are parked or stacked in a service lane. This definition includes, but is not limited to, facilities at drive-in restaurants, drive-in banks, drive-up windows at drug stores, and similar uses.

DUPLEX: See Dwelling Unit, Two Family

DWELLING, MULTIPLE: A single, freestanding conventional building containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A single, freestanding conventional building containing a single dwelling unit and designed for or occupied exclusively by one (1) family only.

DWELLING UNIT: A room or rooms connected together which constitute a separate, independent housekeeping establishment for one (1) family, for owner occupancy, or for rental or lease, and physically separated from other rooms or suites which may be located in the same structure, containing at a minimum one (1) sleeping room, one (1) bathroom, and one (1) kitchen. This definition does not include rooms in hotels, motels, or institutional facilities.

DWELLING, TWO FAMILY: A single, freestanding conventional building containing two (2) dwelling units.

DRIVEWAY: A private roadway providing access to a street or highway.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance (by a public or private utility company for the purpose of furnishing adequate service by said company for the public health, safety, or general welfare) of electrical and communication cables, poles and wires, and water and sewer collection, transmission and distribution mains, drains, and pipes, including fire hydrants. This definition does not include wireless telecommunications facilities as regulated by this Ordinance.

EXTRACTION USES: Uses that require the alteration of the surface of the earth, including the excavation, removal, stripping, surface mining, or quarrying of top soil, soil, earth, sand, rock, gravel, clay, coal, minerals, ores, or similar substances; or the surface location of shafts, mine heads, and similar facilities for the subsurface removal of such substances; or the drilling for or production of, oil, gas, or other liquid gaseous substances.

FABRICATION, COMMERCIAL: The production, compounding, processing, packaging, or treatment of goods, materials, or products which are dependent upon a downtown or similar commercial site. These products include candy, cosmetics,

confections, toiletries, and food products, except fish, poultry, and meat products, sauerkraut, vinegar, yeast, and the rendering of fats or oils. Products may be crafted from previously prepared materials including bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious- or semi-precious metals or stone, shells, wax, wire, yarns, and the like. Musical instruments, toys, greeting cards, novelties, rubber or metal stamps, or other small molded rubber products are included in this definition.

FALL ZONE: A radius equal to or greater than one-half the height of the telecommunications tower, within which falling snow or ice may cause a hazard.

FAMILY: Either: (a) Two or more persons, all of whom are related to each other by blood, marriage, or adoption, together with usual domestic servants and not more than one boarder or lodger, all living together as a single housekeeping unit and using common kitchen facilities; or (b) Eight or fewer persons, any or all of whom are not related to each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities. For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a Residential Care facility, Intermediate or Long Term Care facility, Foster Home, Congregate Elderly Housing; or in a boarding or lodging house, club, convent, dormitory, fraternity, monastery, or sorority. (Amended, Ordinance 2014-72, December 15, 2014)

FAMILY RESIDENTIAL CARE FACILITY: A residence designed and operated to accommodate overnight and short-term stays, comfort and relief for physical and emotional needs of no more than six (6) families who have other family members who are patients at nearby hospitals and similar medical facilities..

FINANCIAL INSTITUTIONS AND SERVICES: Establishments that trade cash, securities, and other negotiable instruments. Examples of these institutions include commercial, savings, and investment banks; credit unions and savings and loan establishments; securities dealers and brokers; commodity dealers and traders; holding companies and trust companies; and foreign currency exchanges. For purposes of this Ordinance, this definition does not include Pawn brokers/Pawn shops or check cashing facilities.

FRATERNAL ORGANIZATION: See Clubs: Club, Fraternal.

FREQUENCY: The number of cycles completed each second by a sound wave, measured in hertz (Hz).

FLOOR AREA, NET: The total of all floor areas of a building, excluding common areas, stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when not used or not intended to be used for human habitation or business use.

FOOD STORES: Retail stores primarily engaged in selling edible products for home preparation and consumption, not including supermarkets, superstores or warehouse markets. This definition shall not be interpreted to include establishments primarily engaged in selling prepared foods or beverages for consumption on premises or liquor stores. For the purposes of this Ordinance, food stores are categorized as follows:

Neighborhood: Grocery store (less than 30,000 square feet of gross leasable area); Delicatessen; Fish (seafood) market (enclosed); Meat or poultry market (no slaughtering on premises); Fruit or vegetable market (enclosed).

Specialty: Confectionery store including candy, nuts, popcorn, sweetmeats, and other edible products; Dairy products (not including ice cream or frozen custard stands); Retail bakeries, featuring products prepared on the premises for sale on the premises; Specialty food stores including, but not limited to, such items as health foods, coffee, tea, spices, herbs, vitamins, dietetic foods, local specialties, jams and jellies, hot sauces, and mineral water.

FOOTCANDLE (FC) - A quantitative unit of measurement referring to illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot. For purposes of this ordinance, footcandles shall be measured at a horizontal point at grade.

FOREGROUND: A part of the message which is nearest the front of the display and is prominent in nature. (Amended, Ordinance No. 2008-48, August 4, 2008)

FOSTER HOME: A home licensed or regulated, or both, by the State of Illinois, or some department, division or bureau thereof, where juveniles are placed by court order; or by the State of Illinois Department of Corrections or Department of Children and Family Services.

FREEZER AND LOCKER MEAT PROVIDERS: establishments that offer meat products on a bulk basis for freezer storage, primarily at retail sale.

FRONTAGE: That portion of a lot extending along a street line, or in the case of lots facing cul-de-sacs, the portion of the lot extending along the building setback line.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. A funeral home may include a mortuary and/or a crematory within the primary structure as an ancillary use. (Amended, Ordinance No. 2005-105, December 19, 2005)

GARAGE, PRIVATE: Any accessory building or portion thereof designed or used for the storage of privately owned motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than one truck or commercial vehicle or any vehicle which exceeds a two-ton capacity.

GARAGE, STORAGE OR PARKING: A building or portion thereof other than a private garage designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, or for daily storage furnished to transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

GARDENING, COOPERATIVE: The cultivation of plants, including flowers, vegetables, trees, and shrubs for non-commercial purposes on the same site by persons or families not residing on the site.

GASOLINE STATION: A business engaged primarily in retail sales of automotive fuels, which may or may not include automobile repair and service as an ancillary service. This definition also permits the sale of convenience food or beverage and similar items

in addition to gasoline sales. See also Automobile Service Station, Convenience Food and Beverage Store, and Convenience Food and Beverage Store, 24 Hours.

GLARE - The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision.

GOVERNMENT BUILDING: A facility for the purpose of housing any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

GOVERNMENT USE: Any land, building, structure, or activity, regardless of actual ownership, operated by the city, county, state, or federal government or legally empowered special district that is necessary to the conduct of government or the furnishing of public infrastructure or services over which such government exercises direct and complete control.

GRADE: For the purposes of Section XXVII, Wireless facilities, the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure. For all other parts of this Ordinance, a reference plane representing the mean of the finished ground level adjoining a building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line; or, when the lot line is no more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GROSS LEASABLE AREA (GLA): The total floor area for which the tenant pays rent and that is designated for the tenants' occupancy and exclusive use. See also Floor area-net.

GUYED TOWER: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HISTORIC NEIGHBORHOOD USE: A use of land in any locally designated Historic District or any National Register Historic District, or an identified Historic and Architectural Landmark as established by Ordinance 78-159 that, with appropriate controls and under specific conditions, is consistent with and preserves the essential character and nature of the surrounding neighborhood, but which is not otherwise listed herein as a permitted use in the particular zoning district applicable to the property in question.

HOME OCCUPATION: Any occupation or activity entirely incidental to residential use, when (1) carried on in the Main Building and is not used primarily or exclusively for the home occupation; (2) is carried on by a member of the immediate family, residing on the premises, (3) there is no commodity displayed or sold upon the premises; (4) no person is employed other than a member of the immediate family residing on the premises; and (5) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. (Amended, Ordinance No. 2005-105, December 19, 2005)

Home occupation shall also include: private tutoring limited to three pupils at any one time; nursery schools limited to three pupils; musical instruction limited to a single pupil at a time and a maximum of four hours of instruction per day; day care home, small; architects, professional engineers, surveyors, and other professional persons, provided that no person is employed other than a member of the immediate family residing on the premises. However, a home occupation shall not be interpreted to include barber shops and beauty parlors, palm reading/tarot card reading or similar business in which spiritual advice or fortune telling is conducted for a fee; commercial stables, kennels, or any kind of automotive service and repair except cars that are registered to the subject address or incidental to the use of the property. (Amended, Ordinance No. 2005-105, December 19, 2005)

Home occupation may include the use of premises by a physician, surgeon or dentist for an office, consultation, or emergency treatment, but not as a clinic, hospital, or other medical practice. (Amended, Ordinance No. 2002-72, August 19, 2002)

HOSPICE: A facility that provides comfort and relief for the emotional, physical, and spiritual needs of terminally ill persons and their families.

HOTEL: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities. For the purposes of this Ordinance, the terms “motel,” “motor lodge,” and “motor court” are synonymous and are included in this definition.

ILLINOIS COMPILED STATUTES (ILCS.): The codified laws enacted by the Illinois Legislature.

IMPROVED SURFACE: A paved surface designed for the use of motor vehicles and constructed of concrete, asphalt or similar materials. A rock bed does not constitute an improved surface.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

INTERMEDIATE CARE FACILITY (ICF): A facility that provides, on a continuing basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment provided by a hospital, long term care facility or similar skilled nursing facility.

INTERMODAL STORAGE CONTAINERS: A standardized steel shipping container designed and built for intermodal freight transport across different modes of transport such as from ship to rail to truck. (Amended, Ordinance No. 2016-36, June 20, 2016)

INTERMODAL TRANSIT FACILITY: A complex designed for the transfer of human passengers and their cargo with various forms of transportation, including bus, rail, taxi or shuttle.

INTERMODAL TRANSPORTATION FACILITY: A complex of buildings and transportation systems designed to facilitate the movement of goods from one mode of transport to another. Typical facilities include rail-to-truck or truck-to-air operations. Warehousing and distribution operations are typically conducted in such a complex

ISOLUX: Contours of horizontal footcandles as shown on a photometric plan.

KENNEL: Any establishment in which animals are housed, groomed, bred, boarded, trained or sold, generally for a fee or compensation.

KITCHEN: A portion of a residence or business with running water dedicated to the preparation and storage of food.

LABORATORY, MEDICAL: A building or portion of a building occupied by dental, x-ray (both for treatment and diagnosis) and optical laboratories, where services (including preparation and compounding) are provided solely on medical prescription.

LABORATORY, RESEARCH AND DEVELOPMENT: a facility for the activities of investigation of the fields of the natural, physical and social sciences with the intention of improving societal conditions. Research and development activities often require special services including water, gas, ventilation, chemicals, heating, electrical and/or electrical equipment.

LATTICE TOWER: A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

LICENSE: For the purposes of Section XXVII, Wireless facilities, the rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services to persons or areas outside the municipality.

LIGHT STANDARD: The pole, mast, or structure to which outdoor lighting is attached.

LOADING SPACE: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.

LODGE: See Clubs: Club, fraternal.

LODGING HOUSE: See Boarding or lodging house.

LONG-TERM CARE FACILITY: An institution, or a distinct part of an institution, that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to patients who are not related to the governing authority or its members by blood, marriage, or adoption.

LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

LOT, CORNER: A lot abutting upon two or more intersecting streets.

LOT, DOUBLE FRONTAGE: A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

LOT LINES: The lines bounding a lot as defined below:

Front Lot Line: In the case of an interior lot, the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot line shall be the lot frontage of the least dimension. In the case of a double frontage lot, the line abutting the street on which the main building is addressed shall be the front lot line.

Rear Lot Line: The line most opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot.

Side Lot Line: Any lot line other than the front or rear lot line. A side lot line separating a lot from another lot is an interior lot line. On a corner lot, the line abutting a street which is not the front lot line is the corner side lot line.

LOT OF RECORD: A lot that is part of a subdivision or government lot, the plat of which has been recorded in the office of the Recorder of Deeds of Macon County; or, a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds of Macon County.

LOT WIDTH: The width of the lot at the building line.

MANUFACTURED HOME: A factory-built structure that is transportable in one or more sections, which is eight feet (8') or more in width or forty feet (40') or more in length, is built on a permanent metal chassis, is designed to be used as a dwelling unit when connected to the required plumbing, heating, air conditioning and electrical systems and complies with the National Manufactured Home Construction and Safety Standards Act (42 USC Sec. 5401), commonly known as the HUD (US Department of Housing and Urban Development) code, or its successor statute as enacted by Congress. The term "MANUFACTURED HOME and MOBILE HOME" are synonymous. (Amended, Ordinance No. 2011-35, June 6, 2011)

MANUFACTURING, HEAVY: The conversion of raw, extracted or partially processed materials into a product used for further processing or distribution or the storage or manufacturing processes which have the potential to create offensive environmental conditions. Examples of heavy manufacturing include lumber and paper mills, stone, clay, and glass product manufacturing, asphalt and concrete batch plants, poultry dressing, fat rendering plants, stockyards, slaughterhouses, tanneries, acid manufacture, distillation of bones, fertilizer manufacture, petroleum refineries, glue manufacture and similar operations. These uses may be conducted partially or wholly outdoors and may create noxious by-products such as dust, fumes, offensive odors, hazardous waste products, noise, vibration and glare.

MANUFACTURING, LIGHT: The assembling, altering, processing, converting or finishing of pre-processed materials for food or consumer products. This use may include the assembly from prefabricated parts of household appliances, electronic products or the processing or assembling of parts for production of finished equipment or buildings and generates limited by-products.

MASSAGE PARLOR: A personal service establishment, or place of business in which treatments are administered with mechanical or electrical apparatus for the purpose of body slenderizing, body reducing, or body contouring, or all or any one or more of the following subjects and methods of treatment: viz. oil rubs, salt glows, hot or cold packs, all kinds of baths including steam rooms, cabinet baths, sitz baths; irrigations, body massage, either by hand or mechanical or electrical device. These practices shall be licensed by the State of Illinois.

MEDICAL CANNABIS DISPENSING ORGANIZATION, DISPENSING ORGANIZATION, OR DISPENSARY ORGANIZATION: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients as defined, amended and regulated by the State of Illinois, 410 ILCS 130/10 et. seq. (Amended, Ordinance No. 2014-27, June 16, 2014)

MEDICAL OFFICE AND MEDICAL CLINIC: A premises where patients, who are not lodged overnight, except for observation or emergency treatment, are treated by one (1) person or group of persons practicing any form of healing or health building services to individuals, whether the practitioners are physicians (i.e. medical doctors), chiropractors, osteopaths, chiropodists, podiatrists, naturopaths, dentists, psychologists and counselors of all types, psychiatrists, nurse practitioners, optometrists, or any such profession, the practice of which is regulated by Illinois law. Ancillary uses, such as pharmacies, eye-wear centers, and the like may be located on the premises.

MESSAGE: The complete configuration of text, numerals, graphics, or animation displayed in the background and foreground within electronic message unit signs and off-premise electronic message unit signs. (Amended, Ordinance No. 2008-48, August 4, 2008)

MICRO-CELL: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1,000 MHZ; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

MICROWAVE ANTENNA: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission or voice or data.

MOBILE HOME: See “MANUFACTURED HOME”. (Amended, Ordinance No. 2011-35, June 6, 2011)

MOBILE HOME PARK: A parcel or tract of land which has been approved and developed for the placement of one or more mobile homes, either free of charge or for revenue purposes, including all accessory buildings, structures, utilities, facilities, or uses.

MODEL HOME: A residential structure with required parking used only for demonstration, display, and sales of the approved model, not occupied as a dwelling unit, and open to the public for inspection. A model home may include a portion thereof dedicated to a sales office.

MODEL STUDIO: Any establishment where for any form of consideration or gratuity, models who display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any activity sponsored by an educational institution recognized by the State of Illinois in the course of its educational activities.

MODULAR HOME: A factory assembled structure designed and intended as a single-family housing unit suitable for year round occupancy which is at least 24 feet in width, having a pitched roof, built on wooden frames, equipped with the necessary service connections and made to be transported on flatbed trailers, and capable of meeting all required building, plumbing, electrical, and mechanical codes when placed on a permanent perimeter foundation that extends to below the frost line. (Amended, Ordinance No. 2011-35, June 6, 2011)

MONOPOLE TOWER: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

MORTUARY: A place for the storage of human bodies prior to their burial or cremation, also known as a morgue.

MUSEUM, PUBLIC: An institution or building in public or semi-public ownership and operation which offers visual exhibits on an artistic, natural, historical, scientific, technological, historical or cultural theme for the education, enrichment, or entertainment of the public.

MUSIC ACADEMY: See Dancing and Music Academy.

NEIGHBORHOOD PRESERVATION USE: A use of land in a Neighborhood Preservation District as established by ordinance of the Decatur City Council that, with appropriate controls under specific conditions, is consistent with and preserves the essential character and nature of the surrounding neighborhood, but which is not otherwise listed herein as a permitted use in the particular zoning district applicable to the property in question.

NEWSSTAND: An establishment which specializes in the high volume sale of newspapers and periodicals. Other products, such as candy, tobacco, lottery tickets, comic books, and sports collectibles are typically sold.

NON-CONFORMING BUILDING, STRUCTURE, LOCATION, OR USE: The use of land or a building, or portion thereof, which does not conform with the use or bulk regulations of the district in which it is situated.

NON-STORE RETAILERS: Establishments which market and sell products and services in venues different from conventional retail stores, such as mail order houses, wholesaling, vending machine operators, direct and door-to-door sales, telemarketing, and similar uses.

NURSING HOME: See Long-term care facility and Intermediate care facility.

OMNIDIRECTIONAL ANTENNA: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

OUTDOOR DISPLAY AREA: The area measured around the footprint of products on display including any space between products and circulation areas. (Amended, Ordinance No. 2005-105, December 19, 2005)

ON HOLD: The status of an application that has been rescheduled to a subsequent meeting of a body (such as the Technical Review Committee), subject to the satisfaction of modifications prescribed by that body.

OWNER: For the purposes of Section XXVII, Wireless facilities, the possessor of the title to real property or the contract purchaser of real property of record, as shown on the latest records in the office of the Recorder of Macon County, Illinois. This definition also includes a deedholder or contract purchaser whose name does not appear in the latest records, but who presents to the City a copy of a deed or contract for sale, showing date, book, and page of recording.

PARKING SPACE: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which affords satisfactory ingress and egress for automobiles without need of moving any other vehicle(s); however, in one and two family residential districts only, stacking or blocking of parking spaces is permitted.

PAWNBROKER: As defined and regulated by the State of Illinois, 205 ILCS 510. (Amended, Ordinance 2013-12; March 4, 2013)

PEDESTRIAN WAY : A dedicated right of way across or within a block designated for pedestrian use.

PERSONAL COMMUNICATIONS SERVICES (PCS): Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).

PERSONAL SERVICES: Establishments that are primarily engaged in providing services involving the care of persons or their apparel, such as: Barber and beauty shops; Clothing alteration and repair, including dressmakers, seamstresses, and tailors; Laundry and dry cleaning establishments; Photo drop-off agents (not including processing); Shoe shining or shoe repair establishments; Beauty spas; Massage parlors (see definition); Health clubs or spas; Palm readers, fortune tellers, or card readers; Taxidermist; and similar personal service uses. Tattoo parlors or body piercing parlors are not covered by this definition.

PET SERVICES: An establishment primarily engaged in providing grooming, obedience training, or other activities not requiring the knowledge or skill of a veterinarian and not including animal clinic and kennels.

PHARMACY, PRESCRIPTION: A building or portion thereof, used only for the dispensing of drugs, medicines and medical supplies on medical prescription.

PHOTOMETRIC PLAN: A point by point plan depicting the intensity and location of lighting on the property.

PLACE: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

PLACE OF WORSHIP: An establishment (such as a church, synagogue, mosque, or temple) in which religious observances are conducted.

PLAN COMMISSION: The body designated by City Council to advise the City Council on matters of planning and zoning.

PLAT: A map, drawing, or chart which portrays a plan for the division or subdivision of a parcel of land.

PLAT, FINAL: A drawing to engineering accuracy and containing those items specified by this ordinance indicating the layout of lots, blocks, easements, and public ways in a subdivision, together with the legal documents required herein for recording in the Macon County Recorder's Office.

PLAT, PRELIMINARY: The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission, or to the Zoning Administrator of the Department of Planning and Building Services and the Public Works Director in a manner prescribed by the Subdivision Regulations of the City of Decatur, for approval. (Amended, Ordinance No. 2010-34, May 17, 2010)

POLICY REVIEW COMMITTEE: An informal advisory body to the City Manager, consisting of City management personnel that advises the City Manager on policy matters relating to applications for subdivision of land, annexations, planned unit developments, and other land use changes.

PRE-EXISTING TOWERS AND ANTENNA: Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations so long as the tower or antennas are not modified or changed.

PROFESSIONAL OFFICE USE: Establishment primarily engaged in providing business services to other businesses and individuals, not including health care services. Professional office uses are generally categorized into professional business establishments that customarily occupy standard office space and do not require outdoor storage of supplies or use of vehicles other than automobiles and small vans. Examples of these business establishments include the offices of accountants, auditors, bookkeepers, appraisers, architects, attorneys, commercial artists and photographers, consultants, draftspersons, engineers, real estate brokers and agents, clerical and stenographic services, travel agencies, and cable television and utility business offices.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect the improvement for which City responsibility is established.

PUBLIC PROPERTY: Any real property, easement, air-space, or other interest in real estate, including a street, owned by, or subject, to the jurisdiction of the City or any other governmental unit.

PUBLIC UTILITY FACILITIES: Buildings or above-ground structures required to provide public utility services including electricity, telephone, cable TV, natural gas, water, sewerage, solid waste, and resource recovery. For purposes of this ordinance, there are three categories of public utility facilities, as follows:

Regional: Natural gas or water regulation station; Pumping station; Telephone and electrical distribution system; Transmission or metering station; Electric substation; Water treatment facility; Solid waste lift station.

System: Sewage disposal or treatment facility; Electric power generation plant; Sanitary landfill; Resource recovery facility such as incinerators for the generation of energy from waste materials.

(Amended, Ordinance No. 2002-72, August 19, 2002)

RADIO AND TELEVISION STATION: A building, structure, or premises primarily engaged in the staging, production, and recording of radio or television programs. This definition does not include radio or television transmission or microwave towers.

RECREATION, COMMERCIAL: A recreational facility operated as a business and open to the public for a fee. Swim clubs are not included in this definition.. This definition covers the following:

Indoor facilities: Amusement arcades or establishments that primarily provide coin- or token-operated devices (popularly called pinball machines and video games); bowling alleys; dance halls, dance clubs, and ballrooms; racquetball, handball, and squash clubs; skating rinks; indoor soccer fields and hockey rinks; water slides; waterparks; lazy rivers; rock climbing walls and similar facilities. (Amended, Ordinance 2012-17; April 16, 2012)

Outdoor facilities: Miniature golf; golf driving ranges; water slides; waterparks; lazy rivers; commercial boat tours; batting cages; tennis clubs; volleyball clubs; go-kart or bump car establishments; rock climbing walls and similar facilities.

(Amended, Ordinance No. 2002-72, August 19, 2002) (Amended, Ordinance 2012-17; April 16, 2012)

RECREATIONAL VEHICLE: Any vehicle that is designed for recreational occupancy or use and is not included in the definition of a mobile home as set forth in this Ordinance. Recreational vehicles shall include but not be limited to the following: boats and boat trailers, camping trailers, travel trailers, motor homes, mini-motor homes, truck campers, van campers and tent campers.

RECREATIONAL VEHICLE STORAGE: The seasonal or year-round outdoor storage of a recreational vehicle on residential property for a period that exceeds 72 hours. Temporary parking of a vehicle for loading, visiting, etc. shall not be considered vehicle storage under this definition.

RECYCLING CENTER: A facility designed to be a collection point for recyclable materials by donation, redemption or purchase from the public. The principal function is to collect, separate/sort, flatten, crush, bale/bundle or temporarily store recyclable materials such as newspapers, magazines, books, and other paper products, glassware, and metal cans prior to shipment to a permanent disposal site, to others for reuse, and/or processing into new products or other end-use markets. The facility receives and processes only residential and commercial recyclables such as food and beverage containers and paper. This facility can be a permanent structure, temporary structure, mobile structure and/or a reverse vending machine. Recycling centers do not include the processing of recyclable materials nor does this include retail salvage operations or automobile salvage operations. (Amended, Ordinance No. 2009-54)

RELIGIOUS FACILITY: Activities and uses which may or may not be located on the same site as a place of worship, but which serve a religious purpose, such as convents,

monasteries, retreats, and church/synagogue ministries offering classes for children and adults.

RENTAL ESTABLISHMENTS: Businesses primarily engaged in renting or leasing machinery, tools, recreational equipment, household items, costumes and other apparel, videos and similar home entertainment, party and banquet supplies, and other equipment or supplies to individuals or businesses for use off premises. This definition does not include businesses that rent items in conjunction with an on-premises activity, such as golf carts, bowling shoes, etc. This definition does not include passenger automobile, passenger truck and passenger van rentals or truck and trailer rentals. (Amended, Ordinance No. 2016-36, June 20, 2016)

RENTAL, PASSENGER AUTOMOBILES, PASSENGER TRUCKS AND PASSENGER VANS: Businesses primarily engaged in the renting or leasing of passenger automobiles, passenger light duty trucks and passenger vans that are designed for the purpose of transporting passengers. This definition also includes the renting or leasing of motorcycles and motorized scooters. (Amended, Ordinance No. 2016-36, June 20, 2016)

RENTAL, TRUCKS AND TRAILERS: Businesses primarily engaged in the renting or leasing of heavy duty trucks, vans, trailers and storage containers (for temporary use) for the purpose of moving and storing property such as household goods, cargo or freight. This definition does not include intermodal storage containers. (Amended, Ordinance no. 2016-36, June 20, 2016)

REPAIR SHOP: An establishment primarily engaged in fixing, refinishing, or overhauling used or pre-owned products.

RESIDENTIAL CARE HOME: Any living quarters wherein individuals are provided residential care, including both transitional and long-term residential care. A residential care home does not include an intermediate or long term care facility (as herein defined), hospital, or adult day care center or living quarters that serve persons as an alternative to incarceration for a criminal offense. For the purposes of this ordinance, there are two categories:

Small Residential Care Home: Any residential care home, as herein defined, where no more than eight persons are receiving care at any one time.

Large Residential Care Home: Any residential care home, as herein defined, that is designed to provide residential care to more than eight persons at any one time.

RESTAURANT: An establishment primarily engaged in the retail sale of prepared food and drink. For the purposes of this ordinance, there are five categories:

Carry-out: Establishments that do not typically provide indoor seating. Examples of these establishments include ice cream, frozen custard, hot dog, and taco stands.

Convenience restaurants: Establishments that tend to rely upon pedestrian traffic and are typically located in business or commercial districts or recreational areas, and are distinguishable from Carry-out because they typically offer counter or table service in addition to carry out. Examples of these establishments include automats, cafes,

delicatessens (not located in a supermarket), diners, grills, ice cream parlors, lunch counters, sandwich shops, soda fountains, and tea rooms.

Fast Food: An establishment that is characterized by the rapid, high volume production and delivery of food and beverages to the customer. These establishments may have some self-service such as a salad bar, and may offer drive up or drive-through service

Sit-down restaurants: Establishments wherein customers usually arrive via automobile and are seated within the premises. These include both self-service and table service establishments, although they may offer carry-out foods and beverages. Examples of these establishments include traditional restaurants and cafes, buffets, smorgasbords, cafeterias, and pizzerias.

Temporary facilities: Establishments within a movable, temporary building or a mobile trailer or similar vehicle, erected for seasonal sales of food or confections. Temporary facilities erected for an event of four days duration or less are not subject to these requirements. Temporary facilities established for a period longer than four days shall be subject to the following:

1. Temporary facilities shall be allowed to operate only between March 15 and November 30;
2. Signs for temporary facilities are allowed only on the temporary facility itself. A single freestanding temporary sign may be established for the temporary facility use, subject to the requirements of Section XXV. (Amended, Ordinance No. 2004-22, March 15, 2004)

RETIREMENT HOUSING FACILITY: A residential building or development designed for retired residents that may or may not also include on-site food service, recreational and social programs and facilities, and medical care for residents. Ancillary facilities that are not strictly for the use of the residents (i.e., golf courses, restaurants, etc.) shall meet all parking requirements as noted in this Ordinance.

ROOF OR BUILDING MOUNT FACILITY: A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

SALVAGE OPERATIONS, RETAIL : Business operations engaged primarily in the purchase, collection, accumulation or storage of used, discarded or second-hand merchandise consisting of, or substantially resembling, the following: waste paper, rags, scrap metal, discarded materials, used building materials (i.e., lumber and fixtures) inoperable mechanical equipment for the purpose of accumulating or reselling the material so accumulated or parts thereof.

SCENIC VIEW: A view that may be framed, wide angle, or panoramic and may include natural or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. The view may be to a far away or a nearby object.

SCHOOLS, COMMERCIAL: Establishments which offer instruction, usually for a fee. This definition includes two classes:

Para-professional: Barber and beauty schools, business colleges, computer training, dance instruction, driving schools (automobile and motorcycle only), gymnastics academies, martial arts academies, real estate schools, and similar establishments. (Amended, Ordinance No. 2004-02, January 20, 2004)

Trade and technical: Training and technical programs such as welding, fabricating, carpentry, journeyman/apprentice training programs, appliance and equipment repair, automotive maintenance and repair, commercial driving schools, and similar establishments. (Amended, Ordinance No. 2004-02, January 20, 2004)

SCRAP PROCESSING, COMMODITY: Business operations engaged in the purchase, collection or accumulation of sorted scrap material consisting of or substantially resembling the following: newsprint, paper, glass and tin or aluminum cans for the purpose of binding, crushing, bundling, packaging, transporting or commercial resale of the sorted scrap material so accumulated.

SCRAP PROCESSING, INDUSTRIAL: Business operations engaged in the purchase, collection or accumulation of sorted scrap materials consisting of or substantially resembling the following: scrap material, cuttings or trimmings, industrial scrap or by products, machine or equipment parts, paper or rags for the principal purpose of binding, baling, compacting, cutting, packing, shipping, transporting or commercial resale of the sorted scrap material so accumulated.

SELF SERVICE STORAGE FACILITY: Any building designed or used to provide separate storage rooms to individuals or businesses for a fee or rental, said rooms being intended solely as dead storage depositories for personal property, inventory, and equipment, and not for any other commercial or industrial use. Also commonly called mini-warehouses. See also Warehouse, Private.

SETBACK, FRONT YARD: The minimum required horizontal distance between the building and the right-of-way line. Front yard setback may also be referred to as the “required front yard.”

SETBACK LINE: A line within a lot or other parcel of land which denotes the area between such line and the adjacent lot line where structures are prohibited, except utility transformer vaults and those structures permitted under the provisions of this Ordinance.

SETBACK, SIDE YARD: The minimum required horizontal distance between the building and the side lot line(s). Side yard setback may also be referred to as the “required side yard.”

SETBACK, REAR YARD: The minimum required horizontal distance between the building and the rear lot line. Rear yard setback may also be referred to as the “required rear yard.”

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, direct or attract attention to a person, institution, business, product, service, cause, event, or location by any visual means.

SIGN, DIRECTIONAL: Any sign whose message is primarily for the purpose of guiding the circulation of motorists or pedestrians on the site.

SIGN, ELECTRONIC MESSAGE UNIT: Shall mean a sign displaying text, numerals, graphics, or animation indicating the names of persons associated with events conducted upon or products or services offered upon the premise where the sign is maintained; is illuminated internally by means of electric bulbs, LCD or other similar methods; and is controlled electronically with the ability to be programmed to change. (Amended, Ordinance No. 2008-48, August 4, 2008)

SIGN, ELECTRONIC MESSAGE UNIT MONUMENT STYLE: A monument style sign structure in which the electronic message unit is framed by a stone and/or masonry material. No electronic message unit shall sit on top of the stone and/or masonry material without the stone and/or masonry covering the entire unit. (Amended, Ordinance No. 2008-48, August 4, 2008)

SIGN, EXTENDED TEMPORARY: A sign displayed for more than 90 days and a maximum of 365 days in the 365 day period commencing from the date the sign is erected. An extended temporary sign shall be constructed of a one-inch (1") angle steel rigid frame made of a minimum of one-eighth inch (1/8") thick steel, the sign face shall be completely enclosed within the rigid steel frame, the sign face shall be constructed of a minimum twenty-four (24) gauge steel, or minimum five one-hundredths inch (0.05") thick aluminum or minimum fifteen one-hundredths inch (0.15") thick plastic or similar wind and water resistant material approved by the Building Inspector. An extended temporary sign frame shall be so designed to be placed in the ground and to resist rot, decay, or deterioration by the elements during the period in which it is erected. (Amended, Ordinance No. 2005-105, December 19, 2005)

SIGN, FREESTANDING: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is attached to the ground and is not itself an integral part of or attached to a building or other structure. For the purposes of this Ordinance, this definition does not include Sign, Off-Premise.

SIGN, MULTI-TENANT: A sign which identifies a development of three or more businesses located in the same commercial or industrial center/park. The businesses may be located on the same parcel or a group of neighboring parcels. (Amended, Ordinance No. 2010-71, September 20, 2010)

SIGN, OFF-PREMISE: A sign structure, either freestanding or attached to a building, advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. This definition encompasses billboards and outdoor advertising signs.

SIGN, OFF-PREMISE ELECTRONIC MESSAGE UNIT: Shall mean a sign displaying text, numerals, graphics, or animation located in certain non-residentially-zoned districts that advertise goods, products, services or facilities, or direct persons to a location different from where the sign is erected. These signs are illuminated internally by means of electric bulbs, LCD or other similar methods, and are controlled electronically with the ability to be programmed to change. (Amended, Ordinance No. 2008-48, August 4, 2008)

SIGN, ON-PREMISE: A sign that pertains to the use of the premises on which it is located.

SIGN, PORTABLE: A sign constructed of rigid or semi-rigid materials designed to be moved easily and not permanently affixed to the ground or to a structure or building. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

SIGN, PROJECTING YARD: A sign attached to the side of a building that projects into the yard adjacent to the wall on which the sign is attached. Projecting yard signs are generally designed so that (as distinguished from a wall sign) the advertising faces of the sign are perpendicular to the wall on which the sign is attached.

SIGN, TEMPORARY: A sign or banner displayed for more than 24 hours and a maximum of 90 days in the 365 day period commencing from the date the sign is erected or affixed to the main building. Temporary signs are generally constructed of non-rigid or semi-rigid materials and are designed so as to not be permanently mounted to the ground or to a structure. (Amended, Ordinance No. 2005-105, December 19, 2005)

SIGN, WALL: A sign fastened to or painted on the vertical exterior surface of a building. This definition encompasses facade signs.

SINGLE ROOM OCCUPANCY (SRO): A residential unit consisting of one room, occupied by one person, with lockable exterior doors that are accessible from outside the unit. Kitchen and bathroom facilities may or may not be communal.

SITE BREAK: A physical barrier designed to screen buildings or uses from adjacent properties, such as a fence or landscaping.

SKETCH PLAN: An informal visual depiction of a proposed development preparatory to the formal application for approval.

SOCIAL SERVICES: Establishments and agencies that provide assistance, counseling, and rehabilitation to individuals and families, including counseling services, training and rehabilitation services, self-help organizations, and establishments that provide emergency or temporary living facilities.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic regions, buttocks or female breasts below a point immediately above the top of the areola; or, human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECTRUM: Relating to any transmissions or reception of electromagnetic waves.

STEALTH FACILITY: Any communications facility which is designed to blend into the surrounding environment. Examples of these facilities include architecturally screened roof - mounted antennas, building mounted antennas painted to match the existing structure, antennas painted to match to existing structure, antennas integrated into architectural elements, and antenna structures designed to resemble light poles. (See also Alternative Tower Structure).

STORAGE: The collection or display for more than three (3) consecutive days, or any part of a day for more than three (3) consecutive days, of any product, material, equipment, appliances, vehicles not in service, or personal property of any kind on an unenclosed uncovered area. (Amended, Ordinance No. 2005-105, December 19, 2005)

STORAGE, ENCLOSED: The keeping of any goods or products within a fully enclosed structure, so as not to be seen from any other property or establishment.

STORAGE YARD: An outdoor area, enclosed by a fence or other protective barrier, for the safekeeping of goods.

STORY: That portion of a building, other than a basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET: The pavement structure, curbing and guttering, together with those related items normally and customarily constructed as a part of a roadway improvement designed and intended for vehicular traffic to move upon.

STREET, MINOR ARTERIAL: A street or highway linking cities and larger towns in rural areas by distributing trips to small geographic zones in urban areas, not penetrating identifiable neighborhoods.

STREET, PRINCIPAL ARTERIAL: A major street or highway, typically of multi-lane or freeway design, which serves high-volume traffic corridor movements that connect major generators of travel.

STREET, COLLECTOR: In urban areas, a street providing direct access to neighborhoods as well as direct access to arterial streets.

STREET, CUL DE SAC: A local street having but one permanent outlet.

STREET, DEAD END: A street having but one outlet but which is intended to be extended - a stub street.

STREET, HALF: A local street having a right of way width of thirty (30) feet or less and a pavement width of twenty-two (22) feet or less.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

STREET, LOCAL: A street whose primary purpose is feeding higher order systems, providing direct access with little or no through traffic.

STREET, PRIVATE: A local street, not dedicated to a governmental unit for public use, which has been accepted by the local governmental unit having jurisdiction over the tract of land.

STREET, PUBLIC: A street dedicated for public use and which has been accepted by the governmental unit having jurisdiction.

STREET RIGHT-OF-WAY: The land permanently reserved and intended to be used for the placement of a street together with sidewalk, water mains, sewers and other public

utilities and facilities both above and below the grade and which will also afford the primary means of access to and from abutting property when improved.

STRUCTURE: That which is built or constructed.

STRUCTURAL ALTERATIONS: Any changes other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

STUDIO: An establishment where an artist, photographer, musician, or craftsman practices his or her art, craft, or vocation (not including Model Studio as herein defined). The artist's products may be offered for exhibit or sale, for which admission may be charged, and he/she may offer lessons in exchange for a fee. Lessons or instructions may be offered to no more than five (5) persons at one time.

SUBDIVIDE: To divide, either by survey or description, any parcel or tract of land into two or more parts, whether for the purpose of conveyance of title or possession, or to improve any parcel or tract of land with streets, sewers, water mains or other improvements similar in kind or size to public improvements as is done in connection with developments commonly known as planned unit developments, residence development plans or mobile home parks, but excluding such divisions for the purpose of creating rights of way for streets or utilities or the division of farm land to continue to be used only for agriculture. This definition does not include Lot line adjustment as defined in the Subdivision Regulations.

SUBDIVIDER: Any owner or his authorized representative who undertakes to cause a parcel or tract of land to be subdivided.

SUBDIVISION: A tract of land which has been subdivided.

SUBDIVISION DESIGN STANDARDS: The basic land planning and development principles established herein.

SUBDIVISION IMPROVEMENT: Any changes to land or the addition of utilities deemed necessary to prepare it for building sites or other development including, but not limited to: grading, streets, curb, gutter, sidewalks, monuments, lot pins, drainage ways, sanitary sewers, storm sewers, fire hydrants, water mains, and other public facilities and appurtenances.

SUBDIVISION, MAJOR: A subdivision of six (6) lots or greater.

SUBDIVISION, MINOR: A subdivision of five (5) lots or fewer.

SUBSTANTIAL IMPROVEMENT: Any repair or alteration of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the commencement or repair is started; or (b) if the structure has been damaged, and is being restored, before the damage occurred. This term does not include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historical Places. (Amended, Ordinance No. 2011-35, June 6, 2011)

SUPERMARKET: A retail store with a floor area of 30,000 square feet or greater, primarily engaged in selling edible products for home preparation and consumption.

SUPERSTORE: A retail store with a floor area of 50,000 square feet or greater that is primarily engaged in selling general products at retail in combination with groceries and similar supermarket items.

SWIM CLUB: A club, in private or cooperative ownership, which offers swimming, wading, or diving pools and other aquatic recreational activities for members and their guests in exchange for a membership fee. Ancillary uses include snack bars and locker rentals. Occasionally such facilities may be leased to non-members for private parties.

SYSTEM: The communications transmission facilities and network operated by a service provider in the city.

TECHNICAL REVIEW COMMITTEE (TRC): A body composed of City staff appointed by the City Manager, and staff members of other agencies appointed by the City Manager, for the purpose of conducting a formal review of site plans, subdivision plats, planned unit developments (PUDs), and other land development instruments.

TELECOMMUNICATIONS: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS TOWER: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground- or building-mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one or more antennae, dishes, arrays, etc. shall be considered a telecommunications tower for the purposes of this ordinance.

TEMPORARY WIRELESS COMMUNICATIONS FACILITY: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

TERMINAL, FREIGHT: Distribution facilities with the capability of handling a large variety of goods involving various forms of transportation. Although these facilities may have accessory warehousing uses, their primary function is the multi-modal transportation of goods.

THALWEG: The line of fastest descent from any point on land, especially one connecting the deepest points along a river channel, or the lowest points along a valley floor.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including structures designed or used to transmit or relay radio or television signals, microwaves, or cellular communications.

TOWER, SELF-SUPPORTING: A communication tower that is constructed without guy wires and ground anchors.

URBAN CORRIDORS: The public streets consisting of U.S. Route 51, U.S. Route 36, Illinois Route 48, Illinois Route 105, and Illinois Route 121 located within the City Limits of Decatur. (Amended, Ordinance No. 2009-38, May 18, 2009)

USE: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, occupied, maintained, or modified; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

VARIANCE: A departure from the terms of this Ordinance pertaining to height, width, depth, and area of structures and size of yards and open space, and parking space and sign requirements, where such departure will not be contrary to the public interest; and where, owing to conditions peculiar to the property due to its size, shape, and topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.

VARIETY STORE: A retail store offering a broad mix of generally non-durable goods, notions and sundries, typically at a low or moderate price. Durable goods (furniture, large appliances, and the like) are seldom offered.

VIDEO GAMING PARLOR: An establishment or business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act and in which the sale of foods or snacks and alcoholic beverages is only incidental to the operation of the video gaming terminals. (Amended, Ordinance No. 2015-40, August 17, 2015)

VIEW CORRIDOR: A three dimensional area extending out from a viewpoint. The width of the corridor depends on the focus of the view. The focus may be a single object, which would result in a narrow corridor, or a group of objects, which would require a wide corridor.

VISION CLEARANCE TRIANGLE: A triangular shaped area located at the intersection of any combination of rights-of-way, private streets, alleys, or driveways. The height of the vision clearance area is from three and one half feet (3½) above grade to nine (9) feet above grade of the vehicular driving surface. The sides of the triangle shall be determined in one of the following manners as the specific case may apply:

1. Twenty-five (25) feet from the intersection of street right-of-way line or private roadway easements.
2. Twenty-five (25) feet from the intersection of a street right-of-way line and property line corresponding with a public alley or private street.
3. Twenty-five (25) feet from the intersection of a street right-of-way line or private roadway easement and the edge of the vehicle travel area on a driveway.

In all cases, the vision clearance triangle shall apply to any combination of public streets, alleys, private streets and driveways on all tracts of land and adjoining tracts thereto.

WAREHOUSE, PRIVATE: Indoor terminal facilities operated primarily for a specific commercial establishment or group of establishments in a particular industrial or economic field, such as moving companies, transfer companies, freight delivery, specific retail store storage, or beverage distribution, but generally not open to the public.

WHOLESALE DISTRIBUTING ESTABLISHMENT: A business engaged in selling goods primarily to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY SYSTEM (WES):

An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine. The wind energy system is incidental and subordinate to a permitted use on the same lot. WES are permitted only for electrical power to be used exclusively onsite, except when a lot on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for onsite use may be used by the utility company in accordance with all applicable regulations. (Amended, Ordinance No. 2009-82, November 16, 2009)

WIND ENERGY SYSTEM, EXTENDED HEIGHT:

A distance equal to the height of the tower, plus the length of one (1) blade. (Amended, Ordinance No. 2009-82, November 16, 2009)

WIRELESS COMMUNICATION FACILITY: Any tower, pole, antenna or other structure intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

WHIP ANTENNA: An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 inches in height. These are also called omni directional, stick or pipe antennas.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring the yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines, and being the entire horizontal distance between the street or place line and the nearest portion of the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch (excluding decks). A corner lot shall have two front yards for the purposes of determining building setbacks.

YARD, REAR: A yard extending across the rear of a lot and being the entire horizontal distance between the rear lot line and the nearest portion of the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches (excluding decks). On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the entire horizontal

distance between a side lot line and the nearest portion of the side of the main building or any projections thereto.

ZONING ADMINISTRATOR: The City Manager or his / her designee who is responsible for the administration and enforcement of the Zoning Ordinance. (Amended, Ordinance No. 2011-35 June 6; Ordinance No. 2010-34, May 17)

SECTION III. DISTRICTS AND BOUNDARIES THEREOF

A. DISTRICTS; PURPOSE AND INTENT

For the purpose of this Ordinance, the City of Decatur is hereby divided into districts as follows, with the purpose and intent of each district listed herein:

- R-1 Single Family Residence District:** The purpose of this district, and of districts R-2 and R-3 is to encourage and protect single-family neighborhoods and the land uses which are compatible with them.
- R-2 Single Family Residence District**
- R-3 Single Family Residence District**
- R-5 Two-Family Residence District:** The purpose of this district is to permit duplex-style residential development in addition to single-family residential development.
- R-6 Multiple Dwelling District:** This district is designed to permit multi-family residential development.
- O-1 Office District:** This district is designed to permit and encourage the compatible development of professional, office, and institutional uses in areas which are suitable for such activities.
- B-1 Neighborhood Shopping District:** This district is designed to encourage and facilitate commercial activities generally serving the neighborhoods in which they are located.
- B-2 Commercial District:** This district is designed to serve the shopping needs of regional geographic areas larger than the B-1 district, and allowing a greater intensity of uses.
- B-3 Planned Shopping District.** The purpose of this district is to allow a greater flexibility of uses than is available in other commercial districts if the entire district is planned and developed as a unit.
- B-4 Central Business District:** The purpose of this district is to address the broad variety of land use needs that are unique to Downtown Decatur.
- PMR-1 Park Mobile Home Residence District:** The purpose of this district is to assure that mobile home development is a safe and affordable housing option for Decatur residents.
- M-1 Intensive Commercial/Light Industrial District:** The purpose of this district is to allow the development of light industrial uses, along with commercial and service uses designed to serve the employees and clients of the light manufacturing facilities.
- M-2 Heavy Industrial District:** The purpose of this district is to assure that sufficient land is set aside, with sufficient infrastructure and access to transportation modes and corridors, for heavy and intensive manufacturing,

agricultural processing, and other uses that are vital to the community's economic development

M-3 Limited Industrial District: The purpose of this district is to allow for limited industrial uses that are free from offense in a modern, planned and orderly environment, and to provide opportunities for work closer to residential areas in order to decrease commuting time.

PD Planned Development District: The purpose of this district is to permit multiple land uses on the same site, or to insure development that conforms to the Comprehensive Land Use Plan or meets other City goals, and which are designed and built to higher aesthetic standards. Development in the PD zone will be subject to intensive review and will be subject to the terms of a development order approved by City Council. Use of the PD District mainly for the purpose of avoiding the standards required by other zoning districts is prohibited.

B. MAPS

The boundaries of these districts are hereby established on the map accompanying and made a part of this Ordinance which is designated as the "Zoning District Map". The Zoning District Map and all the notations, references and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if such map and all of the notations, references and other information shown thereon were all fully set forth or described herein. The Zoning District Map shall be properly attested and shall be kept on file with the City Clerk of the City of Decatur.

C. DISTRICT BOUNDARIES

1. District boundaries—generally.

The district boundary lines on said map are intended to follow either: center lines of streets or alleys, or lot lines, and where the districts designated on the map are bounded approximately by such street or alley centerline or lot lines, the street or alley centerline or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

2. Railroad lines as boundaries

Where the boundary of a district follows an active or abandoned railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

3. Properties annexed into the City.

All territory which may hereafter be annexed to the City of Decatur shall be automatically classified in the R-1, Single Family District, until otherwise changed by ordinance, after public hearing.

4. Vacation of streets, alleys, and public rights of way

Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the ownership limits of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

5. Submerged lands

All areas within the corporate limits of the City of Decatur, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district that immediately adjoins the water area. Where said water area adjoins two or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

6. Determining boundaries in absence of railroad lines, streets, etc

Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.

7. Authority of the Zoning Administrator

In any case in which the exact location of a zoning district boundary is not clear, the Zoning Administrator shall refuse the issuance of a building permit or certificate of use. The applicant may then appeal in writing to the Zoning Board of Appeals for an interpretation and decision, in accordance with Section XXX. In such cases, the applicant shall be exempted from the fee customarily charged by the Board for reviewing appeals.

D. SCHEDULE OF LAND USE CLASSIFICATIONS

1. Prohibition of uses inconsistent with this Ordinance

Following the effective date of this ordinance, no structure or use shall be built, moved, used, or occupied unless permitted by the zoning district in which the structure or land is located.

2. Conditional uses

No use that is classified as a Conditional Use shall be established unless approval has been granted by the City Council, pursuant to Section XXII of this ordinance.

3. Existing uses

- a. Any use legally established as a “special use,” “planned unit development” or “residential development plan” under the provisions of the zoning regulations in force prior to the effective date of this ordinance shall be considered to be conforming for the purposes of this ordinance and shall continue to be subject to any and all conditions placed upon it at the time of original adoption.
- b. Any other legally-established use existing prior to the effective date of this ordinance, which is allowed as a Conditional Use in a district under provisions of this ordinance, shall be a non-conforming use, and shall not be replaced or

expanded in area or intensity without approval of a conditional use permit, pursuant to Section XXII of this ordinance.

SECTION IV. COMPLIANCE WITH THE REGULATIONS

A. COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:

Except as hereinafter specifically provided:

1. Permitted uses

No land shall be used except for a purpose permitted in the district in which it is located. Existing non-conforming uses may continue consistent with Section XXIII of this Ordinance.

2. Alterations to existing buildings

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

3. Height limitations

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

4. Area regulations

No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.

5. Setbacks

The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.

6. Off-street parking and loading regulations

- a. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- b. Off-street parking spaces shall be provided for all uses in each zoning district, in accordance with the requirements for specific uses set forth in Section XXIV.

7. Only one main building per lot; exceptions

Every building hereafter erected shall be located on a lot as defined in this Ordinance and in no case shall there be more than one main building on any lot in any District, except industrial buildings being used for industrial purposes in the M-1 Light Industrial District and M-2 Heavy Industrial District, and also except buildings, the

location of which is approved in a Planned Unit Development existing at the time of adoption of this Ordinance, in a B-3 Planned Shopping District, or in the PD District as provided in this Ordinance.

8. Frontage and access to public streets

Each lot shall have frontage on, and direct access to, a public street or way that is improved to City standards, unless the Council shall otherwise direct, by approval of a subdivision plat so showing submitted, heard and considered in the manner provided in the Subdivision Regulations for the City, or absent such subdivision plat, unless the Council upon its own motion or upon petition submitted, heard and considered in the manner as provided in this Ordinance shall expressly permit such access or approved frontage on a private street, lane, place or way connected with a public street or way.

9. Recreational vehicles—residential use prohibited.

It shall be unlawful to occupy any recreational vehicle or to provide any recreational vehicle with water, sewer, gas, electric, or other utility service while such recreational vehicle is parked or stored in any district established hereunder.

10. Signage:

All signs in any zoning district shall conform to the regulations in Section XXV.

11. Essential Services

Essential services, as defined herein, shall be a permitted use in all zoning districts.

12. Outdoor storage

Except in the M-1 and M-2 districts, or as expressly permitted herein, outdoor storage of equipment and materials is prohibited. Vehicles may be stored outdoors unless expressly prohibited herein. (Amended, Ordinance No. 2002-72, August 19, 2002)

13. Uses not catalogued; Similar uses.

In the case of land uses not catalogued as permitted or conditional uses in non-residential districts (as enumerated in Sections X through XVIII inclusive), applicants for land use changes may seek a determination from the Zoning Administrator, who will base his/her opinion upon the nearest reasonable use. These determinations may be appealed to the Zoning Board of Appeals as provided in Section XXX of this Ordinance. In the case of such appeals, the City shall charge no filing fee to the applicant. (Amend, Ordinance No. 2010-34, May 17, 2010)

B. INTERPRETATION

It shall be the responsibility of the Zoning Administrator, or his/her designee, to interpret the provisions of this Ordinance. Decisions of the Zoning Administrator, or his/her designee, may be appealed to the Zoning Board of Appeals as provided for in Section XXX. (Amend, Ordinance No. 2010-34, May 17, 2010)

SECTION V. R-1 SINGLE FAMILY RESIDENCE DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Single family dwelling
2. Accessory building, structure, or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
3. Foster home accommodating no more than three (3) juveniles.
4. Home or cooperative gardening
5. Home occupation
6. Modular home, when meeting State of Illinois specifications for “Certified Modular” and erected on a permanent foundation that conforms to City of Decatur codes.
7. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line.
8. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
9. Residential Care Home, Small, when located at least 1,000 feet from any other Residential Care Home
10. School: public, parochial or private. All structures shall be located at least forty (40) feet from any side or rear lot line.

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
2. Day care home, large

3. Golf course or country club
4. Government building or use
5. Historic Neighborhood Use
6. Neighborhood Preservation Use
7. Public utility facilities, regional
8. Swim club.

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 20,000
2. Minimum Lot Width (feet): 80
3. Minimum Front Yard (feet): 30
4. Minimum Rear Yard (feet): 20
5. Minimum Side Yards (feet):
 - a. Aggregate: 20
 - b. Minimum Side: 10
6. Building Height:
 - a. No. of stories: 2 ½
 - b. Maximum height (feet): 35
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

(Amended, Ordinance No. 2004-02, January 20, 2004)

SECTION VI. R-2 SINGLE FAMILY RESIDENCE DISTRICT

A. PERMITTED USES:

Permitted uses in the R-2 zone are as follows:

1. Single family dwelling
2. Accessory building, structure, or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
3. Foster home accommodating no more than three (3) juveniles.
4. Home or cooperative gardening
5. Home occupation
6. Modular home, when meeting State of Illinois specifications for “Certified Modular” and erected on a permanent foundation that conforms to City of Decatur codes.
7. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line.
8. Public Uses. All buildings shall be located at least forty (40) feet from any side or rear lot line.
 - a. Art gallery, public
 - b. Community Center
 - c. Library
 - d. Museum
 - e. Park
 - f. Playground
9. Residential Care Home, small, when located at least 1,000 feet from any other Residential Care Home
10. School: public, parochial or private. All structures shall be located at least forty (40) feet from any side or rear lot line.

B. CONDITIONAL USES:

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.

2. Day care home, large
3. Government building or use
4. Historic Neighborhood Use
5. Neighborhood Preservation Use
6. Public utility facilities, regional
7. Swim club.

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS:

1. Minimum Lot Area (square feet): 9,000
2. Minimum Lot Width (feet): 60
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet): 16
5. Minimum Side Yards (feet):
 - a. Aggregate: 16
 - b. Minimum Side: 8
6. Building Height:
 - a. No. of stories: 2 ½
 - b. Maximum height (feet): 35
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION VII. R-3 SINGLE FAMILY RESIDENCE DISTRICT

A. PERMITTED USES

Permitted uses in the R-3 zone are as follows:

1. Single family dwelling
2. Accessory building, structure, or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
3. Foster home accommodating no more than three (3) juveniles.
4. Home or cooperative gardening
5. Home occupation
6. Modular home, when meeting State of Illinois specifications for “Certified Modular” and erected on a permanent foundation that conforms to City of Decatur codes.
7. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line.
8. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
9. Residential Care Home, small, when located at least 1,000 feet from any other Residential Care Home
10. School: public, parochial or private. All structures shall be located at least forty (40) feet from any side or rear lot line.

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
2. Day care home, large

3. Government building or use
4. Historic neighborhood use
5. Neighborhood Preservation Use
6. Public utility facilities, regional
7. Swim club

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 6,000
2. Minimum Lot Width (feet): 50
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet): 12
5. Minimum Side Yards (feet):
 - a. Aggregate: 12
 - b. Minimum Side: 5
6. Building Height:
 - a. No. of stories: 2 ½
 - b. Maximum height (feet): 35
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION VIII. R-5 TWO FAMILY RESIDENCE DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Single family dwelling
2. Two family dwelling
3. Accessory building, structure, or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
4. Foster home accommodating no more than three (3) juveniles.
5. Home or cooperative gardening
6. Home occupation
7. Modular home, when meeting State of Illinois specifications for “Certified Modular” and erected on a permanent foundation that conforms to City of Decatur codes.
8. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line.
9. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
10. Residential Care Home, small, when located at least 1,000 feet from any other Residential Care Home
11. School: public, parochial or private. All structures shall be located at least forty (40) feet from any side or rear lot line.

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Barber shop or beauty parlor, subject to the requirements for home occupations.
2. Bed and breakfast establishment

3. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
4. Day care home, large
5. Government building or use
6. Historic Neighborhood Use
7. Neighborhood Preservation Use
8. Public utility facilities, regional
9. Swim club.

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 5,000
2. Minimum Lot Width (feet): 50
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet): 12
5. Minimum Side Yards (feet):
 - a. Aggregate: 12
 - b. Minimum Side: 5
6. Building Height:
 - a. No. of stories: 2 ½
 - b. Maximum height (feet): 35
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION IX. R-6 MULTIPLE DWELLING DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Multiple family dwelling
2. Two family dwelling
3. Single family dwelling
4. Accessory building, structure or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
5. Assisted living facility
6. Boarding or lodging house
7. Clubs: fraternal and private.
8. Congregate elderly housing.
9. Day care center: A fenced, outdoor play area shall accommodate 25 percent of the licensed capacity at any one time. A minimum area of 75 square feet per child for the total number of children using the area at any one time shall be provided or 800 square feet, whichever is greater. (Amended, Ordinance No. 2011-02)
10. Foster home accommodating no more than three (3) juveniles.
11. Government building or use
12. Health care uses: Family residential care facility; hospice; intermediate and long term care facilities.
13. Home occupation
14. Home or cooperative gardening
15. Modular home, when meeting State of Illinois specifications for “Certified Modular” and erected on a permanent foundation that conforms to City of Decatur codes.
16. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line.
17. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library

- c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
18. Religious facility
 19. Residential Care Home, large or small, when located at least 1,000 feet from any other Residential Care Home
 20. Retirement housing facilities
 21. School: public, parochial or private. All structures shall be located at least forty (40) feet from any side or rear lot line.

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Barber or beauty parlor, subject to the requirements for home occupations
2. Bed and breakfast establishment
3. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
4. Dormitory, fraternity house, or sorority house
5. Historic Neighborhood Use
6. Neighborhood Preservation Use
7. Public utility facilities, regional
8. Swim club

(Amended, Ordinance No. 2004-02, January 20, 2004)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet):
 - a. One Unit: 4,000
 - b. Two Units: 5,000
 - c. Multiple Units (3 or more), on a property where the entire property is within 900 feet of the B-4 District:
 - i. Minimum Lot Area: 5,000 square feet
 - ii. Per unit: 750 square feet
 - d. All other multiple units:

- i. Minimum Lot Area: 5,000 feet
 - ii. Per each efficiency unit: 750 square feet
 - iii. Per each 1-bedroom unit: 900 square feet
 - iv. Per each 2-bedroom unit: 1,200 square feet
 - v. Per each unit with 3 or more bedrooms: 1,500 square feet
2. Minimum Lot Width (feet): 80
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet): 20
5. Minimum Side Yards (feet):
 - a. Aggregate: 12
 - b. Minimum Side:
 - i. One- or two-story buildings: 5
 - ii. Three or more stories: 8
6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 3
 - b. Maximum height (feet): 35
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

(Amended, Ordinance No. 2004-02, January 20, 2004)

SECTION X. O-1 OFFICE DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Accessory building or use: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Animal Clinic or Hospital, without outdoor kennels (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Assisted living facility
4. Automated teller machines
5. Dancing or music academy
6. Day care centers: A fenced, outdoor play area shall accommodate 25 percent of the licensed capacity at any one time. A minimum area of 75 square feet per child for the total number of children using the area at any one time shall be provided or 800 square feet, whichever is greater. (Amended, Ordinance No. 2011-02)
7. Financial institutions and services, with drive through facilities; however, all amplified equipment shall be located at least 25 feet from any rear or side lot line in a residential district. (Amended, Ordinance No. 2006-108, November 20, 2006)
8. Government building or use
9. Health care uses:
 - a. Family residential care facility
 - b. Hospice
 - c. Hospital or sanitarium (excepting there from a criminal, mental, or animal hospital)
 - d. Intermediate and long term care facilities
 - e. Medical or dental offices, clinics or laboratories
 - f. Medical equipment sales and rental
 - g. Prescription pharmacy
10. Home occupation, in conjunction with an allowed residential use
11. Personal services:
 - a. Clothing alteration and repair
 - b. Hair stylist, beauty parlor, or barber shop
 - c. Laundry and dry cleaning

- d. Shoe shining and repair
- e. Tanning spa
- 12. Professional office uses.
- 13. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
- 14. Studio
- 15. Similar uses: those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district. (Amended, Ordinance No. 2010-34, May 17, 2010)

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed by conditional use permit:

- 1. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
- 2. Congregate elderly housing.
- 3. Day care home, large, in conjunction with an allowed residential use
- 4. Drive-up or drive-through facilities attached to an allowed use; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district.
- 5. Laboratory, research and development
- 6. Mixed use—residential and any combination of office and/or commercial in one building
- 7. Multiple dwelling
- 8. Public utility facilities, regional

9. Retirement housing facilities
10. Schools, Commercial: Para-professional
11. Single family dwelling unit
12. Swim club
13. Two-family dwelling

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet):
 - a. Non-residential uses: 4,000
 - b. Residential uses, when permitted, shall follow the minimum lot area requirements of the R-6 Multiple Family District
2. Minimum Lot Width (feet): none
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet): 12
5. Minimum Side Yards (feet):
 - a. Aggregate: 12
 - b. Minimum Side:
 - i. One- or two-story buildings: 5
 - ii. Three story buildings: 8
6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 3
 - b. Maximum height (feet): 45
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION XI. B-1 NEIGHBORHOOD SHOPPING DISTRICT

A. GENERAL REQUIREMENTS

A building or premises in aggregate shall not exceed six thousand (6,000) square feet of gross floor area, unless approved as a Conditional Use.

B. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Accessory buildings, structures and uses: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Animal Clinic or Hospital, without outdoor kennels (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Automated teller machines
4. Automobile repair and service, minor
5. Automotive service station, subject to the following:
 - a. There shall be no more than five persons employed in a single shift, excluding there from the owner(s) of the establishment;
 - b. All repair activities shall be conducted within an enclosed structure;
 - c. The use shall be set back at least 50 feet from any side lot line in a residential district;
 - d. Tires and other new products for sale may be displayed outdoors only during business hours. Used or junk tires may not be stored outdoors.
 - e. The storage of gasoline and other motor fuels shall be underground, and no propane or similar hydrocarbon products may be sold or stored upon the premises.
6. Business service establishments, on-site
7. Convenience food and beverage store, not including extended hours.
8. Dancing or music academy
9. Day care center: A fenced, outdoor play area shall accommodate 25 percent of the licensed capacity at any one time. A minimum area of 75 square feet per child for the total number of children using the area at any one time shall be provided or 800 square feet, whichever is greater. (Amended, Ordinance No. 2011-02)
10. Financial institutions and services with drive through facilities; however, all amplified equipment shall be located at least 25 feet from any rear or side lot line in a residential district. (Amended, Ordinance No. 2006-108, November 20, 2006)

11. Food stores, neighborhood and specialty, not including supermarkets.
12. Health care uses:
 - a. Medical or dental offices, clinics or laboratories
 - b. Medical equipment sales and rental
 - c. Prescription pharmacy
13. Personal services:
 - a. Clothing alteration and repair
 - b. Hair stylist, beauty parlor, or barber shop
 - c. Laundry and dry cleaning
 - d. Shoe shining and repair
 - e. Tanning spa
14. Pet services
15. Professional office uses.
16. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
17. Public utility facilities, regional
18. Rental establishments, excluding auto and truck rental
19. Repair shops
20. Restaurants: carry-out; convenience; fast food; sit down.
21. Retail uses:
 - a. Automotive parts store
 - b. Clothing store
 - c. Drug store
 - d. Florist
 - e. Specialty retail shops
 - f. Hardware store

- g. Hobby, toy, and game shops
 - h. Newsstand
 - i. Pet shop
 - j. Variety store
 - k. Used merchandise stores.
22. Studio
23. Similar uses: those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district.

(Amended, Ordinance No. 2010-34, May 17, 2010)
 (Amended, Ordinance No. 2004-02, January 20, 2004)
 (Amended, Ordinance No. 2002-72, August 19, 2002)

C. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be allowed with a conditional use permit:

1. Any of the uses in Paragraph B of this section (Permitted Uses) that exceed 6000 square feet of gross leasable area.
2. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
3. Convenience food and beverage store, extended hours.
4. Drive-up or drive-through facilities attached to an allowed use; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district.
5. Mixed use—residential and any combination of office and/or commercial in one building
6. Schools, Commercial: Para-professional.

(Amended, Ordinance No. 2004-02, January 20, 2004)
 (Amended, Ordinance No. 2002-72, August 19, 2002)

D. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 6,500
2. Minimum Lot Width (feet): no requirement
3. Minimum Front Yard (feet): 25

4. Minimum Rear Yard (feet):
 - a. Adjacent to property in a residential district: 25
 - b. All others: no requirement
 5. Minimum Side Yards (feet):
 - a. Adjacent to property in a residential district: 5
 - b. All others: no requirement
 6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 2
 - b. Maximum height (feet): 35
 7. Minimum Distance Between Structures (feet): 8
- (Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION XII. B-2 COMMERCIAL DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Accessory buildings, structures and uses: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Animal Clinic or Hospital, without outdoor kennels (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Animal kennel (indoor only)
4. Automated teller machines
5. Automobile repair and service, major or minor; excepting there from service to buses, trailers and semi-trucks; also excepting body and fender repair and painting
6. Automobile service station
7. Automobile and equipment dealers, including rental, passenger automobiles, passenger trucks and passenger vans. (Amended, Ordinance 2016-36, June 20, 2016)
8. Bar or cocktail lounge, when located not less than 100 feet from a side lot line of any property within a residential district.
9. Building materials sales Outdoor storage is permitted only when enclosed within a site-break fenced area.
10. Business service establishments, on-site and off-site
11. Check cashing services.
12. Clubs: fraternal, membership organization, and private.
13. Consumer Credit Services, when located at least 1500 feet from any other Consumer Credit Service. Measurements shall be made from the nearest point on the lot lines of each property containing the proposed and existing Consumer Credit Service. (Amended, Ordinance 2013-12; March 4, 2013)
14. Contractors and builders: Outdoor storage is permitted only if fully within an enclosed site-break fenced area. Heavy construction equipment is prohibited.
15. Convenience food and beverage store, including extended hours.
16. Cultural facilities, private
17. Dancing or music academy

18. Day care center A fenced, outdoor play area shall accommodate 25 percent of the licensed capacity at any one time. A minimum area of 75 square feet per child for the total number of children using the area at any one time shall be provided or 800 square feet, whichever is greater. (Amended, Ordinance No. 2011-02)
19. Drive-through or drive-up facilities attached to an allowed use; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district.
20. Fabrication, Commercial
21. Financial institutions and services
22. Food stores, neighborhood and specialty.
23. Freezer and locker meat providers
24. Funeral home
25. Gasoline station
26. Government building or use
27. Health care uses:
 - a. Medical or dental offices, clinics or laboratories
 - b. Medical equipment sales and rental
 - c. Prescription pharmacy
28. Hotel or motel
29. Motion picture theater
30. Non-store retailers
31. Parking or storage garage
32. Pawnbroker (Amended, Ordinance 2013-12; March 4, 2013)
33. Personal services
34. Pet services
35. Place of Worship. All structures shall be located at least forty (40) feet from any side or rear lot line located within a residential district.
36. Professional office uses.
37. Public Uses, provided that all buildings shall be located at least forty (40) feet from any side or rear lot line:
 - a. Community center
 - b. Library

- c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
38. Public utility facilities, regional
 39. Radio or television broadcasting station or studio
 40. Recreation, commercial: indoor facilities.
 41. Religious facility
 42. Rental establishments
 43. Rental, passenger automobiles, passenger trucks and passenger vans. (Amended, Ordinance 2016-36, June 20, 2016)
 44. Repair shops
 45. Residential care home (large or small), when located at least 1,000 feet from any other residential care home.
 46. Restaurants: carry-out; convenience; fast food; drive-in; sit down, temporary facilities.
 47. Retail uses. Outdoor storage is permitted only when fully enclosed within a site-break fenced area.
 48. Schools, Commercial: Para-professional.
 49. Supermarkets, including superstores and warehouse markets
 50. Studio
 51. Similar uses: those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district. (Amended, Ordinance No. 2010-34, May 17, 2010)
 52. Tattoo or body piercing parlor
 53. Video Gaming Parlor (Amended, Ordinance No. 2015-40, August 17, 2015)
(Amended, Ordinance No. 2004-02, January 20, 2004)
(Amended, Ordinance No. 2002-72, August 19, 2002)

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following special uses may be allowed with a conditional use permit:

1. Ambulance service

2. Animal Clinic or Hospital with outdoor kennel located at least 100 feet from any Residential District. (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Car wash, automatic or coin operated self service.
4. Cemetery or cremation garden, provided that all above ground structures (excluding monuments or grave markers) shall be located at least forty (40) feet from any side or rear lot line.
5. Crematory or Crematorium as an ancillary use to a funeral home
6. Mixed use—residential and any combination of office and/or commercial in one building
7. Recreation, commercial: outdoor facilities, when located a minimum of 100 feet from any side or rear lot line in a residential district.
8. Schools, Commercial: Trade and technical.
9. Swim club.

(Amended, Ordinance No. 2009-19, April 20, 2009)

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 10,000
2. Minimum Lot Width (feet): no requirement
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet):
 - a. Adjacent to property in a residential district: 25
 - b. All others: no requirement
5. Minimum Side Yards (feet):
 - a. Adjacent to property in a residential district: 5
 - b. All others: no requirement
6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 3
 - b. Maximum height (feet): 45
7. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

(Amended, Ordinance No. 2004-02, January 20, 2004)

SECTION XIII. B-3 PLANNED SHOPPING CENTER DISTRICT

A. GENERALLY

The B-3 Planned Shopping Center District shall be laid out and developed as a unit according to an approved plan as provided below in order to accomplish its purposes to provide for modern retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods.

B. PERMITTED AND CONDITIONAL USES

1. Buildings or premises shall be used only for the uses listed as permitted or conditional uses in the B-1 and B-2 Commercial Districts.
2. Any conditional uses requested for the development at the time of initial petition may be approved as part of the B-3 plan for the proposed shopping center; however, any subsequent conditional uses must be approved according to the procedures outlined in Section XXII.
3. Any use listed as a conditional use in the B-1 District that is also listed as a Permitted Use in the B-2 District shall be considered to be a permitted use in the B-3 District.

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 3 acres for the total project. No single lot within the contiguous project may be less than 20,000 square feet.
2. Minimum Lot Width (feet): no requirement
3. Setbacks: The location and arrangement of buildings shall be specifically approved according to the procedures in this section, subject to the following:
 - a. No building shall be closer than 50 feet from any side lot line of any property located within a residential district.
 - b. No building shall be closer than 25 feet from any rear lot line of any property located within a residential district.
4. Building Height (see Section XXI):
 - a. Maximum height (feet): 35
 - b. Additional height exception: A part of the shopping center containing a ground floor area of not more than 10,000 square feet may be erected to a height of six (6) stories or ninety (90) feet when located not less than 150 feet from all property lines and when specifically approved as to arrangement and design, as specified hereinafter, and provided further that the aggregate ground area occupied by buildings shall not exceed twenty-five (25) percent of the total area of the shopping center site.

D. PARKING AND LOADING REQUIREMENTS:

Off-street parking shall be provided on a ratio of not less than one automobile space for every 200 square feet of building floor area, the floor area to be determined as provided in Section XXIV. However, if the center proposed has known uses that need more spaces than the above ratio, such as, but not limited to, motion picture theaters, bowling alleys, or restaurants, then the required off-street parking as set forth in Section XXIV shall apply for the building area showing that use. (Amended, Ordinance No. 2004-02, January 20, 2004)

E. APPLICATION

The owner or owners of a tract of land which comprises three (3) acres or more may submit to the City Council a plan for the use and development of such tract for the purpose of and meeting the requirements set forth in this Section. Said plan may be accompanied by evidence concerning the compatibility of the project and its effects on surrounding property and other physical conditions. The plan and supporting evidence shall include each of the following:

1. A site plan showing the following information:
 - a. Existing and proposed contours, at a minimum of 2 foot intervals
 - b. Location, setbacks, exterior dimensions and square footage of all structures.
 - c. Location and dimensions of all access points adjacent to site
 - d. Location, number and dimensions of parking spaces, loading spaces and traffic circulation on site
 - e. Location and size of existing and proposed natural waterways, sanitary sewers, storm sewerage systems, and water distribution system.
 - f. Areas subject to flooding
 - g. Landscaping, subject to the minimum requirements of Section XXVIII, and any additional landscaping as required by the Plan Commission and City Council
 - h. Lighting, including drawings indicating light output within and adjacent to the property.
 - i. Signage, including elevations, dimensions, and locations of all proposed signs
 - j. Pedestrian walkways

(Amended, Ordinance No. 2002-72, August 19, 2002)
2. Traffic survey report by engineers with recognized expertise showing the following. This requirement may be waived by the Public Works Director if the anticipated impact is minimal.
 - a. The effect of the proposed shopping center on the nearby and adjacent street system
 - b. Estimated traffic volume generated by proposed shopping center, peak and off-peak hours.

3. Such additional reasonable provisions related to the development of the property as appear necessary or desirable for the protection of adjoining or nearby properties.

F. REVIEW AND APPROVAL

1. Technical Review Committee

The Technical Review Committee (TRC) shall review the site plan at a date scheduled by the Secretary of the TRC. The applicant and his/her design professionals may participate in this meeting. Based upon the information provided by the applicant, and other information that may come to their notice, the TRC may recommend approval, conditional approval, or denial to the Plan Commission. The recommendation of the TRC will be compiled into draft conditions of approval. If the TRC determines that more information is needed before the application can be approved, they may place the application on hold, in which case the TRC will advise the applicant as to the contents which will be required before approval can be recommended. Applications placed on hold will be rescheduled to the next meeting of the TRC unless the applicant requests more time.

2. Plan Commission review

After the rezoning application and site plan have been filed with the Secretary to the Plan Commission, and have received the recommendation of the TRC, said application, site plan, and draft conditions of approval will be considered by the Plan Commission at a public hearing. The Plan Commission will review the application, site plan, and draft conditions of approval and will make findings concerning the consistency of the application with the comprehensive plan, and with the zoning ordinance and other land development regulations if appropriate; and, based upon these findings, will recommend to the City Council that the project be approved, approved with conditions, or disapproved.

3. Plan Commission findings

In making its recommendations, the Plan Commission shall make the following findings:

- a. Whether the proposed development is being developed in accordance with an integrated overall design plan, and can be developed within that plan.
- b. Whether the location and arrangement of buildings, signage, parking areas, lighting, landscaping, and other facilities are compatible with surrounding uses.
- c. Whether the proposed development will have an adverse impact on any nearby residentially zoned properties
- d. Whether adequate provisions have been included in the plan to prohibit the storage of merchandise, materials, or equipment that would constitute a hazard or seriously interfere with vehicular or pedestrian traffic, or that would create a conflict between vehicular and pedestrian traffic.
- e. Whether roads, driveways, parking and loading areas shall be constructed in accordance with plans and specifications approved by the City

4. Council action

City Council will review the recommended findings of the Plan Commission along with the application, site plan, and draft conditions of approval, and will approve or disapprove the application. In the event that Council chooses to approve the application, the approval shall be contingent upon the conditions of approval listed in the final B-3 Ordinance.

G. CONSTRUCTION

1. All construction shall be in conformance with the final B-3 Ordinance as approved by the City Council.
2. The Zoning Administrator may approve minor changes in locations, siting or character in the final development order, provided that no changes may be authorized that may lead to the following: (Amended, Ordinance No. 2010-34)
 - a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage); (Amended, Ordinance No. 2009-44)
 - b. A change in location of any building or structure by more than 10 feet in any direction;
 - c. Make changes beyond any minimum or maximum requirements set forth in the approved development order.

H. SIGNAGE

Signage in the B-3 district shall be consistent with the terms of the approved final B-3 Ordinance.

I. DELAY IN CONSTRUCTION

In the event that construction of the project is not begun within two years of the date of approval by City Council, the district shall revert to the same zoning classification existing prior to approval of B-3 District and the zoning regulations of said prior district shall thereupon be in full force and effect.

J. AMENDMENTS TO COMPLETED PROJECTS

1. Minor changes to completed projects in the B-3 District may be authorized by the Zoning Administrator, subject to the same conditions imposed on new construction in paragraph G.2 above. (Amended, Ordinance No. 2010-34)
2. All other changes must be approved via the same process as required for new construction

SECTION XIV. B-4 CENTRAL BUSINESS DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Accessory buildings and uses: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Animal Clinic or Hospital, without outdoor kennels (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Automated teller machines
4. Bar or cocktail lounge
5. Business service establishments, on-site
6. Clubs: fraternal, membership organization, and private.
7. Cultural facilities, private
8. Dancing or music academy
9. Drive-through or drive-up facilities attached to a permitted use; except restaurants; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district.
10. Fabrication, Commercial
11. Financial institutions and services
12. Food stores, neighborhood and specialty.
13. Funeral home
14. Government building or use
15. Health care uses:
 - a. Medical or dental offices, clinics or laboratories
 - b. Medical equipment sales and rental
 - c. Prescription pharmacy
16. Hotel or motel
17. Intermodal transit facility for the movement of passengers, bus station and/or taxi facilities
18. Motion picture theater.

19. Multiple dwellings, when located above the ground floor.
20. Non-store retailers
21. Outdoor market: An outdoor market shall be limited to Central Park and its environs, and regulated in a manner set forth by the City Council.
22. Parking or storage garage
23. Personal services
24. Pet services
25. Place of worship.
26. Professional office uses.
27. Public Uses:
 - a. Community center
 - b. Library
 - c. Parks and playgrounds
 - d. Public art gallery
 - e. Public museum
28. Radio or television broadcasting station or studio, but not including sending or receiving towers
29. Recreation, commercial, excluding outdoor facilities
30. Religious facility
31. Rental establishments. (Amended, Ordinance 2016-36, June 20, 2016)
32. Repair shops.
33. Restaurants: carry-out; convenience; fast food; sit down.
34. Retail uses. Outdoor storage is not permitted.
35. Schools, Commercial: Para-professional.
36. Studio
37. Similar uses: those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district. (Amended, Ordinance No. 2010-34, May 17, 2010)

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

B. CONDITIONAL USES

Consistent with the provisions of Section XXII of this Ordinance, the following uses may be permitted by conditional use in the B-4 District:

1. Ambulance service
2. Automobile and equipment dealers
3. Automobile repair and service, major or minor; excepting there from service to buses, trailers and semi-trucks; also excepting body and fender repair and painting.
4. Multiple dwelling units located on the ground floor.
5. Public utility facilities, regional
6. Rental, passenger automobiles, passenger trucks and passenger vans. (Amended, Ordinance 2016-36, June 20, 2016)
7. Restaurants with drive up or drive through facilities.
8. Tattoo or body piercing parlor
9. Truck or transfer terminal or freight house or bus garage and repair shop.

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 200
2. Minimum Lot Width (feet): no requirement
3. Minimum Setbacks: no requirement
4. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 12
 - b. Maximum height (feet): 150
5. Minimum Distance Between Structures (feet): 8

(Amended, Ordinance No. 2005-105, December 19, 2005)

SECTION XV. PMR-1 PARK MOBILE HOME RESIDENCE DISTRICT

A. USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Placement and occupation of mobile homes as dwelling units
2. Mobile home park administration
3. Supportive facilities customarily allied with mobile home dwelling uses, such as social, recreational, meeting, laundry, and like rooms, only if the use thereof is limited to park personnel and residents and their guests, and which are so designed and located as to exhibit such limited use and to discourage use by the general public, and which may include an interiorly located convenience store having no direct access to or orientation toward a public way.
4. Accessory buildings or uses customarily incidental to any of the foregoing uses in this Section: Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
5. Mobile home sales: No more than eight (8) models may be displayed at any time.

B. HEIGHT AND AREA REGULATIONS

The height and area regulations set forth in the Mobile Home Park Ordinance of the City shall be observed.

1. Minimum Distance Between Structures (feet): 8
(Amended, Ordinance No. 2005-105, December 19, 2005)

C. PARKING AND LOADING REGULATIONS

The parking and loading regulations set forth in said Mobile Home Park Ordinance and in Section XXIV of this Ordinance shall be observed.

SECTION XVI. M-1 INTENSE COMMERCIAL - LIGHT INDUSTRIAL DISTRICT

A. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Accessory buildings and uses Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Animal Clinic or Hospital, with outdoor kennel located at least 100 feet from any Residential District. (Amended, Ordinance No. 2004-27, April 19, 2004)
3. Animal kennel, provided that any outdoor kennels be located not less than 100 feet from a property line of any property located in a residential district.
4. Ambulance service, private
5. Automatic Teller Machines
6. Automobile Repair and Service, major and minor
7. Automobile service station
8. Automobile and equipment dealers
9. Bar or cocktail lounge, when located not less than 100 feet from a side or rear lot line of any property within a residential district
10. Building materials sales
11. Business service establishments, on-site and off-site
12. Car wash, automatic and coin-operated self-service
13. Cleaning and maintenance service
14. Clubs: fraternal, membership organization, and private.
15. Contractors and builders
16. Convenience food and beverage store, including extended hours.
17. Cultivation Center (Amended, Ordinance No. 2014-27, June 16, 2014)
18. Dancing or music academies
19. Drive-through or drive-up facilities attached to an allowed use; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district.
20. Financial institutions and services

21. Food stores
22. Freezer and locker meat providers.
23. Funeral home, mortuary, or crematory. (Amended, Ordinance No. 2005-105, December 19, 2005)
24. Gasoline station.
25. Government use.
26. Health care uses:
 - a. Medical or dental offices, clinics or laboratories
 - b. Medical equipment sales and rental
 - c. Prescription pharmacy.
27. Hotel or motel.
28. Intermodal transit facility for the movement of passengers, bus station and/or taxi facilities
29. Laboratory, research and development
30. Manufacturing, light.
31. Medical cannabis dispensing organization, dispensing organization or dispensary organization. (Amended, Ordinance No. 2014-27, June 16, 2014)
32. Motion picture theater.
33. Non-store retailers.
34. Parking or storage garage.
35. Personal services.
36. Pet services.
37. Pet shop.
38. Professional office uses.
39. Public utility facilities regional.
40. Recreation, commercial: indoor facilities.
41. Recycling Center: All collected recyclables shall be stored within a structure, mobile recycling truck or other enclosed container. (Amended, Ordinance No. 2009-54, July 20, 2009)
42. Rental establishment.

43. Rental, passenger automobiles, passenger trucks and passenger vans. (Amended, Ordinance No. 2016-36, June 20, 2016)
44. Rental, trucks and trailers. (Amended, Ordinance No. 2016-36, June 20, 2016)
45. Repair shops.
46. Restaurants: carry-out; convenience; fast food; sit down, temporary facilities.
47. Retail uses.
48. Riding academy. (Amended, Ordinance No. 2004-27, April 19, 2004)
49. Schools, commercial.
50. Self-service storage facility, or mini-warehouse.
51. Storage, enclosed.
52. Supermarkets, including superstores and warehouse markets.
53. Tattoo or body piercing parlor.
54. Underground bulk storage.
55. Video Gaming Parlor (Amended, Ordinance No. 2015-40, August 17, 2015)
56. Warehouse, private, or distribution facilities.
57. Wholesale dealer.
58. Similar uses; those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district. (Amended, Ordinance No.,. 2010-34, May 17, 2010)

(Amended, Ordinance No. 2004-27, April 19, 2004)

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

B. CONDITIONAL USES

Conditional uses may be needed in the development of a unified development such as an industrial park. In addition, conditional use permits act to provide further regulation of land uses with special needs or intensities. Consistent with the provisions of Section XXII, the following land uses may be permitted as a conditional use in the M-1 Light Industrial District:

1. Airport, landing field, or landing strip
2. Amusement park.
3. Day care center.

4. Intermodal transportation facility for the warehousing and distribution of goods and/or materials.
5. Pet cemetery
6. Recreation, commercial: outdoor facilities, when located a minimum of 100 feet from any side or rear lot line in a residential district.
7. Rifle or pistol range

(Amended, Ordinance No. 2009-54, July 20, 2009)

(Amended, Ordinance No. 2004-02, January 20, 2004)

(Amended, Ordinance No. 2002-72, August 19, 2002)

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 6,500
2. Minimum Lot Width (feet): no requirement
3. Minimum Front Yard (feet): 25
4. Minimum Rear Yard (feet):
 - a. Adjacent to property in a residential district: 25
 - b. All others: no requirement
5. Minimum Side Yards (feet):
 - a. Adjacent to property in a residential district: 5
 - b. All others: no requirement
6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 10
 - b. Maximum height (feet): 125
7. Minimum Distance Between Structures (feet): 8 (Amended, Ordinance No. 2005-105, December 19, 2005)

D. PERFORMANCE STANDARDS

All land uses within the light industrial district shall be expected to function within the following requirements:

1. Noise.

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which is discernible from the property line of the noise-intensive use. Emergency vehicles, sirens, communications, as well as aircraft operations, construction and worship bells or chimes, are exempt from these requirements.

2. Odor.

No odor from the following sources shall be detectable at the property line:

- a. Dead or decaying matter,
- b. Storage of waste, garbage or untreated sewage;
- c. Animal offal and similar byproducts.

3. Glare, dust, and vibrations.

All emissions of glare, dust and/or vibration shall be contained within the property line. Vibration or glare shall not be discernible from the street or sidewalk adjoining the property.

4. Outdoor storage; screening.

Any outdoor storage of equipment or materials, other than vehicles for sale, must be enclosed by a six-foot high fence, six-foot high hedge or similar landscape materials, or an appropriate combination thereof. However, if the property is located within 300 feet of any property that is zoned R-1, R-2, R-3, R-5, R-6, PMR-1, O-1, B-1, B-2, B-3 and PD or any non-industrial use in the city limits or neighboring jurisdiction it must be screened by a six-foot high site break fence, six-foot high hedge or similar landscape materials, or an appropriate combination thereof. Measurements shall be made from the nearest point on the property/lot lines of each property.

(Amended, Ordinance No. 2015-28, June 15, 2015)

(Amended, Ordinance No. 2002-72, August 19, 2002)

SECTION XVII. M-2 HEAVY INDUSTRIAL DISTRICT

A. PERMITTED USES

1. Accessory buildings and uses. Accessory buildings or structures are only permitted to be constructed and / or continued if there is a main building or structure present. (Amended, Ordinance No. 2005-105, December 19, 2005)
2. Adult entertainment use, when located at least 500 feet from any property located in a residential district or any school, mobile home park, or public park, and at least 1,000 feet from any other adult entertainment use. Measurements shall be made from the lot lines of the property containing the proposed adult entertainment use and any residentially-zoned property, school, mobile home park, public park, and/or other adult entertainment use.
3. Ambulance service.
4. Animal Clinic or Hospital, with outdoor kennel located at least 100 feet from any Residential District. (Amended, Ordinance No. 2004-27, April 19, 2004)
5. Animal kennel.
6. Automobile Repair and Service, major and minor
7. Automobile service station.
8. Automobile and Equipment Dealers.
9. Building materials sales.
10. Car wash, automatic and coin-operated self-service.
11. Cleaning and maintenance service.
12. Contractors and builders.
13. Drive-through or drive-up facilities attached to an allowed use; however, all amplified equipment shall be located at least 25 feet from any side or rear lot line in a residential district. (Amended, Ordinance No. 2002-72, August 19, 2002)
14. Gasoline station.
15. Government use.
16. Intermodal transit facility for the movement of passengers, bus station and/or taxi facilities
17. Intermodal transportation facility for the warehousing and distribution of goods and/or materials.
18. Laboratory, research and development
19. Manufacturing, light or heavy.

20. Parking or storage garage.
21. Public utility facilities: regional and system.
22. Radio or television broadcasting station or studio.
23. Recycling Center: All collected recyclables shall be stored within a structure, mobile recycling truck or other enclosed container. (Amended, Ordinance No. 2009-54, July 20, 2009)
24. Repair shops.
25. Self storage facility or mini-warehouse.
26. Storage, enclosed.
27. Tattoo or body piercing parlor
28. Underground bulk storage.
29. Warehouse, private or distribution facilities.
30. Watchman or caretaker residence, when located on the same premises as the use that is served by the watchman or caretaker.
31. Wholesale dealer.
32. Similar uses: those uses that are determined by the Zoning Administrator to be similar to the uses enumerated herein and are consistent with the purpose and intent of the district. (Amended, Ordinance No. 2010-34, May 17, 2010)

B. CONDITIONAL USES

1. Any industrial land use not listed as a permitted use in the M-1 or M-2 districts.
2. Automotive salvage operations.
3. Automotive storage yards.
4. Extraction uses
5. Industrial and commodity scrap processing.
6. Retail salvage operations or junk yards.
7. Storage yards.

C. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area (square feet): 10,000
2. Minimum Lot Width (feet): no requirement
3. Minimum Front Yard (feet): 25

4. Minimum Rear Yard (feet):
 - a. Adjacent to property in a residential district: 25
 - b. All others: no requirement
5. Minimum Side Yards (feet):
 - a. Adjacent to property in a residential district: 5
 - b. All others: no requirement
6. Building Height (see Section XXI for exceptions to height regulations):
 - a. No. of stories: 10
 - b. Maximum height (feet): 125
7. Minimum Distance Between Structures (feet): 8 (Amended, Ordinance No. 2005-105, December 19, 2005)

D. PERFORMANCE STANDARDS

All land uses within the heavy industrial district shall be expected to function within the following requirements:

1. Noise.

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds 80 dBA, when measured in accordance with the American Standard for the Physical Measurement of Sound. Such measurement shall take place at the property line of the noise-intensive use. Emergency vehicles, sirens, communications; as well as aircraft operations, construction and worship bells or chimes, are exempt from these requirements. A Special Use Permit shall be obtained from the City Council to operate where sounds may exceed 80 dBA.

2. Odor.

- a. No odor from the following sources shall be detectable at the property line:
 - i. Dead or decaying matter,
 - ii. Storage of waste, garbage or untreated sewage;
 - iii. Animal offal and similar by-products.
- b. Other odors that are incurred in the processing or manufacturing stages shall be permitted unless deemed an air pollutant by the United States Environmental Protection Agency (USEPA), the Illinois Environmental Protection Agency (IEPA) or the City Council.

3. Outdoor storage; screening.

Any outdoor storage of equipment or materials, other than vehicles for sale, must be enclosed by a six-foot high fence, six-foot high hedge or similar landscape materials, or an appropriate combination thereof. However, if the property is located within 300 feet of any property that is zoned R-1, R-2, R-3, R-5, R-6, PMR-1, O-1, B-1, B-2, B-3 and PD or any non-industrial use in the city limits or neighboring jurisdiction it must

be screened by a six-foot high site break fence, six-foot high hedge or similar landscape materials, or an appropriate combination thereof. Measurements shall be made from the nearest point on the property/lot lines of each property. (Amended, Ordinance No. 2015-41, August 17, 2015) (Amended, Ordinance No. 2002-72, August 19, 2002)

SECTION XVIII. M-3 LIMITED INDUSTRIAL DISTRICT

A. GENERALLY

Development in the M-3 Limited Industrial District shall be laid out and developed according to an approved plan as provided in this Section in order to accomplish its purpose to provide space in attractive and appropriate locations for certain types of business and manufacturing free from offense in modern, landscaped buildings, to provide opportunities for employment closer to residence with a reduction in travel time from home to work.

B. PERMITTED USES

A building or premises shall be used only for the following purposes:

1. Art needle work, hand weaving and tapestries.
2. Books, hand binding and tooling.
3. Compounding of cosmetics and pharmaceutical products.
4. Health care uses: medical or dental offices, clinics or laboratories.
5. Jewelry, manufacture from precious metals.
6. Manufacture of clay, leather, metal and glass products of a handicraft nature.
7. Manufacture of medical, dental and drafting instruments.
8. Manufacture of optical goods and equipment, watches, clocks, and other similar precious instruments.
9. Manufacture of small electrical or electronic apparatus, musical instruments, games and toys.
10. Medical equipment establishment.
11. Motion picture producing.
12. Parking area —ground level.
13. Professional office uses: Accounting; employment agencies; governmental offices; insurance; law; real estate and title services; income tax services; non-profit social service agency offices, and similar professional offices.
14. Radio and television broadcasting stations and studios but not including sending or receiving towers.
15. Uses not listed that conform to the intent of the M-3 District that are approved by the Council via the development approval process.

C. HEIGHT AND AREA REGULATIONS

1. Maximum heights.

No building shall exceed a height of two (2) stories or thirty-five (35) feet, except that a building may be erected to a height of sixty (60) feet when the distances from the street and any residential district boundary line required in this Section are increased by one foot for each foot of building height above thirty-five (35) feet.

2. Distances from other buildings.

No part of any building or accessory structure shall be located closer than fifty (50) feet from any portion of a lot in an adjoining residential district and all buildings and accessory structures shall maintain a minimum front yard setback of not less than twenty-five (25) feet.

D. PROCEDURE

The owner or owners of land sought to be placed in this district shall submit to the Technical Review Committee a plan for the use and development thereof for the purposes permitted by, and meeting the requirements provided in this section. Said plan shall be accompanied by a report showing the number of persons to be employed, the projected effects of the development on surrounding property including adjacent or nearby streets, and other material physical conditions. Said plan shall include a site development plan defining the areas to be occupied by buildings and by parking facilities; the location of roads, driveways and walkways; the location and height of walls; the location of loading facilities; and, the character and extent of landscaping, planting and other treatment for adjustment to surrounding property. No development or use of land included within this district shall be made or permitted except as shown on such site development plan. Additions to and amendments of said plan may be permitted but only upon the same procedure as set out herein for initial development.

E. REVIEW AND APPROVAL

1. Technical Review Committee

The Technical Review Committee (TRC) shall review the site plan at a date scheduled by the Secretary of the TRC. The applicant and his/her design professionals may participate in this meeting. Based upon the information provided by the applicant, and other information that may come to their notice, the TRC may recommend approval, conditional approval, or denial to the Plan Commission. The recommendation of the TRC will be compiled into draft conditions of approval. If the TRC determines that more information is needed before the application can be approved, they may place the application on hold, in which case the TRC will advise the applicant as to the contents which will be required before approval can be recommended. Applications placed on hold will be rescheduled to the next meeting of the TRC unless the applicant requests more time.

2. Plan Commission review.

After the rezoning application and site plan have been filed with the Secretary to the Plan Commission, and have received the recommendation of the TRC, said application, site plan, and draft conditions of approval will be considered by the Plan Commission at a public hearing. The Plan Commission will review the application, site plan, and

draft conditions of approval and will make findings concerning the consistency of the application with the comprehensive plan, and with the zoning ordinance and other land development regulations if appropriate; and, based upon these findings, will recommend to the City Council that the project be approved, approved with conditions, or disapproved.

3. Plan Commission findings.

In making its recommendations, the Plan Commission shall make the following findings:

- a. Whether the proposed development is being developed in accordance with an integrated overall design plan, and can be developed within that plan.
- b. Whether the location and arrangement of buildings, signage, parking areas, lighting, landscaping, and other facilities are compatible with surrounding uses.
- c. Whether the proposed development will have an adverse impact on any nearby residentially zoned properties.
- d. Whether adequate provisions have been included in the plan to prohibit the storage of merchandise, materials, or equipment that would constitute a hazard or seriously interfere with vehicular or pedestrian traffic, or that would create a conflict between vehicular and pedestrian traffic.
- e. Whether roads, driveways, parking and loading areas shall be constructed in accordance with plans and specifications approved by the City.

4. Council action.

City Council will review the recommended findings of the Plan Commission along with the application, site plan, and draft conditions of approval, and will approve or disapprove the application. In the event that Council chooses to approve the application, the approval shall be contingent upon the conditions of approval listed in the final M-3 Ordinance.

F. CONSTRUCTION

1. All construction shall be in conformance with the final M-3 Ordinance as approved by the City Council.
2. The Zoning Administrator may approve minor changes in locations, siting or character in the final development order, provided that no changes may be authorized that may lead to the following: (Amended, Ordinance No. 2010-34)
 - a. An increase in the size of any building or structure;
 - b. A change in location of any building or structure by more than 10 feet in any direction;
 - c. Make changes beyond any minimum or maximum requirements set forth in the approved development order.

G. DELAY IN CONSTRUCTION

In the event that construction of the project is not begun within two years of the date of approval by City Council, the district shall revert to the same zoning classification existing prior to approval of M-3 District and the zoning regulations of said prior district shall thereupon be in full force and effect.

H. AMENDMENTS TO COMPLETED PROJECTS

1. Minor changes to completed projects in the M-3 District may be authorized by the Zoning Administrator, subject to the same conditions imposed on new construction in paragraph F.2 above. (Amended, Ordinance No. 2010-34)
2. All other changes must be approved via the same process as required for new construction.

SECTION XIX. PD PLANNED DEVELOPMENT DISTRICT

A. GENERALLY

1. Intent
 - a. The intent of the Planned Development district is to encourage more efficient use of land and provision of greater amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of the zoning districts.
 - b. The Planned Development District is intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and/or would allow greater protection of natural resources and open space through clustering, traditional neighborhood development, or other innovative site planning and design practices.
 - c. Typically, use of the Planned Development District enables the development of all or portions of a site at higher densities and/or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above-normal site amenities. The Planned Development District shall not be used mainly as a means for avoiding the standards required by the other zoning districts.
2. Development in the PD Planned Development District shall be laid out and developed as a unit according to an approved plan as provided below in order to conform to the intent of the District.
3. The City Council may approve the rezoning of a tract of land to PD Planned Development District in the absence of a plan when it is determined that it would be in the best interest of the City and the surrounding neighborhood to insure that development of the property be in accordance with an approved overall development plan. No development of such a property may occur until a plan for such development has been approved by the City Council in accordance with the procedures in this Section.

B. PERMITTED AND CONDITIONAL USES

Buildings or premises may be used for any of the uses listed as permitted uses or conditional uses in the R-1, R-2, R-3, R-5, R-6, O-1, B-1, B-2, B-4, M-1, M-2 and M-3 districts, subject to any limitations approved by the Council in the planned development ordinance for each Planned Development.

C. HEIGHT AND AREA REGULATIONS

Height and area restrictions, including front, rear, and side yard setbacks, shall be as established in the approved planned development ordinance.

D. PARKING AND LOADING REQUIREMENTS

Parking and loading requirements for each Planned Development shall be consistent with the requirements in Section XXIV for all uses approved within the development; however, the City Council may approve more or less restrictive parking and loading standards in the final planned development ordinance, if evidence is provided that there will be no current or potential increase in parking congestion on surrounding streets.

E. SIGNAGE

Signage in the PD Planned Development district shall be consistent with the terms of the approved planned development ordinance.

F. PROCEDURE; CONTENTS OF APPLICATION

The owner or owners of a tract of land may submit to the City Council a petition for rezoning to PD, Planned Development District (if the property has not previously been zoned PD) and a plan for the use and development of such tract for the purpose of and meeting the requirements set forth in this Section. Said plan shall be accompanied by evidence concerning the compatibility of the project and its effects on surrounding property and other physical conditions which plan and supporting evidence may include each of the following:

1. A site plan showing the following information:
 - a. Existing and proposed contours
 - b. General location and size of all structures
 - c. Location of all access points adjacent to site
 - d. Number and size of parking spaces, loading spaces and traffic circulation on site
 - e. Location and size of walkways, sanitary sewers, storm sewerage systems, and water distribution system
 - f. Areas subject to flooding
 - g. Landscaping, subject to the minimum requirements of Section XXVII, and any additional landscaping as required by the Plan Commission and City Council
 - h. Lighting, including drawings indicating type of fixtures used and light output within and adjacent to the property, in accordance with Section XXVII
 - i. Signage, including sign drawings or elevations, dimensions, and locations of all proposed signs.
 - j. Pedestrian walkways
 - k. Such additional information as required to meet the intent and requirements of this Section.

2. Traffic impact report by engineers with recognized expertise, showing the following. This requirement may be waived by the Public Works Director if the anticipated impact is minimal.
 - a. The effect of the proposed development on the nearby and adjacent street system
 - b. Estimated traffic volume generated by the proposed development, during peak and off-peak hours.
 - c. A traffic impact study projecting the impact of the proposed project on the City's transportation network
 - d. Recommended mitigating improvements, if any
 - e. That approval has been sought from the Illinois Department of Transportation for development affecting roadways which fall within the jurisdiction of that agency.
3. Additional provisions

The City may require such additional reasonable provisions as appear necessary or desirable for the protection of adjoining or nearby properties.

G. REVIEW AND APPROVAL

1. Technical Review Committee
 - a. The Technical Review Committee (TRC) shall review the site plan at a date scheduled by the Secretary of the TRC. The applicant and his/her design professionals may participate in this meeting. Based upon the information provided by the applicant, and other information which may come to their notice, the TRC may recommend approval, conditional approval, or denial to the Plan Commission. If the TRC determines that more information is needed before the application can be approved, they may place the application on hold, in which case the TRC will advise the applicant as to the contents which will be required before approval can be recommended. Applications placed on hold will be rescheduled to the next meeting of the TRC unless the applicant requests more time.
 - b. Upon approval by the TRC, the Secretary of the TRC shall prepare draft conditions of approval that outline all requirements and conditions of approval for the Planned Development. The draft conditions of approval shall be forwarded to the Plan Commission for review and recommendation.

2. Plan Commission review.

After the rezoning application and site plan have been filed with the Plan Commission, and after having received the recommendation of the TRC, said application, site plan, and draft conditions of approval will be considered by the Plan Commission at a public hearing. The Plan Commission will review the application, site plan, and draft conditions of approval and will make findings concerning the consistency of the application with the comprehensive plan, the zoning ordinance and other land

development regulations if appropriate; and, based upon these findings, will recommend to the City Council that the Planned Development be approved, approved with conditions, or disapproved.

3. Plan Commission findings.

In the course of review and recommendation of a development within the PD District, the Plan Commission shall consider the following factors and will issue written findings on each of them:

- a. Compatibility with the character of the surrounding neighborhood and general area

To this end, the Commission may require in the absence of an appropriate physical barrier, that uses of least intensity and/or a buffer of green space or screening be arranged along the borders of the project.

- b. Effect on area

The effect of the proposed Planned Unit Development upon the immediate area

- c. Design and amenities

Whether or not development within the PUD District, as opposed to development in traditional zoning districts is warranted by virtue of the design and amenities incorporated in the development plan.

- d. Consistency with comprehensive plan

That the proposed Planned Unit Development is generally consistent with the Decatur comprehensive plan and with the intent of this Ordinance

- e. Traffic capacity

That the existing and proposed streets are adequate to carry anticipated traffic within the proposed Planned Unit Development and in the general vicinity thereof

- f. Adequacy of utilities

That existing and proposed utility services are adequate for the proposed development

- g. Integration

Whether the proposed development is being developed in accordance with an integrated overall design plan, and can be developed within that plan.

- h. Adequacy of parking facilities

Whether roads, driveways, parking and loading areas shall be constructed in accordance with plans and specifications approved by the City

4. Council action

City Council will review the recommended findings of the Plan Commission along with the application, site plan, and draft conditions of approval, and will approve or

disapprove the rezoning and planned development application. In the event that Council chooses to approve the application, the Council may incorporate the draft conditions of approval into the final Planned Development ordinance or may alter said conditions as the Council deems necessary.

H. CONSTRUCTION

1. All construction shall be in conformance with the development order as approved by the City Council.
2. The Zoning Administrator may approve minor changes in locations, siting or character in the final development order, provided that no changes may be authorized that may lead to the following: (Amended, Ordinance No. 2010-34)
 - a. An increase of twenty percent (20%) or more in the size of any building or structure (excluding signage); (Amended, Ordinance No. 2009-44)
 - b. A change in location of any building or structure by more than 10 feet in any direction;
 - c. Make changes beyond any minimum or maximum requirements set forth in the approved planned development ordinance.
3. Proposed changes that do not conform to the above paragraph may only be approved via amendment to the Planned Development, subject to the same procedures as required for initial approval.

I. DELAY IN CONSTRUCTION

1. In the event that construction of the project is not begun within two (2) years of the date of approval by City Council, the Planned Development shall expire and no longer be in force or effect. Any future development of the same site shall require approval of a new Planned Development in accordance with the requirements of this Section.
2. In the case of a property zoned PD upon petition initiated by the City, the PD classification shall remain unless and until a petition to rezone the property or a portion thereof is approved by the City Council.

J. AMENDMENTS TO COMPLETED PROJECTS

1. Minor changes to completed projects in the PD District may be authorized by the Zoning Administrator, subject to the same conditions imposed on initial construction in paragraph H.2 above. (Amended, Ordinance No. 2010-34)

All other changes must be approved via the same process as required for initial construction.

SECTION XX. SPECIAL DISTRICTS

A. OVERLAY DISTRICTS

The following overlay districts may be applied in addition to and over the zoning existing at the time the overlay district was approved. All uses within any overlay district are subject to the use, height and area requirements of the underlying zoning district, as well as all other requirements of this Ordinance, except as modified by the requirements of the overlay district.

B. PROCESS

The process for including property within an overlay district shall be the same as for rezoning, as enumerated in Section XXIX, except as provided in this Section.

C. I-OL INSTITUTIONAL OVERLAY DISTRICT

1. Intent

The intent of the I-OL Institutional Overlay District is to provide standards for regional and community-wide institutions that serve the general good of the public, such as hospitals, colleges and universities. The I-OL District is designed to meet the special needs of these uses while providing safeguards to the surrounding neighborhoods.

2. District Boundaries

- a. The I-OL District may extend beyond the current boundaries of an institutional campus to include future expansion areas.
- b. At the time of application, the institution seeking establishment of an I-OL Institutional Overlay District must provide (in addition to the required submittals for rezoning, as outlined in Section XXIX) the following:
 - i. a map depicting the boundaries of the I-OL District, with a legal description of the same;
 - ii. justification of the proposed boundaries: This may take the form of a master plan, site plan or projections of future land use needs.
- c. The boundaries may be amended via the same process as used to establish the initial overlay district.

3. Permitted Uses

- a. The following uses may be located within the Institutional Overlay District:
 - i. Hospitals, clinics, laboratories, medical offices, family residential care facilities and intermediate and long-term care facilities, surface parking and other parking facilities, located upon an integrated and contiguous health-care campus, including any accessory uses and buildings clearly accessory and ancillary to the health care institution. (Amended, Ordinance No. 2004-95, December 6, 2004)
 - ii. Colleges and universities, along with associated facilities, fraternities, sororities and similar, if located contiguous to the main campus

- b. The above uses may be established regardless of the underlying zoning, subject to all requirements and restrictions listed in this Section.

4. Established uses; undeveloped property

Uses other than those listed in subparagraph 3, above, that were established prior to adoption of the I-OL District may be used, developed or redeveloped subject to the underlying zoning only and shall only be subject to the I-OL requirements if used, developed, or redeveloped into the institutional use or otherwise made a part of the institution. This shall include any undeveloped property that is not contiguous to the institutional campus.

5. Minimum Area

No I-OL Institutional Overlay District may be less than 20 acres in contiguous area.

6. Buildings Per Lot.

More than one building may occupy a single lot, provided that all applicable regulations, including minimum setback, building separation and off-street parking requirements, can be met.

7. Height, Area and Setback Regulations

- a. Minimum Lot Area: none
- b. Front Yard Setback: 25 feet.
- c. Rear Yard Setback
 - i. Adjacent to residential uses in an underlying residential district: 40 feet
 - ii. All others: none
- d. Side Yard Setback
 - i. Adjacent to residential uses in an underlying residential district: 40 feet
 - ii. All others: none
- e. Minimum Building Separation: 10 feet (Amended, Ordinance No. 2004-95, December 6, 2004)
- f. Maximum Building Height
 - i. Number of stories: 10 for the main building; 7 for all other buildings
 - ii. Maximum height: 120 feet for the main building; 75 feet for all other buildings. (Amended, Ordinance No. 2004-95, December 4, 2004)

8. Signage

- a. Identifying signs: For the purpose of this section, an “identifying sign” is a freestanding sign that identifies and advertises the institution and/or the campus as a whole.
 - i. Number: Each institution may have one (1) identifying sign for each 500 feet of campus frontage on a major or arterial street, regardless of individual lot frontage.

- ii. Maximum Area: 80 square feet.
- iii. Maximum Height: 15 feet.
- iv. Minimum Setback: Ten (10) feet
- v. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any side or rear lot line of a lot used for residential purposes.
- vi. Four (4) Electronic Message Unit signs shall be permitted. The four (4) permitted locations are as follows: (a) The Southwest corner of the intersection of North Main Street and West McKinley Avenue; (b) The Northwest corner of the intersection of North Main Street and West Kenwood Avenue; (c) The Southeast corner of the intersection of West McKinley Avenue and North Monroe Street; (d) The Northeast corner of the previously vacated West Hay Street and North Monroe Street.

The four (4) permitted Electronic Message Unit signs shall not exceed twenty-five (25) feet in height and shall not exceed one hundred (100) square feet in area. The Electronic Message Unit portion of the sign shall not exceed fifty (50) square feet in area. The Electronic Message Unit shall be dimmed to fifty percent (50%) between the hours of 10:00 p.m. and 6:00 a.m.

(Amended, Ordinance No. 2009-03, January 20, 2009; Ordinance No. 2004-95, December 6, 2004)

- b. Individual building signs: Each individual building within the institutional campus may have a freestanding sign or signs identifying the name, use, purpose and/or tenants of the building, subject to the requirements below:
 - i. Number per Building: One (1); however, a building located on a corner that has access drives to each street may have two (2) signs, located near or approximate to each access drive.
 - ii. Maximum Area: 80 square feet (Amended, Ordinance No. 2004-95)
 - iii. Maximum Height: Ten (10) feet
 - iv. Minimum Setback: Ten (10) feet
 - v. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any side or rear lot line of a lot used for residential purposes.
- c. Wall Signs: Wall signs shall be subject to the requirements of Section XXV.E.
- d. Wayfinding Signs: For the purpose of this Section, a “wayfinding sign” shall be a sign with the express purpose of giving directions to locate a specific

building or portion thereof or to any location, individual, use or program within the institution. Wayfinding signs may be placed anywhere on the campus for the purpose of directing vehicular and pedestrian traffic. Such signs may contain multiple faces, provided that the total area of each face does not exceed the maximum stated below. A wayfinding sign may contain a logo or other script identifying the institution, provided that no more than 25 percent of the area of any sign face shall be utilized for such advertising. Wayfinding signs shall be divided into two (2) categories, major and minor. (Amended, Ordinance No. 2004-95, December 6, 2004)

- i. Number: There is no limit to the number of wayfinding signs, provided that they are placed in appropriate locations to direct traffic. Major wayfinding signs shall be limited to one (1) per street intersection. (Amended, Ordinance No. 2004-95, December 6, 2004)
- ii. Maximum Area: Minor sign 50 square feet per sign face; Major sign 80 square feet per sign face. (Amended, Ordinance No. 2004-95)
- iii. Maximum Height: Minor sign is five (5) feet; Major sign is 14 feet. (Amended, Ordinance No. 2004-95, December 6, 2004)
- iv. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any side or rear lot line of a lot used for residential purposes.

9. Parking Lot Setbacks: Required parking lot setbacks shall follow the requirements for the O-1 District, as listed in Section XXIV.D.2.

10. Landscaping and Exterior Lighting: All institutional development within the I-OL District shall be subject to the requirements for commercial development in Section XXVIII. Remove all tree landscaping required in the parking lot islands except at grade plantings. The total landscape points shall be increased by a factor of 1.2 for the number of points required for trees within the parking lot. All trees shall be planted on the perimeter. Also, all parking lot islands may be filled with landscape rock with a trim border instead of mulch. (Amended, Ordinance No. 2004-95, December 6, 2004)

11. Development

- a. All development within the I-OL District shall be reviewed by the Plan Commission and approved by the City Council, unless all of the following conditions apply:
 - i. The property to be developed is at least one-half (1/2) acre for parcels contiguous to the developed institutional campus; allow the property to be developed if it is at least one (1) acre in size and within the Overlay District boundaries. (Amended, Ordinance No. 2004-95)
 - ii. The property is within the Overlay District boundary and is a natural expansion of the campus. (Amended, Ordinance No. 2004-95)
 - iii. None of the property under development is contiguous to a one or two family property on more than two sides of said one or two family property,

excepting there from any one or two family property already owned in fee simple title by the institution.

- b. A site plan shall be submitted for recommendation by the Plan Commission and approval by the City Council if all of the above conditions are not met. The site plan submittal shall follow the same requirements for a site plan to be submitted for rezoning to PD Planned Development District, as outlined in Section XIX, and shall be rezoned as such.

12. Variances

- a. Any request by an institutional use for a variance to the requirements of this Section or to the requirements of the underlying zoning district must be reviewed by the Plan Commission in a public hearing, after which the Plan Commission shall make a recommendation to the City Council. The City Council will then rule on said variance, and may impose conditions on the same to insure that the variance meets the intent of the I-OL District, the intent of the underlying district, and the general purpose and intent of the Zoning Ordinance.

This requirement shall apply only to the institutional use and its ancillary uses. Any variance request by any other property owner or use within the I-OL District must follow the requirements of Section XXX.

D. A-OL, AIRPORT OVERLAY DISTRICT

1. Intent

The intent of the A-OL Airport Overlay District is to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Decatur Airport so as to protect the public investment in, and benefit provided by this facility to the community and region.

2. District Boundaries

- a. The boundaries of the A-OL District are to be applied as an overlay district to lands which are owned by the Decatur Park District and / or the Decatur Park Foundation and commonly referred to as the Decatur Airport property.
- b. This District may be extended beyond the current boundaries of the Airport property to include future expansion areas. Such boundary changes may be allowed provided copies of deeds are submitted and annexation petitions have been approved by the City Council.

3. Definitions

In addition to the definitions set forth in Article II, the following definitions shall apply specifically to the A-OL. In the event that there is a conflict between definitions in Article II and this Article, those in this Article shall control.

- a. FAR Part 77 Surfaces – A map or plan depicting the three dimensional airspace that includes the obstruction identification surfaces, including

approach, transition, horizontal and conical surfaces, obstructions to those surfaces and navigational slopes for instrument and non-instrument landing systems related to airfield operations of a civil airport.

- b. Airport Layout Plan – A map or plan, prepared by a professional engineer, showing existing and future (planned) airport facilities including runways, taxi ways, operations facilities, hangars and tie-downs, ancillary and support facilities, navigational facilities, building restriction line(s), runway and other protection zones and fuel farms

4. Permitted Uses

The following uses may be located within the A-OL provided they are developed in accordance with the applicable processes and any amendments thereto:

- a. Airport runways, taxi ways, taxi lanes, aircraft parking aprons, and auxiliary roads
- b. Individual unit hangars
- c. Multiunit hangars
- d. T-hangars
- e. Terminal buildings
- f. Aircraft maintenance and repair shops
- g. Rental car facilities
- h. Control towers
- i. Aviation fueling facilities
- j. Aviation museums
- k. Aircraft rescue and fire fighting facilities
- l. Landing and Navigational aids
- m. Airport related administration offices
- n. Aircraft wash facilities
- o. Public rest room facilities
- p. U. S. Customs and Foreign Trade Zone operations and facilities
- q. Air cargo warehouse and storage facilities
- r. Air freight service facilities
- s. Distribution operations and facilities
- t. Packaging and minor production facilities
- u. Research and Development related uses and facilities
- v. Intermodal Transportation operations

- w. Airport parking areas and parking structures
- x. Pilot training facilities
- y. Public recreational facilities
- z. Agricultural uses provided they comply with all other regulations applicable to the operation of the airport
- aa. Restaurants (as an accessory use to a terminal building)
- bb. Retail stores (as an accessory use and located in the terminal building)
- cc. Public recreational facilities
- dd. Other directly related auxiliary and / or accessory facilities

5. Conditional Uses

Other uses which may be directly related to an airport or ancillary use which have not been previously permitted but are considered by the Zoning Administrator to be consistent with the intent of the Airport Overlay District and in general harmony with the surrounding land uses. (Amended, Ordinance No. 2010-34)

6. Minimum Area

No A-OL Airport Overlay District may be less than 100 acres in contiguous area.

7. Buildings Per Lot

Multiple buildings currently exist and additional buildings may be constructed provided that all applicable regulations, including minimum setback, building separation and off-street parking requirements, can be met.

8. Height, Area and Setback Regulations

- 1. Minimum Lot Area: None
- 2. Front Yard Setback: 25 feet
- 3. Rear Yard Setback
 - a. Adjacent to residential uses in an underlying residential district: 100 feet
 - b. All others: None
- 4. Side Yard Setback
 - a. Adjacent to residential uses in an underlying residential district: 100 feet
 - b. All others: None
- 5. Minimum Building Separation: 25 feet
- 6. Maximum Building Height:

No structure shall be permitted to exceed sixty (60) feet in vertical height. In addition, no structure shall be erected, altered, or maintained, and no tree shall be permitted to grow in any regulated zone or airspace to a height in excess of the applicable height limit established by the FAR Part 77 surfaces as approved by the IDOT Division of Aeronautics. Such applicable height limitations have been heretofore established for each of the zones in

question by State and / or Federal Statute and as such are hereby incorporated by reference.

9. Signage

- a. Identifying signs: For the purpose of this section, an “identifying sign” is a freestanding sign that identifies and advertises the airport district as a whole.
 1. Number: One (1) identifying sign
 2. Maximum Area: 80 square feet
 3. Maximum Height: 15 feet
 4. Minimum Setback: 25 feet
 5. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any side or rear lot line of a lot used for residential purposes.
 6. One (1) electronic message unit may be located on the identifying sign structure and may not exceed 50 square feet in area.

- b. Individual building signs: Each individual building within the airport overlay district may have a freestanding sign or signs identifying the name, use, purpose and / or tenants of the building, subject to the requirements below:
 1. Number per Building: One (1); however, a building located on a corner that has access drives to each street may have two (2) signs, located near or approximate to each access drive.
 2. Maximum Area: 50 square feet
 3. Maximum Height: Ten (10) feet
 4. Minimum Setback: Ten (10) feet
 5. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any side or rear lot line of a lot used for residential purposes.
 6. One (1) electronic message unit may be located on the Airport Terminal building sign structure and may not exceed 50 square feet in area.

- c. Wall signs:
 1. Number per Main Building: No limit; provided that the aggregate square footage of all wall signs does not exceed the maximum square footage as required below.
 2. Maximum Area: Ten (10) percent of the façade or wall on which the sign(s) is / are attached, or one (1) square foot per linear foot of occupant frontage, whichever is larger.
 3. Illumination: A wall sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.
 4. A wall sign may not extend above the top of the wall where displayed.

10. Parking Lot Setbacks

1. Front Yard Setback: 15 feet

2. Rear Yard Setback: 5 feet
3. Side Yard Setback: 5 feet

11. Landscaping and Exterior Lighting

All new development within the A-OL District shall be subject to the requirements for commercial development in Section XXVIII.

12. Development

All development within the A-OL District shall require the submittal of a site plan to be approved by the Department of Planning and Building Services and the Public Works Department.

13. Variances

Any request for a variance to the requirements of this Section or to the requirements of the Ordinance must be reviewed by the Plan Commission in a public hearing, after which the Plan Commission shall make a recommendation to the City Council. The City Council will then rule on said variance, and may impose conditions on the same to insure that the variance meets the intent of the A-OL District, the intent of the underlying district, if applicable, and the general purpose and intent of the Zoning Ordinance.

This requirement shall apply only to airport operational use(s) and ancillary uses. Any variance request by any other property owner or use within the A-OL District must follow the requirements of Section XXX.

14. Airport Layout Plan, FAR Part 77 Surfaces

1. The Airport Layout Plan and FAR Part 77 Surfaces will serve as the underlying standard for land use planning and development in the A-OL District.
2. The Decatur Park District shall, from time to time, or upon update and approval of plans by the IDOT, Division of Aeronautics, file the then current version of the Airport Layout Plan and FAR Part 77 Surfaces with the Zoning Administrator (Amended, Ordinance No. 2010-34)

E. WM-OL, WEST MAIN STREET OVERLAY DISTRICT

1. Intent

The intent of the West Main Street Overlay District is to provide standards to allow historic neighborhood uses and preserve the historic character of the area. The West Main Street Overlay is designed to meet the special needs of the area while preserving the historic character and providing safeguards for the surrounding neighborhoods.

2. District Boundaries

- a. Property with frontage along the 200 through 1000 blocks of West Main Street.
- b. Property with frontage along the east side of the 100 through 150 block of North Edward Street.

- c. The boundaries may be amended within the Olde Towne TIF District via the same process as used to establish the initial overlay district.
3. Permitted Uses
- a. The following uses may be located within the West Main Street Overlay District:
 - i. Single family residence, multi-family residence, bed and breakfast establishments and mixed use (permitted with a residential use only).
 - ii. Professional and medical offices.
 - iii. Personal services (not to include dry cleaning laundry services, photo drop off or health clubs/spas).
 - iv. Retail (permitted hours of operation 6 am to 9 pm, no outdoor display or storage of merchandise, may not exceed 3000 square feet in area).
 - b. The above uses may be established regardless of the underlying zoning, subject to all requirements of this Section.
4. Eligibility
- a. Existing structures
 - b. Existing structures with modifications of up to 20% of the gross floor area.
5. Height, Area and Setback Regulations
- The underlying zoning will determine all height, area and setback regulations unless otherwise permitted within this section.
6. Signage
- a. One (1) freestanding sign shall be allowed per lot except for single-family and two-family residential uses.
 - b. One (1) wall sign or one (1) projecting yard sign shall be allowed per lot except for single-family and two-family residential uses.
 - c. All signage must conform to the West Main Street prototypes as shown in the West Main Street Design Guidelines.
 - d. All signage must maintain a minimum five (5) foot setback from all property lines.
 - e. No signage shall have internal illumination.
7. Parking and Circulation
- a. Required parking lot setbacks shall follow the requirements for the underlying zoning district as listed in Section XXIV.D.2.
 - b. The rear or side yard parking lot setback may be reduced from five (5) foot to zero (0) feet where parking is provided between the alley and the parking lot, as applicable.

- c. The required width for circulation drives may be reduced where unique circumstances prevent the provision of required drives, subject to approval by the Zoning Administrator and the Public Works Director. (Amended, Ordinance No. 2010-34, May 17, 2010)
 - d. Required parking shall be reduced by 75% if on street parking is available.
 - e. All required ADA parking shall be located on the premise unless otherwise approved by the Public Works Director.
8. Landscaping and Exterior Lighting
- a. All uses established under the provisions of the West Main Street Overlay District shall be subject to the requirements of the West Main Street Design Guidelines for landscaping and exterior lighting.
 - b. All other uses, provisions and requirements shall be in accordance with Section XXXIII.
9. Historic and Site Plan Review
- a. Developments meeting the requirements of the West Main Street Overlay District within the local historic district must be submitted to and approved by the Historical and Architectural Sites Commission.
 - b. All development site plans must be submitted to and approved by the Department of Planning and Building Services and the Public Works Department.
10. Variances

Any request for a variance to the requirements of this Section or to the requirements of the underlying zoning district must be reviewed by the Plan Commission in a public hearing, after which the Plan Commission shall make a recommendation to the City Council. The City Council will then rule on said variance, and may impose conditions on the same to insure that the variance meets the intent of the West Main Street Overlay District, the underlying zoning district, and the general purpose and intent of the Zoning Ordinance.

West Main Street Overlay Design Guidelines

Section XXV & XXVIII of Decatur's existing zoning ordinance sets the standards for all signs and landscaping in the city. The West Main Street Overlay Design Guidelines set out additional standards and/or recommendations for signs and landscaping within the overlay district. The purpose of the overlay is to provide guidance in the use and design of signs and landscaping to visually unify and define particular areas. The overlay would not mandate specific signs and landscaping, rather it would provide a palette of shapes, colors, plants and materials that could be combined in various ways. In this way, signs and landscaping will show the character and tastes of individuals, while contributing to the identity of the district where they are located.

Sign Requirements

1. Supports - Since this is a historic area, sign supports shall complement the structures and be in character with the historic district.

2. Materials:

Metals:	Black or dark (gun metal) blue/gray
Masonry:	Dark red brick blend Smooth (terra cotta) red/brown tinted concrete/sandstone
Accent masonry:	Cut limestone

3. Shapes – Both commercial and residential areas exist within this zone. Commercial signs shall be predominately horizontal in shape with angular projections. The area near downtown is older where commercial signs were typically very horizontal against the building just above the awning.

4. Graphics -

Designated geometric shape:	Square with rounded corners
Dominant color:	Bright Blue
Dark color:	Dark (terra cotta) red/brown
Secondary background color:	Tan or sand

5. Commercial Signs

a. Freestanding Sign

i. Monument Sign

1. Maximum Height: Five (5) feet
2. Maximum Area: Thirty-two (32) square feet

ii. Shingle Sign

1. Maximum Height: Ten (10) feet; Six (6) foot minimum clearance from ground to the bottom of the sign face
2. Maximum Area: Twelve (12) square feet

b. Attached Building (Wall) Sign

- i. Maximum Area: Twenty-five (25) square feet

6. Residential Signs

a. Freestanding Sign: All uses except for one and two family residences are permitted to erect a freestanding sign subject to the following:

i. Monument Sign

1. Maximum Height: Five (5) feet
2. Maximum Area: Six (6) square feet

ii. Shingle Sign

1. Maximum Height: Ten (10) feet; Six (6) foot minimum clearance from ground to the bottom of the sign face
2. Maximum Area: Eight (8) square feet

iii. Post Supported Sign

1. Maximum Height: Five (5) feet
2. Maximum Area: Twenty-four (24) square feet

Required Landscaping

The following plants have characteristics (color, texture, form) that would complement signs in this district. These generally have red and pink flowers. The plants listed below will be required with any development within the Overlay District unless substitute plant material is approved by the Zoning Administrator. All point requirements will be determined by the underlying zoning district and be in accordance with Section XXVIII of the Zoning Ordinance. (Amended, Ordinance No. 2010-34, May 17, 2010)

Low-Profile Plants (6-24” height)

Perennials – Red-flowering Daylilies, Autumn Joy Sedum, Miscanthus Flame Grass

Evergreen Ground Cover – Liriope, Buffalo Juniper

Medium-Profile Plants (3’ to 6’ height)

Deciduous Shrubs (Two (2) points each) – Roses (Nearly Wild and Knock-out), Spirea (Froebelii, Anthony Waterer)

Evergreen Shrubs (Three (3) points each) – Hardy Boxwood, Spreading Yew, Japanese Holly, Oregon Holly-Grape, Techny Arborvitae

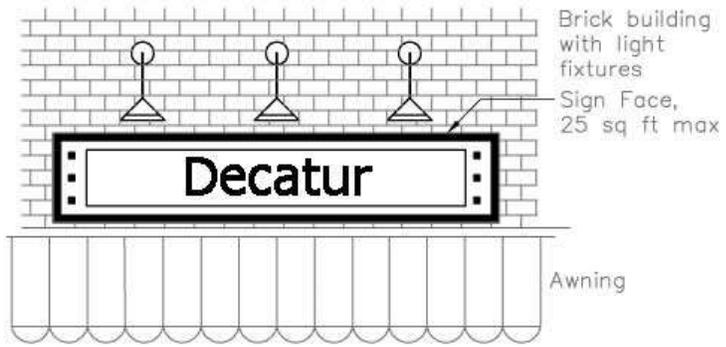
Small Trees (15’ to 30’ height) – Twelve (12) points each

Deciduous – Red-Pink Flowering Crabapple (Prairiefire, Cardinal), Redbud, Pink Flowering Dogwood

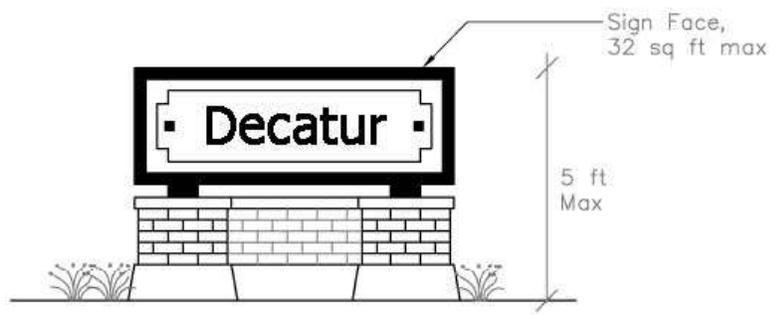
Large Trees (30’ and over height) – Eighteen (18) points each

Canopy Trees (Deciduous) - Sugar Maple, Norway Maple, Red Oak, Swamp White Oak, Black Tupelo, Redmond Linden

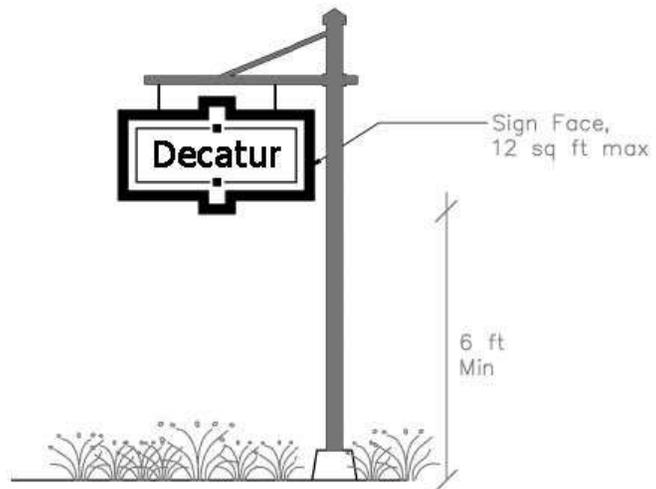
Evergreen Trees - Blackhills Spruce



Commercial Attached Building Sign



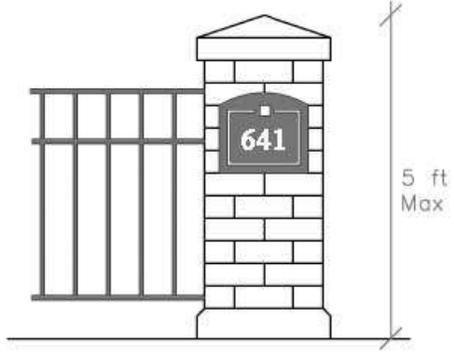
Commercial Masonry Monument Sign



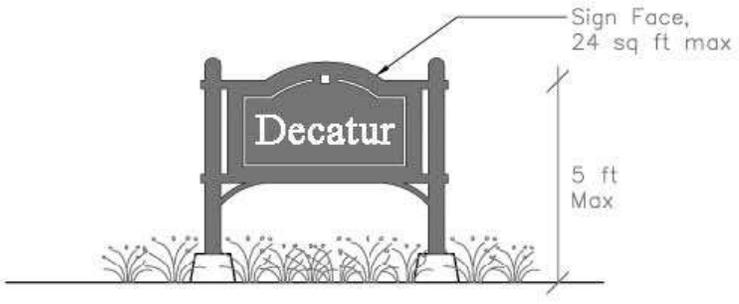
Commercial Shingle Sign

City of
Decatur, IL

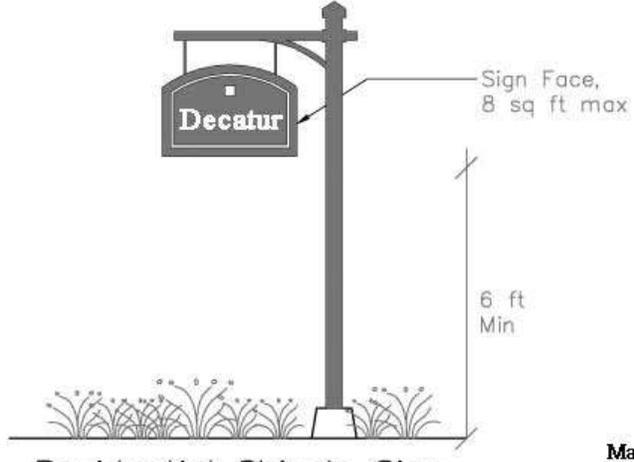
Massie Massie & Associates
1210 S Fifth Street
Springfield, IL 62703
217-544-3210
10/27/06



Residential Masonry Monument



Post Supported Residential Sign



Residential Shingle Sign

City of
Decatur, IL

Massie Massie & Associates
1210 S Fifth Street
Springfield, IL 62703
217-544-3210
10/27/06

F. LF-OL LAKEFRONT OVERLAY DISTRICT

1. Intent

The intent of the LF-OL Lakefront Overlay District is to provide standards that encourage recreation and allow for the continued preservation and use of the parks and the lake while supporting special needs that facilitate the use of the parks and the lake as economic catalysts that draw visitors to the City of Decatur. The Overlay District shall link traditional park and lake activities with uses that generate revenues to offset the expense of non-revenue generating elements and support the long-term care and maintenance of the park and lake and overall growth and development of the Decatur community. The Overlay District shall be designed to protect and preserve the existing character of surrounding neighborhoods.

2. District Boundary

- a. At the time of application, the applicant seeking establishment of an LF-OL Lakefront Overlay District must provide (in addition to the required submittals for rezoning, as outlined in Section XXIX) the following:
 - i. A map depicting the boundaries of the LF-OL District, with a legal description of the same;
 - ii. Justification of the proposed boundaries. This may take the form of a master plan, site plan or projections of future land use needs.
- b. The boundaries may be amended via the same process as used to establish the initial overlay district.
- c. The Overlay District Boundary has been divided into four areas designated by use. Each area has been defined herein.

3. Definitions

In addition to the definitions set forth in Section II, the following definitions shall apply specifically to the LF-OL. In the event that there is a conflict between definitions in Section II and this Section, those in this Section shall control.

- a. Area 1 - Beginning at the Intersection of the East right of way line of 22nd Street with the South right of way line of Powers Boulevard; thence easterly along the said R.O.W. line of Powers Boulevard to its intersection the East right of way line of Nelson Boulevard; thence northerly along the said East right of way line to a point which is 700 feet south (perpendicular) of the Southwest right of way line of U.S. Route 36; thence Southeasterly on a line which is 700 feet Southwest (perpendicular distance) to the said Southwest line of U.S. Route 36 to a point 100 feet east of Elevation 615; thence westerly on a line 100 feet east of Elevation 615 1400 feet; thence northwesterly to a point which is 50 feet west/north of Elevation 615; thence southwesterly 800 feet on a line which is 50 feet west/north of Elevation 615

- b. and parallel to said elevation; thence northerly 750 feet to a point which is on a line which is the extension of the north line of East Cantrell Street extended easterly; thence westerly on the said north line of East Cantrell Street extended easterly to the intersection of said line with the East right of way line of 22nd Street; thence northerly along said right of way line of 22nd Street to the point of beginning.
 - c. Area 2 – That part of the Overlay District Boundary lying south and west of Area 1 and north of the centerline of the intersection of the main entrance access to St. Mary's Hospital with Lake Shore Drive.
 - d. Area 3 – That part of the Overlay District Boundary lying between the South right of way line of U.S. Route 36 and a line which is 700 feet south of and parallel to the said South right of way line of U.S. Route 36. This area is bounded by Nelson Boulevard to the west and Lake Decatur to the east.
 - e. Area 4 – That part of the Overlay District Boundary lying South of the centerline of the intersection of the main entrance access to St. Mary's Hospital with Lake Shore Drive. This area is bounded by Lake Shore Drive, Lost Bridge Road and Lake Decatur.
 - f. Hardscape – The manmade part of the grounds including the building, paved areas, pavilions, patios, retaining walls and the like.
 - g. Pervious Pavement – A paving material that allows water to penetrate to the ground below. Pervious pavement is designed to allow percolation or infiltration of storm water through the surface into the soil below where the water is naturally filtered and pollutants are removed.
 - h. Recreational Rental Establishments – A facility that rents recreational items such as, but not limited to: paddle boats, canoes, skis, boats, golf carts, bikes, kayaks, segways, and sporting, swimming, recreational and boating equipment.
 - i. Commercial Space – Space that is utilized by retail, restaurants, and professional offices.
4. Permitted Uses
- a. The following uses may be located within the Lakefront Overlay District, Area 1:
 - 1. Automated teller machines (walk up facility only).
 - 2. Commercial boat tour facilities.
 - 3. Government building or use.
 - 4. Parking or storage garage.
 - 5. Recreation, commercial: indoor and outdoor facilities.

6. Recreational rental establishments.
 7. Retail uses (may not exceed 1,200 square feet in area).
- b. The following uses may be located within the Lakefront Overlay District, Area 2:
1. Automated teller machines (walk up facility only).
 2. Commercial boat tour facilities.
 3. Government building or use.
 4. Parking or storage garage.
 5. Professional office uses.
 6. Recreation, commercial: indoor and outdoor facilities.
 7. Recreational rental establishments.
 8. Restaurants: carry-out; convenience; fast food; sit down. Drive-thru facilities are prohibited.
 9. Retail uses (may not exceed 1,200 square feet in area).
 10. Two family residence, multiple family dwelling, and mixed use (permitted with a residential use only).
- c. The following uses may be located within the Lakefront Overlay District, Area 3:
1. Automated teller machines (walk up facility only).
 2. Commercial boat tour facilities.
 3. Government building or use.
 4. Hotel or motel.
 5. Parking or storage garage.
 6. Recreation, commercial: indoor and outdoor facilities
 7. Recreational rental establishments.
 8. Restaurants: carry-out; convenience; fast food; sit down.
 9. Retail uses (may not exceed 1,200 square feet in area).
- d. The following uses may be located within the Lakefront Overlay District, Area 4:
1. Automated teller machines (walk up facility only).
 2. Commercial boat tour facilities.
 3. Government building or use.
 4. Parking or storage garage.
 5. Professional office uses.
 6. Restaurants: carry-out; convenience; fast food; sit down. Drive-thru facilities are prohibited.
 7. Retail uses (may not exceed 1,200 square feet in area).
 8. Two family residence, multiple family dwelling, and mixed use (permitted with a residential use only).

- e. The uses listed herein may be established regardless of the underlying zoning, subject to all requirements of Section XX.F.

5. Buildings per Area

More than one (1) building may occupy an Area as defined in this Section, provided that all applicable regulations, including minimum setback, building separation and off-street parking requirements as defined herein, can be met.

6. Height, Area and Setback Regulations

As this development is a master planned development with the Decatur Park District being the owner of all of the property there will be no subdivision of the property into lots. The only setback will be to the property line.

Area 1

- a. Minimum Lot Area: none
- b. Front, Rear and Side Yard Setbacks: 40 feet from any property line
- c. Minimum Distance Between Structures: 8 feet
- d. Maximum Building and/or Structure Height:
 - i. One (1) 4 story building and/or structure not to exceed 50 feet in height; Two (2) stories for all other buildings and/or structures not to exceed 30 feet in height.
- e. Number of Residential Units: None
- f. Maximum Square Footage of Commercial Space: 10,000

Area 2

- a. Minimum Lot Area: none
- b. Front, Rear and Side Yard Setbacks: 25 feet from any property line
- c. Minimum Distance Between Structures: 8 feet
- d. Maximum Building and/or Structure Height:
 - i. Two (2) 5 story buildings and/or structures for mixed use not to exceed 60 feet in height; Three (3) stories for all other buildings and/or structures not to exceed 40 feet in height.
- e. Number of Residential Units: Not to exceed 60
- f. Maximum Square Footage of Commercial Space: 110,000

Area 3

- a. Minimum Lot Area: none
- b. Front, Rear and Side Yard Setbacks: 40 feet from any property line
- c. Minimum Distance Between Structures: 8 feet
- d. Maximum Building and/or Structure Height:
 - i. One (1) 8 story building and/or structure, not to exceed 100 feet in height; Two (2) 5 story buildings and/or structures not to exceed 60 feet; all other building and/or structures, Two (2) stories not to exceed 30 feet in height.
- e. Number of Residential Units: None.

- f. Maximum Square Footage of Commercial Space: 50,000

Area 4

- a. Minimum Lot Area: none
- b. Front, Rear and Side Yard Setbacks: 40 feet from any property line
- c. Minimum Distance Between Structures: 8 feet
- d. Maximum Building and/or Structure Height:
 - i. Number of stories: Seven (7) 3 story buildings and/or structures, not to exceed 40 feet in height; Two (2) 8 story buildings and/or structures, not to exceed 120 feet in height.
- e. Number of Residential Units: Not to exceed 300
- f. Maximum Square Footage of Commercial Space: 80,000

No structure shall be erected, altered, or maintained, and no tree shall be permitted to grow in any regulated zone or airspace to a height that would nullify or void any state or federal licenses or approvals held by St. Mary's Hospital as of April 4, 2012 for the operation of a hospital heliport, or materially impede the operations of St. Mary's Hospital heliport as the same existed on April 4, 2012. All construction must adhere to all federal and state requirements as set forth in applicable state and federal Regulations.

7. Parking

- a. No less than fifty-percent (50%) of required parking shall be paved with a minimum of two (2) inches of Class I asphalt or concrete over a six (6) inch aggregate base. The remainder of the parking shall be constructed with an approved pervious pavement system.
- b. All parking lots shall be setback a minimum of ten (10) feet from any property line.

Area 1

- a. Parking is not required to be located within 300 feet of the building and/or structure.
- b. Amphitheatre
 - i. One (1) space per every four (4) fixed seats and one (1) space for every 100 square feet of performance lawn area.
- c. Pavilion
 - i. One (1) space for every 100 square feet of floor area.

Area 2

- a. Parking spaces are not required to be located within 300 feet of the building.
- b. One and one-half (1.5) parking spaces per residential unit.
- c. One (1) parking space for every 200 square feet of commercial space.

Area 3

- a. Hotel
 - i. One (1) parking space for each room to be rented, plus one (1) additional space for each three (3) employees.
- b. Miniature Golf
 - i. One and one-half (1.5) parking spaces per hole.
- c. Water Park
 - i. One (1) parking space per four (4) persons based on design capacity.

Area 4

- a. Fifty-percent (50%) of required spaces must be located within 300 feet of building served.
- b. One and one-half (1.5) parking spaces per residential unit.
- c. One (1) parking space for every 200 square feet of commercial space.

8. Landscaping

- a. For every tree removed within Areas 1, 2, 3, and 4 a tree must be replanted within that same Area.
- b. Front yard points shall be required for any construction of hardscape within seventy-five (75) feet of public right of way. It shall be calculated at one-half (.5) point for every linear foot of affected frontage.
- c. All deciduous trees shall be a minimum of Two (2) inch caliper and all evergreens shall be a minimum of Six (6) Feet in height at time of installation.

9. Exterior Lighting

All lighting shall be subject to the requirements set forth in Section XXVIII.J.

10. Signage

- a. Identifying signs. For the purpose of this section, an “identifying sign” is a freestanding sign that identifies the park and/or the developed campus as a whole.
 - i. Maximum Number: Ten (10)
 - ii. Maximum Area: 100 square feet
 - iii. Maximum Height: 30 feet
 - iv. Minimum Setback: Five (5) feet
 - v. One (1) of the identifying signs may be a total of 150 square feet and may only be located in Area 3.
- b. Individual building or attractions identification signs. Each individual building or attraction within the LF-OL may have a freestanding sign or signs identifying the name, use, purpose and/or tenants of the building, subject to the following requirements:
 - i. Maximum Number per Building or Attraction: Two (2)
 - ii. Maximum Area: Ten (10) square feet

- iii. Maximum Height: Seven (7) feet
 - iv. Minimum Setback: Five (5) feet
- c. Wall Signs. Wall Signs shall be subject to the requirements set forth in Section XXV.E.
- d. Wayfinding Signs. For the purpose of this Section, a “wayfinding sign” shall be a sign with the express purpose of giving directions to locate a specific building, attraction, or portion thereof or to any location, individual, use or program within the overlay. Wayfinding signs may be placed anywhere on the campus for the purpose of directing vehicular and pedestrian traffic. Such signs may contain multiple faces, provided that the total area of each face does not exceed the maximum stated below. A wayfinding sign may contain a logo or other script identifying the overlay district, provided that no more than 25 percent of the area of any sign face shall be utilized for such advertising.
- i. Maximum Number: No limit, provided that they are placed in appropriate locations to direct traffic. Wayfinding signs shall be limited to one (1) per street intersection.
 - ii. Maximum Area: Twenty (25) square feet
 - iii. Maximum Height: Fifteen (15) feet
 - iv. Minimum Setback: Ten (10) feet
- e. Electronic Message Units – Electronic Message Units shall only be allowed in Area 2 and Area 3 subject to the requirements set forth in Section XXV.9.a. thru g. and j. for an O-1 District. Electronic Message Units in Area 2 and Area 3 shall be subject to the requirements set forth in Section XXV.9.h. and i. for a residentially-zoned district.

Electronic Message Units shall be included in the total allowed number and total square footage of identifying signs and freestanding signs.

Electronic message units in Areas 2 and 3 will not be subject to the requirements in Section XXV.9.k.

- f. No off-premise signs shall be permitted in the LF-OL.
- g. All signs, unless otherwise specified by ordinance, shall conform to the requirements of section XXV. Signage.
(Amended Ordinance 2012-17; April 16, 2012)

SECTION XXI. EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

A. TABLE OF HEIGHT AND AREA REQUIREMENTS

The accompanying table is a compilation of the height and area requirements listed for each zoning district. The table is for reference purposes only and does not override the standards listed in the foregoing sections for each zoning district.

B. EXCEPTIONS TO MAXIMUM HEIGHT REQUIREMENTS

Exceptions to the requirements establishing maximum heights for structures and uses and to the maximum number of stories are as follows:

1. For all uses

Both height in stories and height in feet apply equally. Except by providing additional setback as otherwise noted, a building may not exceed either limitation.

2. For certain structures

The height regulations prescribed herein shall not apply to steeples and spires, belfries, minarets, monuments, tanks, water and fire towers, stage towers, or scenery lofts, cooling towers, ornamental towers and spires, chimneys, grain elevators, elevator bulkheads, silos, smokestacks, conveyors and flag poles.

3. For certain uses

Public, semi-public, public-utility or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding eighty (80) feet and places of worship may be erected to a height not exceeding seventy-five (75) feet when the required front, side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.

4. From regulations concerning the maximum number of stories

The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

5. Exception from height for increased setback

Buildings in the R-6, O-1, B-1, B-2 and B-3 Districts located on property where the entire property is within 900 feet of the B-4 Central Business District may be built to a height of 6 stories and 75 feet if the building is set back from all property lines an additional one (1) foot above the stated setback requirements for each 2 ½ feet the building exceeds the height maximum stated for each district. All other buildings on property in the R-6, O-1, B-1, B-2 and B-3 districts may be built to a height of 6 stories and 75 feet if the building is set back from all property lines an additional one (1) foot above the stated setback requirements for each one (1) foot the building exceeds the height maximum stated for each district.

Districts	Buildings		Yard Depths		Side Yard Width		Lot Size	
	Maximum Height		Minimum		Minimum		Minimum	
	Stories	Feet	Front Feet	Rear Feet	Either Feet	Aggregate Feet	Width in Feet	Area Per Family Square Feet
Residential								
R-1	2½	35	30	20	10	20	80	20,000
R-2	2½	35	25	16	8	16	60	9,000
R-3	2½	35	25	12	5	12	50	6,000
R-5	2½	35	25	12	5	12	50	1 unit 5,000 2 units 2,500
R-6	3	35	25	20	5	12	80	1 unit 4,000 2 units 2,500 > 2 units See Sec. IX.C
Office								
O-1	3	45	25	12	5	12	0	Same as R-6
Business								
B-1	2	35	25	0	5	10	0	6,500
B-2	2	45	25	0	5	10	0	10,000
B-3	2	35	30	25	50	0	0	20,000
B-4	12	150	0	0	0	0	0	200
Industrial								
M-1	10	125	25	0	5	10	0	6,500
M-2	10	125	25	0	0	0	0	10,000
M-3	See Special Regulations in Section XVIII.							

TABLE OF HEIGHT AND AREA REQUIREMENTS: For illustrative purposes only. See text for requirements.

6. Exception from height in the Central Business District

In the B-4 District, a building may exceed twelve (12) stories or 150 feet if set back from all yard lines one foot for each two feet of height above 150 feet, but no building shall exceed the cubical contents of a prism having a base equal to the area of the lot and a height of two (2) times the width of the street upon which said building fronts.

7. Exception from height in the Industrial Districts

Whenever a building in any "M" District adjoins or abuts any Residence District, within 100 feet there from, such building shall not exceed three (3) stories or forty-five (45) feet in height unless it is set back one (1) foot from the required yard lines for each one (1) foot of vertical height over forty-five (45) feet.

C. EXCEPTIONS TO YARD SETBACKS - GENERAL

1. Buffer yards

Notwithstanding any exceptions enumerated in this Section, except for fences as allowed below no structure or parking area may extend into a buffer yard as required in Section XXVIII.

2. Parking Areas

Parking spaces and lots may be located within any required yard, subject to the requirements of Section XXIV.

3. Structures and Plantings

In all zoning districts, no structure or planting shall be constructed at a height greater than three and one-half (3 1/2) feet above the established street grades within the vision clearance triangle nor shall any structure or planting limit the clear sight of vehicular traffic.

(Amended, Ordinance No. 2009-38, May 18, 2009)

(Amended, Ordinance No. 2005-105, December 19, 2005)

4. Fuel pumps and canopies

At automobile service stations and gasoline stations, pumps, pump islands, and appurtenant fixtures located thereon may be located within a required setback provided they are not less than fifteen (15) feet from any right-of-way line and not less than forty (40) feet from the boundary of any residential district. Fuel pumps and pump islands may be located beneath a fixed and permanent canopy, provided that the leading edge of the canopy is set back from all property lines no less than ten (10) feet and the support structures are situated so that clear sight distances are unobstructed along adjacent streets.

5. Signs and outdoor advertising

On-premise and off-premise signs, including free-standing signs and signs that project into a required yard, may be located within a required setback consistent with the provisions of Section XXV, Signage.

6. Exterior lighting

Light standards may be located within a required yard setback provided such standards are located not less than five (5) feet from any right-of-way line, nor within ten (10) feet of any residential district, with the condition that the light pattern be shielded so that the illumination does not carry over to adjacent residential district property, consistent with Section XXVIII, Landscaping and Exterior Lighting. No billboard, poster, flag, pennant, streamer, outdoor display or other advertising device shall at any time be attached to such light standards.

7. Sills, etc.

The ordinary projections of sills, belt courses, cornices, roof overhang and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard. (Amended, Ordinance No. 2002-72, August 19, 2002)

8. Wheelchair ramps

An open, uncovered wheelchair ramp may project into a required yard of a dwelling occupied by a handicapped person, provided that no alternative placement of the ramp is available which does not require extension into the required setback, and further that any such extension into the required setback be minimized as much as possible, giving due consideration to the individual circumstances of the property.

D. EXCEPTIONS TO FRONT YARD SETBACK REQUIREMENTS

Regulations concerning the minimum setbacks for front yards are as follows:

1. Single family districts

In R-1, R-2, and R-3 Single Family Residential Districts, a dwelling unit may project beyond the minimum front yard setback provided the following requirements are satisfied:

- a. At least forty (40) percent of the lots fronting the same side of the street located between two intersecting streets already maintain less than the minimum setback as required by the applicable zoning district; and
- b. The front yard setback shall meet or exceed the mean front yard setback distance of all developed properties located between the two intersecting streets.

2. Corner and through lots

On lots having multiple frontages (i.e. with frontage on two or more streets) the required front yard shall be provided adjacent to all streets.

3. Porches and terraces

An open, uncovered porch or paved terrace may project into the required front yard for a distance of not more than five (5) feet, but this shall not be interpreted to include or permit fixed canopies.

4. Non-Conforming Porches and Terraces

An existing non-conforming porch or terrace may be replaced or rebuilt to its current dimensions, provided that the replacement structure does not project into the required front yard more than eight (8) feet.

(Amended, Ordinance No. 2004-92, November 15, 2004)

5. Display of merchandise within setback

Except on pump islands where incidental to a permitted outdoor automobile service station or gasoline station, merchandise offered for sale or rent shall not be displayed or stored in the required front yard.

E. EXCEPTIONS TO SIDE YARD SETBACK REQUIREMENTS

Regulations concerning the minimum setbacks for side yards are as follows:

1. Corner lots

On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, that the buildable width of a lot of record shall not be reduced to less than twenty-six (26) feet. Such corner side yard is subject to all the same restrictions and exceptions for front yards.

2. Porte-cocheres and canopies

A porte-cochere or canopy may project into a required side yard provided that the exterior walls of such porte-cochere or canopy are unenclosed and that no part of the structure is less than five (5) feet from any side lot line.

3. Two-family and multiple dwellings

For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

4. Lots less than 50 feet in width

Where a lot of record at the time of the effective date of this Ordinance is less than fifty (50) feet in width, the required aggregate side yard may be reduced to ten (10) percent of the width of the lot, provided, however, that no interior side yard shall be less than three (3) feet.

F. EXCEPTIONS TO REAR YARD SETBACK REQUIREMENTS

Regulations concerning the minimum setbacks for rear lots are as follows:

1. Accessory buildings

An accessory building not exceeding twenty (20) feet in height may occupy no more than thirty (30) percent of the area of the entire rear yard; however, no accessory building shall be closer than eight (8) feet to the main building nor closer than three (3) feet to any rear or side lot line.

2. Unenclosed parking areas

Unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of a required rear yard

3. Fire escapes, etc.

Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projects of chimneys and flues into a rear yard may be permitted by the Building Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

G. EXCEPTIONS TO MINIMUM LOT AREA REQUIREMENTS

The following regulations concern exceptions to the minimum lot areas prescribed in this Ordinance:

1. Single family dwellings

Where a lot of record at the time of the effective date of this Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

2. Multiple family dwellings

If the building site, or any part thereof, for a multiple dwelling is more than 900 feet from a B-4 Central Business District, the minimum lot area per dwelling unit may be reduced by two and a half (2½) percent for each story thereof above two (2), provided that said minimum lot area shall not be reduced to less than 90% of that required by the provisions of Section IX or 5,000 square feet, whichever is the larger.

3. Retirement housing facilities—exception based upon reduction in required parking spaces.

If the building site, or any part thereof, for retirement housing facilities is more than 900 feet from a B-4 Central Business District, and the minimum number of required parking spaces is permitted to be reduced pursuant to the provisions of Section XXIV then the required minimum lot areas for said multiple dwelling may be reduced by 300 square feet for each parking space by which said minimum number of required parking spaces is so reduced, provided that no such lot area shall be reduced to less than 5,000 square feet.

4. Exception from minimum lot size

The minimum lot area for multiple dwellings shall be determined by the type and number of dwelling units therein as set out herein, provided that no such lot area shall be less than 5,000 square feet. If the entire building site for such multiple dwelling is within 900 feet of a B-4 Central Business District, the minimum lot area per dwelling unit shall be 750 square feet. If the building site, or any part thereof, is more than 900 feet from a B-4 District, the minimum square feet of lot area per dwelling unit shall be: 750 square feet for each efficiency unit; 900 square feet for each one bedroom unit; 1200 square feet for each two bedroom unit; and 1500 square feet for each unit with three or more bedrooms.

SECTION XXII. CONDITIONAL USE REGULATIONS

A. CONDITIONAL USES, GENERALLY

1. Authority of Council

The City Council may by ordinance grant a conditional use permit only for the uses prescribed in the "Conditional Use" subsections of Sections V through XVIII inclusive, of this Ordinance. The Council may impose appropriate conditions and safeguards, including a specified time period for the permit, to conform to the comprehensive plan and to conserve and protect property values in the neighborhood.

2. Review by Plan Commission

Before authorization of any of the above conditional uses, the request therefore shall be referred to the City Plan Commission for study and report concerning the effect of the proposed use on the comprehensive plan and compliance with the standards as enumerated below, and a public hearing shall be held in relation thereto before the Plan Commission, notice and publication of the time and place for which shall conform to the procedure prescribed in Section XXIX for hearings on amendments. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report.

3. Standards

No conditional use shall be granted unless the conditional use:

- a. Is necessary for the public convenience at that location;
- b. Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected; and
- c. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

(Amended, Ordinance No. 2002-72, August 19, 2002)

B. APPLICATION

An application for a Conditional Use Permit shall be on a form provided by the Planning and Building Services Department and shall be accompanied by a site plan containing, at minimum, the following:

1. General location, setback and size of all structures
2. Location of all access points adjacent to site
3. Number and size of parking spaces, loading spaces and traffic circulation on site
4. Zoning of the property in question and zoning of all adjacent parcels

5. Location of existing and proposed utilities: This requirement may be waived when the use is proposed to be located within an existing building where adequate utilities are already provided.
6. Any other information deemed necessary to review the proposal as required by the Zoning Administrator. (Amended, Ordinance No. 2010-34)

C. HISTORIC NEIGHBORHOOD USE REGULATIONS

In addition to the process required for Conditional Uses, a request for a Historical Neighborhood Use shall conform to the following:

1. A Historic Neighborhood Use is allowed only on properties within the boundaries of a locally-designated Historic District, National Register Historic District, or on a property that has been designated a Historic and Architectural Landmark, as established under the regulations of Ordinance No. 78-159.
2. Prior to review by the Plan Commission, a request for a Historical Neighborhood Use must be reviewed by the Historical and Architectural Sites Commission (HASC). The use may be reviewed by the Plan Commission only if the HASC determines that the historical and architectural character of the exterior of the building will be preserved. No Conditional Use Permit for a Historical and Architectural Use may be issued sooner than 30 days after the application and plans have been filed with the HASC.
3. In evaluating a Historic Neighborhood Use, the Plan Commission and City Council must find that the proposed use and exterior appearance as shown by plans and drawings submitted by the petitioner preserves the historic character of the building as well as the historic and architectural character of the surrounding neighborhood.
4. A permit for a Historical Neighborhood Use shall be for a specific use only. Any change in use other than a use specifically permitted within the zoning district will require a new Conditional Use application.
5. In addition to any other conditions that may be imposed on the use by the City Council, a Historical Neighborhood Use may only be permitted under the condition that the exterior appearance of the building, as previously reviewed by the HASC, is maintained.

D. NEIGHBORHOOD PRESERVATION USE REGULATIONS

In addition to the process required for Conditional Uses, a request for a Neighborhood Preservation Use shall conform to the following:

1. A Neighborhood Preservation Use is permitted only on property within a Neighborhood Preservation District as established by ordinance by the City Council.
2. In evaluating a Neighborhood Preservation Use, the Plan Commission and City Council must find that the proposed use and exterior appearance as shown by plans

and drawings submitted by the petitioner preserves the residential character of the building as well as the residential character of the surrounding neighborhood.

3. A permit for a Neighborhood Preservation Use shall be for a specific use only. Any change in use other than a use specifically permitted within the zoning district will require a new Conditional Use application.

SECTION XXIII. NON-CONFORMING USES

A. GENERALLY

1. All lawful uses or structures within the City limits of the City of Decatur which were in compliance with the Zoning Ordinance prior to the adoption or any subsequent amendment thereto that do not conform to the land use and development regulations of the City of Decatur as codified herein, are hereby declared to be non-conforming. A Non-Conforming Use Permit may be granted for uses or structures in compliance with the Zoning Ordinance prior to the adoption of the Zoning Ordinance or subsequent amendments that have been rendered non-conforming by the Zoning Ordinance or amendments thereto.
2. Lawful uses or structures that do not conform to the regulations herein as a result of changes in district boundaries are also hereby declared non-conforming.
3. Such non-conforming uses or structures are hereby declared to be lawful and shall not be required to be altered to conform with such regulations as adopted by the City of Decatur, provided however, that such uses or structures are restricted and subject to the requirements defined in this Section.
4. Whenever a non-conforming use or structure has been changed or improved to a more restricted state or to a conforming structure or use, such structure or use may not thereafter be changed to a less restricted or non-conforming state unless the City Council grants a non-conforming use permit. A Non-Conforming Use Permit may be granted when all requirements described in this Section are met.
5. The Planning and Building Services Department shall have the authority to assign a zoning classification to each non-conforming use. The assigned classification may be appealed to the City Manager.
(Amended, Ordinance No. 2009-38, May 18, 2009)

B. NON-CONFORMING STRUCTURES

Subject to the following regulations, any structure that lawfully existed on the effective date of this Ordinance that does not conform to all provisions herein:

1. Shall not be extended, enlarged, replaced, reconstructed, moved, or structurally altered except when required to do so by law or as to conform with the provisions of this Ordinance.
2. Notwithstanding the above, an existing non-conforming main building or structure located in an R-1, R-2, R-3 or R-5 district may be enlarged, replaced or altered, but only if such change does not lead to an increase in the non-conforming nature of the structure. No such change can be allowed if it would lead to an increase in the parking requirements for the use or uses unless on-site parking spaces can be accommodated in accordance with this Ordinance.

3. In all Districts except R-1, R-2, R-3 and R-5, no changes or structural alterations shall be permitted which would vary the yard size requirements, setback requirements, building height or bulk limitation, or the lot size or coverage limitations of a building or structure housing a non-conforming use, unless such changes conform to all the provisions of the zoning district in which such a building is located.
4. Any non-conforming building or structure damaged by fire, explosion, flood, similar act of God or by the public enemy to the extent that the cost of restoration would exceed fifty (50%) percent of the structure's assessed value at the time such event occurred, may be restored or reconstructed without enlargement or extension and used as before such damage, provided:
 - a. Restoration or reconstruction is completed and the same use resumed within twelve (12) months from the date of the damage; and,
 - b. Proof in the form of a certified land survey performed by a Professional Land Surveyor licensed by the State of Illinois shall be provided to the Zoning Administrator illustrating the pre-existing structure's footprint and setbacks from all property lines.

(Amended, Ordinance No. 2010-34, May 17, 2010)

(Amended, Ordinance No. 2009-38, May 18, 2009)

C. NON-CONFORMING USES

Subject to the following regulations, any use that lawfully existed on the effective date of this Ordinance or amendments(s) thereto, that does not conform with all provisions herein:

1. Shall not be expanded, moved or extended beyond the scope and area of its operation on the effective date of this Ordinance or amendment thereto. However, a non-conforming use may be expanded provided that it meets all provisions of the Zoning Ordinance including but not limited to parking, landscaping and lighting. No non-conforming use shall be expanded, moved or extended except as authorized by the City Council, following public hearing before the Plan Commission.
2. Shall not be changed to another non-conforming use, unless such change shall be to a non-conforming use of the same or of a more restrictive classification, and no structural alteration or expansion of the structure housing the use is required.
3. Shall not, after being discontinued in use for a period of one (1) year or more, be re-established unless in conformance with all requirements of this Ordinance. However, a non-conforming use may be re-established provided that it meets the provisions of the Zoning Ordinance for parking, landscaping and lighting. No non-conforming use shall be expanded, moved or extended except as authorized by the City Council, following public hearing before the Plan Commission.

(Amended, Ordinance No. 2009-38, May 18, 2009)

D. NON-CONFORMING USE PERMIT

A Non-Conforming Use Permit shall only be required for the re-establishment of a non-conforming use, expansion of a non-conforming use, change in non-conforming use to a more restrictive non-conforming use, and / or for any alterations to a non-conforming structure.

Non-Conforming Use Permits shall be granted for the use and / or structure subject to the requirements of this section. A Non-Conforming Use Permit shall permit the use/structure to continue operation and to be rebuilt if it becomes damaged beyond fifty (50) percent of its assessed value at the time such event occurred.

A Non-Conforming Use Permit shall be required to continue a use in the event the use has been discontinued for a period of one (1) year or more; and the use is not permitted within the Zoning District in which it lies. A Non-Conforming Use Permit shall also be required for the expansion of a non-conforming use or for a change to a more restrictive use.

Re-establishment of Use

1. The burden of proving any previously established non-conforming use is to be met by the person seeking to re-establish the use and applying for a Non-Conforming Use Permit. Such persons shall provide sufficient proof in a form acceptable to the Zoning Administrator of the following:
 - a. Date of construction of the building or structure or date the use was established (proof may consist of a certified copy of the business license or building permit).
 - b. Continuous operation of the non-conforming use (proof may consist of affidavits signed by persons having personal knowledge of the use of the premises since the use was established).
 - c. Such other proof as may be deemed necessary by the Zoning Administrator.
(Amended, Ordinance No. 2010-34, May 17, 2010)
2. The non-conforming use must have been legally conforming at the time of its creation.

Expansion of Use

1. Prior to granting an expansion of use, the current use shall be proven to be a legally non-conforming use. The burden of proving a non-conforming use is to be met by the person seeking a Non-Conforming Use Permit to allow for expansion. Such person shall provide sufficient proof in a form acceptable to the Zoning Administrator of the following:
 - a. Date of construction of the building or structure or date the use was established (proof may consist of a certified copy of the business license or building permit).

- b. Continuous operation of the non-conforming use (proof may consist of affidavits signed by persons having personal knowledge of the use of the premises since the use was established).
 - c. A detailed site plan certified by a Professional Engineer licensed by the State of Illinois shall be provided to the Zoning Administrator illustrating the existing structure and proposed expansion.
 - d. Such other proof as may be deemed necessary by the Zoning Administrator. (Amended, Ordinance No. 2010-34, May 17, 2010)
2. The non-conforming use must have been legally conforming at the time of its creation.

Change of Use

1. Prior to granting a change of use, the current use or a previous use shall be proven to be/have been a non-conforming use. The burden of proving any established non-conforming use is to be met by the person seeking a Non-Conforming Use Permit. Such persons shall provide sufficient proof in a form acceptable to the Zoning Administrator of the following:
 - a. Date of construction of the building or structure or date the use was established (proof may consist of a certified copy of the business license or building permit).
 - b. Continuous operation of the non-conforming use (proof may consist of affidavits signed by persons having personal knowledge of the use of the premises since the use was established).
 - c. A detailed site plan certified by a Professional Engineer licensed by the State of Illinois shall be provided to the Zoning Administrator if alterations to the structure are proposed.
 - d. Such other proof as may be deemed necessary by the Zoning Administrator. (Amended, Ordinance No. 2010-34, May 17, 2010)
2. The non-conforming use must have been legally conforming at the time of its creation. (Amended, Ordinance No. 2009-38, May 18, 2009)

SECTION XXIV. OFF-STREET PARKING AND LOADING REQUIREMENTS

A. OFF-STREET PARKING MANDATED

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Subsection B of this Section), off-street parking spaces in accordance with the following requirements, provided, however, that no off-street parking need be provided for any of these uses when they are located in the B-4 Central Business District.

B. COMPUTATION OF REQUIRED SPACES

In computing the number of such parking spaces required, the following rules shall govern:

1. Rounding of spaces

Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number, except that fractional results of exactly one-half shall be rounded upwards.

2. Uses not listed.

The parking space requirement for a use not specifically mentioned herein shall be the same as required for use of similar nature, as determined by the Zoning Administrator. (Amended, Ordinance No. 2010-34, May 17, 2010)

3. Expansion of existing use

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

4. Mixed use

In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

5. Bench seating

In stadiums, sports arenas, places of worship and other places of assembly in which those in attendance occupy benches, pews, bleachers or other similar seating facilities, each 22 inches of such seating shall be counted as one seat for the purpose of determining the off-street parking requirements set forth in this chapter.

6. Outdoor seating

Floor area calculations for off-street parking requirements shall include outdoor seating areas where applicable.

C. REQUIRED NUMBER OF SPACES BY USE

1. Residential and related uses:

Use	Number of Required Spaces
a. Dwelling, single or two-family:	Two (2) spaces per dwelling unit
b. Dwellings, multiple:	One guest parking space for every five units, plus one space for each efficiency or each one (1) bedroom dwelling unit; one and one-half (1½) spaces for each two (2) bedroom dwelling unit; and two (2) spaces for each dwelling unit with three (3) or more bedrooms.
c. Townhouse or rowhouse	Two (2) spaces per dwelling unit
d. Rooming or boarding house	One (1) space for each bed
e. Dormitory, fraternity or sorority	One (1) space for each 100 square feet of rooms designed for sleeping or one (1) space for each three (3) active members residing thereon, whichever is greater
f. Residential Care Home:	
i. Fewer than six (6) beds	Two (2) spaces plus one (1) space for each two (2) employees
ii. Six (6) to nine (9) beds	Three (3) spaces plus one (1) space for each two employees
iii. Ten (10) to twelve (12) beds	Four (4) spaces plus one (1) space for each two (2) employees
iv. Twelve (12) or more beds:	One (1) space per each four (4) beds or major portion thereof, plus one (1) space for each two (2) employees
g. Congregate elderly housing	One (1) space for each employee on the maximum shift plus one (1) space for each three units.
h. Bed and breakfast	Two (2) spaces plus one (1) space per guest room
i. Family residential care facility	One (1) space per bed

- j. Retirement housing facilities Seventy-five (75) percent of the requirement enumerated above for each type of dwelling unit (i.e., single family, multiple dwellings, etc.)

2. Public, semi-public and related uses:

Use	Number of Required Spaces
a. Place of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary
b. Community center	Ten (10) spaces plus one (1) additional space for each 300 square feet of floor area in excess of 2,000 square feet
c. Cultural facility, museum or art gallery	One (1) space for each 1,000 square feet
d. Country club or golf club	One (1) space for each four members, based on maximum anticipated membership, plus three (3) spaces per each golf hole or tee.
e. Clubs: private, fraternal or membership organization	One (1) space for every ten (10) members.
f. Hospital	One (1) space per bed
g. Intermediate and long-term care facilities, assisted living facilities, and similar institutions	One (1) space for each four (4) beds and one (1) space for each two (2) employees
h. Library	1 space for each 300 square feet of floor area
i. Day care center	Two (2) spaces per each three teachers, employees or administrators; plus one off-street passenger loading space per each eight children enrolled.
j. Schools	
i. Elementary, middle or pre-kindergarten	One (1) space for each fifteen (15) students of the primary structure's design capacity
ii. High Schools	One (1) space for each employee on the maximum working shift plus one space for every four (4) students of design capacity.

- iii. College or University One (1) space for every three (3) employees and members of the staff and one (1) space for every three (3) full-time students not residing on-campus. Ancillary uses such as residential facilities (dormitories, fraternities, apartment houses, etc.), libraries and public facilities are subject to the parking requirements of their respective use. (Amended, Ordinance No. 2004-02, January 20, 2004)
- iv. Community College One (1) space for each 200 square feet of floor area in classrooms and other teaching stations. Ancillary uses such as residential facilities, libraries, public facilities, etc. are subject to the parking requirements of their respective use.
- v. Commercial Schools, including music and dance academies One (1) space for each four (4) pupils during any class session
- k. Theater or auditorium One (1) space for each four (4) seats or bench seating spaces

3. Service and entertainment business uses:

Use	Number of Required Spaces
a. Hotel	0.9 spaces for each room to be rented, plus one (1) additional space for each three (3) employees, plus 75 percent of the requirement for other uses associated with the establishment.
b. Automobile repair and service	Three (3) spaces per service bay plus one (1) space per each three (3) employees.
c. Automobile service station and gasoline station	One (1) space for each 300 square feet of floor area and one (1) space for each employee on the maximum working shift.
d. Automatic car wash (non-coin operated)	Three (3) employee parking spaces plus 15 stacking spaces per washing lane.
e. Coin-operated self-service car wash, coin-operated automatic wash	Three (3) stacking spaces per lane

- f. Restaurant, night club, cafe, bar, cocktail lounge, or similar food service, recreation or amusement establishment
One (1) space per 100 square feet of floor area. For drive-up and drive-through uses, ten (10) stacking spaces per lane are required.
- g. Funeral home
One (1) parking space for each 50 square feet of floor space in slumber rooms, parlors, chapels and individual funeral service rooms, plus one (1) space for each vehicle maintained on the premises.
- h. Repair service establishment
One (1) space for each three (3) persons employed therein.
- i. Personal service establishments and pet services
Two (2) spaces plus one (1) additional space for each 300 square feet of floor area over 1,000.
- j. Professional offices (except medical or dental) or business service establishments
One (1) space for each 300 square feet of floor area.
- k. Office, medical or dental
One (1) space for each employee plus one-and-one half (1½) spaces for each examining room or chair.
- l. Financial institutions and services
One (1) space for each 250 square feet of floor area, plus five (5) stacking spaces per lane for drive-up or drive-through uses.
- m. Drive-up and drive-through uses not elsewhere specified
Five (5) stacking spaces per lane
- n. Self-service storage facility
Three (3) spaces plus one (1) space per employee and further provided that a parking lane having a minimum width of ten feet shall be provided along and in addition to the minimum requirement for the traffic lane serving storage units.
- o. All other service and entertainment establishments
One (1) space for each 200 square feet of floor area.

4. Mercantile business uses:

- | Use | Number of Required Spaces |
|----------------------------------------------|--------------------------------------------------------------------------------|
| a. Food stores, supermarkets and superstores | Six (6) spaces plus one (1) space per 200 square feet of floor area over 1,000 |

- b. Convenience food and beverage store One (1) space for each 300 square feet of floor area.
- c. Retail store One (1) space for each 200 square feet of floor area except as otherwise specified.
- d. Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service Two (2) spaces plus one (1) additional space for each 300 square feet of floor area over 1000.
- e. Wholesale or distributing establishment or warehouse market open to the public One (1) space for each 500 square feet of floor area
- f. Automobile Sales One (1) space for each 600 square feet of enclosed floor space plus one (1) space for each 2,000 square feet of outside display area (Amended, Ordinance 2005-105, 12/19/05)

5. Recreational uses:

Use	Number of Required Spaces
a. Dance hall, assembly hall or exhibition hall without fixed seats	One (1) space for each 100 square feet of floor area used therefore.
b. Bowling alley	Five (5) spaces for each alley or lane
c. Outdoor playing field	One (1) space for each four (4) seats or one (1) space per 3,000 square feet of recreation area, whichever is greater.
d. Golf driving range	Two (2) spaces plus one (1) space per tee
e. Golf course, public	Two (2) spaces plus four (4) spaces per golf hole or tee.
f. Health club	One (1) space for each two (2) patrons based on the maximum occupancy of all on-site facilities as determined by the Decatur Fire Chief, plus one (1) space for each employee on the maximum working shift.
g. Sports arena, stadium or gymnasium	One (1) space for each four (4) seats

6. Industrial uses:

Use	Number of Required Spaces
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- a. Wholesale distribution and/or warehouse, industrial, laboratory or manufacturing (1) space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

D. DESIGN OF PARKING SPACES AND LOTS

All parking spaces and parking lots shall be designed as follows:

1. Access to parking spaces

Except in one and two family districts, all parking spaces shall be designed so that the space can be accessed directly and is not blocked by other parking spaces. One and two family uses may be allowed to block parking spaces in order to meet the foregoing minimum parking space requirements, so long as all spaces have access to a public street or way.

2. Parking Lot Setbacks

- a. All parking lots shall be required to meet the following yard setbacks:

Required Parking Lot Setbacks			
Zoning District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
R-1, R-2, R-3, R-5, PMR-1*	20	10	10
R-6, O-1, B-1, B-2, B-3, M-1, M-2, M3, PD	15	5	5
B-4	5	0	0
Notes: * This requirement applies to all uses except one and two family residential uses. See Subsection G, below.			

- b. Circulation drives may not be located within the required Parking Lot Setback. Access drives providing direct access from a public right-of-way to the lot may cross through the required setback.
 - c. Where a buffer yard is also required, the more restrictive required setback shall prevail.
 - d. See Section XXVIII, Landscaping and Exterior Lighting, for reductions allowed when landscaping is provided.
3. Parking space dimensions: All parking spaces (except parallel spaces) shall have a minimum width of nine (9) feet and a minimum depth of 18 feet. Angled spaces shall be designed so that a nominal depth of 18 feet is maintained.
- a. Parallel parking spaces shall be nine (9) feet deep and 22 feet wide.
 - b. An aisle shall be provided behind each parking space (except parallel spaces), based on the angle of the space, as follows:

- i. Ninety (90) degree spaces: 24 feet
 - ii. Sixty (60) degree spaces: 18 feet
 - iii. Forty-five (45) degree spaces: 13 feet
 - iv. Thirty (30) degree spaces: 11 feet
 - v. Parallel spaces: Parallel spaces shall be adjacent to a traffic aisle as noted below. The width of the aisle shall be determined by the type of traffic (i.e., one- or two-way). Parallel spaces shall be situated so that a vehicle has adequate room beyond it in order to back into the space.
4. Traffic aisles within parking lots
 - a. Two-way traffic aisles shall be a minimum of 24 feet wide.
 - b. One-way traffic aisles:
 - i. When not providing access to parking spaces: 16 feet wide.
 - ii. When used to access parking spaces: subject to the requirements based on the angle of the space as enumerated above.
5. Access points
 - a. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the sight line and movement of traffic.
 - b. No driveway or curb cut in any non-residential district shall exceed 25 feet in width, except that turning radii, divided entrances and exits with island dividers and joint driveway/curb cuts serving multiple lots or parcels may be permitted to exceed this standard, subject to the approval of the City Engineer.
 - c. Accesses that ingress to or egress from roads or highways under jurisdiction other than the City of Decatur are subject to prior approval by the appropriate jurisdiction.
6. Landscaping and Lighting. All parking lots shall be landscaped in accordance with Section XXVIII. All parking lot lighting shall also conform to Section XXVIII.
7. Surface:
 - a. Paving for One and Two Family Districts
 - i. Residential uses: All off-street parking areas, driveways and aisles serving a single family or two family use in the R-1, R-2, R-3 and R-5 districts existing prior to the establishment of this ordinance shall be at minimum improved with an all-weather surface, said surface being a minimum of four (4) inches of white rock. All such parking areas, driveways and aisles established after the effective date of this ordinance shall be paved with an improved surface.
 - ii. A one or two family residential use may request alternative compliance for paved driveways(s) that extend past 100 feet from the front property line, which is considered a 100 foot front yard setback for paving purposes. Any

portion of the driveway(s) that would be located within 100 feet of any property and / or lot line of any residential use or zone must be on an improved surface. All parking and vehicle storage areas shall be on an improved surface. The Zoning Administrator may approve a surface other than concrete or asphalt for those portions of the driveway which are not located in the 100 foot setback, are not located within 100 feet of any property and / or lot line of any residential use or zone and are not parking or vehicle storage areas. (Amended, Ordinance No. 2010, May 17, 2010; Ordinance No. 2008-77, October 20, 2008)

- iii. Non-residential uses: parking areas and driveways shall be paved with a minimum of two (2) inches of Class I asphalt or concrete over a six-inch aggregate base, or other hard surface as approved by the Public Works Department.
- b. Paving for Multiple Dwelling, Office, Commercial, Limited Industrial and Planned Development Districts: All parking areas, driveways and aisleways used for traffic circulation in the R-6, O-1, B-1, B-2, B-3, B-4, M-3 and PD districts shall be surfaced with a minimum of two (2) inches of Class I asphalt over a six (6) inch aggregate base, or an equivalent surface approved by the Public Works Department.
- c. Paving for Intense Commercial-Light Industrial and Heavy Industrial Districts
All parking areas, driveways and aisleways used for traffic circulation in the M-1 and M-2 districts shall be paved with a minimum of two (2) inches of Class I asphalt over a six (6) inch aggregate base, or an equivalent surface approved by the Public Works Department. All storage yards and storage areas shall be paved with a minimum of six (6) inches of all-weather surface, or an equivalent surface approved by the Public Works Department. Driveways and aisleways used for traffic circulation within storage yards and storage areas shall be paved with a minimum of two (2) inches of Class I asphalt over a six (6) inch aggregate base, or an equivalent surface approved by the Public Works Department.

A request for an all-weather alternative surface for traffic circulation in storage yards and areas may be approved by the Public Works Department if the storage yard or area is located on property the nearest point of which is 300 feet from the nearest point of any property zoned R-1, R-2, R-3, R-5, R-6, PMR-1, O-1, B-1, B-2, B-3 and PD or any other non-industrial use within the corporate limits of the City of Decatur or neighboring jurisdiction. The request shall be submitted in a form approved by the City of Decatur and shall be supported by data describing the anticipated traffic volume, the size and weight of vehicles (loaded and empty) anticipated to use the storage yard or area, and the soil and topographic conditions of the site of the proposed storage yard or area. The City of Decatur's Public Works Department shall grant or deny requests for an alternative all-weather surface based on the following criteria: whether the proposed alternative all-weather surface and soil conditions are reasonably sufficient for the volume and load of the anticipated use. Under no circumstances will an alternative all-weather surface be constructed of less than

six (6) inches of aggregate. Requests for an alternative all-weather surface shall include an engineered cross section. Continued use of an approved alternative surface shall only be allowed as per the terms defined in the approved site plan. (Amended, Ordinance No. 2015-42, August 17, 2015) (Amended, Ordinance No. 2004-02, January 20, 2004)

E. ACCESS DRIVES – SUBDIVISION REGULATIONS APPLY

No access drive shall be permitted in violation of the Subdivision Regulation or the City of Decatur Construction Standards.

F. RESIDENTIAL DRIVEWAYS

1. Width at curb

No single-family or two-family residential driveway shall be more than twenty-four (24) feet in width at the right-of-way line, measured at a right angle to the centerline of the driveway.

2. Maximum width

Residential driveways shall be limited to a maximum width of sixteen (16) feet, or eight (8) feet wider than the total width of all garage bays approached by the driveway, whichever is greater. A garage bay shall equal a maximum of nine (9) feet in width for purposes of this ordinance.

3. Number of driveways

No residential lot shall have more than two (2) separate residential driveway curb cuts.

G. USE OF REQUIRED YARDS

Parking areas are permitted within required yard setbacks except as following:

1. One and two family residential districts

- a. Parking areas are not permitted within the required front yard in an R-1, R-2, R-3 or R-5 district; however, parking on a driveway located in a required front yard setback in said districts is permitted, provided that it leads to a garage or similar accessory structure or, in the absence of a garage or accessory structure, to the side or rear yard.
- b. Residential driveways in a required front, rear or side yard setback established after the effective date of this ordinance shall be allowed only on an improved surface as required in subsection D.7, above. Parking in an area other than a driveway or improved parking area is expressly prohibited.
- c. Recreational vehicle storage: A recreational vehicle may be stored outdoors only in the rear yard or within the front yard on a driveway as noted in subparagraph “a.” above. Storage of a recreational vehicle is permitted on an improved surface only. Only one (1) recreational vehicle shall be permitted; however, notwithstanding the above, a combination of a boat (with trailer) and one (1) other recreational vehicle (other than an additional boat) is permitted.

H. MISCELLANEOUS REQUIREMENTS

1. Location

Off-street parking facilities for one or two family dwellings shall be located on the same lot or plot of ground as the building or use they are intended to serve. The location of required off-street parking facilities for other than one and two family dwellings shall be within 300 feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building.

2. Joint use of parking spaces

Not more than 50 percent of the parking spaces required for (a) theaters, bowling alleys, dance halls, night clubs, bars, cocktail lounges or cafes, and up to 100 percent of the parking spaces required for a place of worship, religious facility or school auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

3. Joint use agreement

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

4. Pavement drainage

All off-street parking facilities shall be graded and drained to dispose of all surface water as approved by the Public Works Department upon review of plans and specifications submitted in accordance with the Building Code.

5. Handicapped parking spaces

Handicapped parking shall be provided in accordance with the requirements of the Illinois Accessibility Code or successive legislation pertaining to the provision of handicapped parking.

I. LOADING SPACE REQUIREMENTS:

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

1. Number of loading spaces required.

In the B-1, B-2 and B-3 Shopping and Commercial Districts and in the M-1, M-2 and M-3 Manufacturing Districts, one loading space for each 10,000 square feet, or fraction thereof, of floor area in the building.

2. Loading spaces in the B-4 district

In the B-4 Central Business District, one loading space shall be provided for the first 5,000 to 15,000 square feet of floor area in the building and one additional loading space for each 15,000 square feet, or fraction thereof, of floor area in excess of 15,000 square feet.

3. Blocking of rights-of-way prohibited.

All loading areas shall be located so that a public street or sidewalk will not be occupied during the loading or unloading process.

4. Front yard loading spaces.

Except in the M-2 Industrial District, no loading space or portion thereof shall be located in any front yard.

5. Vision clearance triangle

No loading space or portion thereof shall be located within the vision clearance triangle.

6. Adequate access required.

Each loading space shall be served by appropriate means of vehicular access to a street or alley in a manner which will not require backing or other traffic movements on a public street. A request for alternative compliance may be approved by the Public Works Department if a practical hardship or difficulty exists that hinders the ability to design/redesign the development so as to provide adequate access to loading areas. The Public Works Department will base its decision for alternative compliance on the effect of the backing maneuver on traffic flow, the frequency and size of trucks, the use of the road and the structure of the road.

(Amended, Ordinance No. 2015-28, June 15, 2015)

7. Loading space size

Each loading space shall be a minimum of twelve (12) feet in width by thirty-five (35) feet in length.

SECTION XXV. SIGNAGE

A. PERMIT REQUIRED.

1. Regulation

All signs, unless otherwise specified by ordinance, shall conform to the requirements of this section. No on premise or off premise sign, billboard, poster, flag, outdoor display or other advertising device not meeting the requirements mentioned herein shall be permitted.

2. Permit Required.

Except as otherwise provided herein, it shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a sign without first obtaining a sign permit from the Building Inspector.

B. GENERALLY

1. Prohibited signs

- a. Pennants, streamers, lines of whirling or spinning elements, and similar
- b. Revolving or flashing beacons that resemble traffic control devices or emergency vehicle signals.
- c. Signs which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.
- d. Signs portraying obscene, indecent or immoral matter

2. Flashing signs

Signs employing exterior brilliant, intermittent, rotating or flashing lights, including electronic message unit signs, shall not be permitted within 100 feet of the boundary of any "R" District.

3. Signs in the vision clearance triangle

- a. No portion of any sign, exclusive of the standard of a freestanding sign, located within a vision clearance area as herein defined, shall be less than nine feet above the level of the sidewalk, or if there is no sidewalk, the level of the lot line nearest the sign, except that where traffic lights may be obscured, the minimum height shall be twelve feet. The standard or support for a freestanding sign within a vision clearance zone shall be limited to the following: (1) a single pole or column with a maximum diameter or width of twenty-four inches or (2) a maximum of two poles or columns with a maximum diameter or width of eighteen (18) inches each and further provided a minimum clear distance of six (6) feet be provided between such poles or columns.
- b. Notwithstanding the above, a directional sign as herein regulated may be located within the vision clearance triangle.

4. Awning, canopy and sloping roof signs

Signs located on awnings, canopies and marquees, and signs on sloping roofs with an angle relative to flat grade of greater than 45 degrees, shall be considered to be wall signs and shall be included in the maximum number of signs and area of signs as required for wall signs.

5. Multiple signs on one standard

Two or more signs may be mounted on the same standard of a freestanding advertising sign, provided that the combined areas of such signs do not exceed the area requirements for a single freestanding sign as provided herein.

6. Corner lots

In addition to the signs allowed in or to project into a front yard as herein above provided, such signs shall also be allowed in the corner side yard of a corner lot, subject to the same conditions and restrictions as those permitted in the front yard.

On those corner lots having frontage on marked highways and streets where off-premises signs are permitted, an off-premise sign may be located only in the yard fronting the marked highway.

7. Portable signs

No portable sign shall be in place more than a total of thirty-five (35) days per calendar year. One (1) portable sign shall be permitted per lot. Portable signs shall not exceed 32 square feet in area and may not exceed five (5) feet in height. The permit for a portable sign shall stipulate the number and type of portable signs and dates of display. Portable signs shall be permitted in the B-2, M-1, and M-2 Districts. Illuminated elements are permitted, provided that the sign is located a minimum of 50 feet from any side or rear lot line in a residential district.

(Amended, Ordinance No. 2005-105, December 19, 2005)

8. Directional signs

- a. Directional signs are permitted for any use in any district except one and two family uses and shall not be counted towards the maximum number of freestanding signs permitted.
- b. No directional sign may exceed four (4) square feet in area and shall not exceed three (3) feet in height.
- c. Directional signs that contain advertising shall be counted towards the maximum area of signs permitted; directional signs that contain no advertising shall not be counted towards the maximum area of signs permitted.

9. Electronic Message Unit Signs

- a. Electronic message unit signs may be located on the same sign structure as non-electronic message unit signs. (Amended, Ordinance No. 2008-48)

- b. Electronic message unit signs located in O-1, B-1, B-2, B-3, B-4, M-1, M-2 and PD districts may not be located within one-hundred (100) feet of the boundary of any residentially-zoned district or residential use. Electronic message unit signs in any residentially-zoned district may not be located within one-hundred (100) feet of the property and/or lot line of any residential use. (Amended, Ordinance No. 2008-48, August 4, 2008)
- c. No electronic message unit sign may exceed fifty (50) square feet in area in the O-1, B-1, B-2, B-3, B-4, M-1, M-2 and PD districts. No electronic message unit sign may exceed thirty-two (32) square feet in area in any residentially-zoned district. Electronic message unit signs must have a minimum front yard setback of ten (10) feet. (Amended, Ordinance No. 2008-48, August 4, 2008)
- d. Electronic message unit signs may only display advertising information related to the business or businesses located on the same premises.
- e. Electronic message unit signs may also display time and temperature as well as information which is nonprofit, civic or charitable in nature. (Amended, Ordinance No. 2008-48, August 4, 2008)
- f. Electronic message unit signs located in all zoning districts shall be constant or steady in nature. Displayed messages shall not change at a rate greater than one (1) message per every six (6) seconds. (Amended, Ordinance No. 2008-48, August 4, 2008)
- g. Electronic message unit signs located in all zoning districts shall not scroll or travel, grow, melt, x-ray, up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation at a rate faster than one (1) frame per one (1) second. No electronic message unit sign shall have both the background and foreground in motion simultaneously. No electronic message unit sign shall have animation without test.
- h. A flashing display is prohibited in all residentially-zoned districts. Where permitted, repeated text or graphics shall not flash at a rate faster than one (1) frame per every one (1) second.
- i. Electronic message unit signs in residentially-zoned districts shall only operate between the hours of 6:00 a.m. and 11:00 p.m.
- j. Electronic message unit signs shall adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot candles.
- k. Electronic message unit signs located in any residentially-zoned district shall only be permitted in an electronic message unit monument style sign structure and constructed of stone and/or masonry.
- l. All existing non-conforming electronic message unit signs installed prior to this Ordinance No. 2008-48 shall conform to the display regulations within Subsections 9.d., 9.e., 9.f., 9.g., 9.h., 9.i., 9.j., and 9.k. within one (1) year of the date of the approved Ordinance amendment.

(g through l inclusive Amended by Ordinance No. 2008-48, August 4, 2008)

10. Signs in the right-of-way

No sign, except those necessary for traffic and parking control and projecting yard signs as listed in subparagraph 13 below, shall be posted in a right-of-way, boulevard, or other publicly-owned space.

11. Removal of abandoned signs

Abandoned signs and sign structures shall be removed within sixty (60) days. Signs and / or sign structures shall be considered abandoned when any of the following occurs:

- a. Signs that refer to businesses or products that are no longer in existence or operation at the location of the sign for a period of at least sixty (60) days
 - b. Multi-tenant signs but only as to the tenant or product that is no longer in existence or operation at the location of the sign a period of at least sixty (60) days.: The entire sign and structure shall be considered abandoned when all businesses or products referred to on a multi-tenant sign shall no longer be in existence or operation at the location of the sign for a period of sixty (60) days and the structure is non-conforming.
 - c. Non-conforming structures that refer to business or products no longer in existence or operation at the location of the sign
 - d. Signs or structures bearing visible damage for a period exceeding sixty (60) days
 - e. Signs or structures in which the internal illumination is no longer fully functional or inoperative for a period exceeding sixty (60) days
 - f. Any sign with an open cabinet.
- (Amended, Ordinance No. 2005-105, December 19, 2005)

12. Setbacks

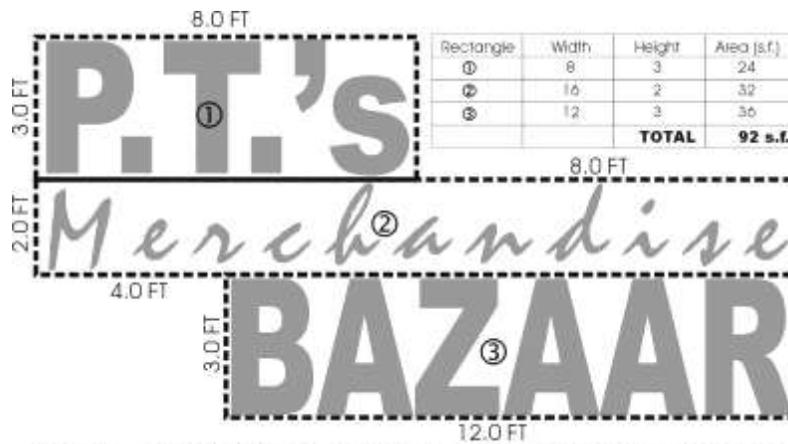
- a. All sign setbacks, as required herein, shall be measured from the nearest property or right-of-way line to a line extended from the leading edge of the sign to the ground.
- b. A sign shall not be allowed to extend over an adjacent property or overhang a right-of-way line; however, a projecting yard sign in the B-4 District and within any specially designated sign district, planned unit development or other overlay district may be permitted to extend over the right-of-way, subject to proof of liability insurance and indemnification of the City.

13. Maximum Height

The maximum height of all signs, as required herein, shall be measured from the grade at the base of the sign to the top-most sign element.

14. Sign Area.

For the purposes of this Ordinance, the area of a sign shall consist of the area of the smallest rectangle or sum of the area of multiple contiguous rectangles (including air space and painted background, but excluding frame or support materials) enclosing the extreme limits of the sign display. Curved, spherical or any other shaped sign shall be computed on the basis of actual surface area. Where a sign has two opposite sides on the same plane, or where the opposite sides are angled no greater than 30 degrees, only the area of one side of the sign shall be considered its total area. See illustration.



Sign area – the sum of the area of contiguous rectangles enclosing the sign display.

15. Occupant Frontage

When required in this Section, the maximum allowed area of a wall sign shall be determined by the linear width in feet of the occupant frontage in the building. For the purposes of this Section, “occupant frontage” shall mean that side or wall or portion thereof of a building, which is generally situated towards the street and on which is usually (but not always) located the main public entrance for an individual premises or business. In a single tenant building, the occupant frontage shall be the width of the building, whereas for a multi-tenant building, the occupant frontage shall be the width of that portion of the main building occupied by each premises or business.

16. Political Signs

Outdoor political campaign signs on residential property for residential use are exempt from the time period regulations and the number of temporary signs to be displayed as outlined in the following subsections. (Amended, Ordinance 2012-66; September 17, 2012)

C. SIGNS IN SINGLE- AND TWO-FAMILY RESIDENCE DISTRICTS

1. General

- a. Regulations in this subsection shall apply to the R-1, R-2, R-3 and R-5 zoning districts.
 - b. Notwithstanding the above, a home occupation that meets the requirements of this Ordinance shall be permitted to erect a single, non-illuminated wall sign that does not exceed two square feet in area and is mounted flush to the wall of the main building.
(Amended, Ordinance No. 2005-105, December 19, 2005)
2. Freestanding Signs: All uses except for one and two family residences and any accessory use are permitted to erect a freestanding sign subject to the following:
 - a. Number per Frontage: One (1). (Amended, Ordinance No. 2011-02)
 - b. Maximum Area per Sign: 50 square feet, properties containing five (5) acres or more may have a maximum area of 75 square feet. (Amended, Ordinance No. 2011-02)
 - c. Maximum height: Ten (10) feet, properties containing five (5) acres or more may have a maximum height of 15 feet. (Amended, Ordinance No. 2011-02)
 - d. Minimum Setbacks: Five feet from any property line.
 - e. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.
3. Wall Signs: All uses except for one and two family residences and accessory uses may erect a wall sign, subject to the following:
 - a. Number per Main Building: One (1)
 - b. Maximum Area per Sign: 25 square feet or ten (10) percent of the face of the wall where displayed, whichever is larger, to a maximum of 50 square feet.
 - c. Illumination: A wall sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line
 - d. A wall sign may not extend above the top of the wall where displayed
4. Subdivision Identification Signs:

Residential subdivisions and residential planned unit developments may erect up to two (2) subdivision identification signs with a maximum area of 50 square feet each, at each major entrance to the subdivision. Such sign may be externally-illuminated but non-flashing, provided that the light fixtures are directed onto the signs only and the light source is not visible from adjacent residential properties.
5. Permit-Exempt Signs
 - a. Temporary freestanding signs may not exceed three (3) feet in height and six (6) square feet in area. Only five (5) signs are allowed per lot.
 - b. Extended temporary signs may not exceed three (3) feet in height and six (6) square feet in area. Only one (1) sign is allowed.

- c. One and two family residences may attach temporary wall signs or banners to the main building in lieu of placing freestanding signs. The combined area of the temporary freestanding signs and any wall-mounted signs or banners may not exceed eighteen (18) square feet.
- d. All uses except for one and two family residences and accessory uses may attach temporary wall signs or banners to the main building subject to the following:
 - 1. The wall sign or banner may only be attached to the main building.
 - 2. A total of three (3) temporary wall signs or banners will be allowed on the main building and when combined with the permanent wall signs may not exceed fifteen (15) percent of the wall on which it is located.(Amended, Ordinance No. 2005-105, December 19, 2005)

D. SIGNS IN THE MULTIPLE FAMILY RESIDENCE DISTRICT

1. Generally

Regulations in this subsection shall apply to the R-6 zoning district.

- 2. Freestanding Signs: All uses except for one and two family residences and any accessory use are permitted to erect a freestanding sign subject to the following:
 - a. Number per Frontage: One (1). (Amended, Ordinance No. 2011-02)
 - b. Maximum Area per Sign: 50 square feet, properties containing five (5) acres or more may have a maximum area of 75 square feet. (Amended, Ordinance No. 2011-02)
 - c. Maximum height: Ten (10) feet, properties containing five (5) acres or more may have a maximum height of 15 feet. (Amended, Ordinance No. 2011-02)
 - d. Minimum Setbacks: Five (5) feet from any property line.
 - e. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.

3. Wall Signs

All uses except one family and two family residences and accessory uses, may erect a wall sign, subject to the following:

- a. Number per Main Building: One (1)
- b. Maximum Area per Sign: 25 square feet or ten (10) percent of the face of the wall where displayed, whichever is larger, to a maximum of 50 square feet.
- c. Illumination: A wall sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line
- d. A wall sign may not extend above the top of the wall where displayed

4. Permit-Exempt Signs
 - a. Temporary freestanding signs may not exceed three (3) feet in height and six (6) square feet in area. Only three (3) signs are allowed per lot.
 - b. Extended temporary signs may not exceed three (3) feet in height and six (6) square feet in area. Only one (1) sign is allowed per lot.
 - c. Temporary wall signs or banners may only be attached to the main building. A total of three (3) temporary wall signs or banners will be allowed on the main building and when combined with the permanent wall signs may not exceed fifteen (15) percent of the wall on which it is located. (Amended, Ordinance No. 2005-105, December 19, 2005)

E. SIGNS IN THE OFFICE DISTRICT

1. Generally

Regulations in this subsection shall apply to the O-1 zoning district.

2. Freestanding Signs

- a. Number per Frontage: One (1). (Amended, Ordinance No. 2011-02)
- b. Maximum Area per Sign: 50 square feet, properties containing five (5) acres or more may have a maximum area of 75 square feet. (Amended, Ordinance No. 2011-02)
- c. Maximum height: Ten (10) feet, properties containing five (5) acres or more may have a maximum height of 15 feet. (Amended, Ordinance No. 2011-02)
- d. Minimum Setbacks: Five (5) feet from any property line.
- e. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.

3. Wall Signs

All uses except one family and two family residences and accessory uses, may erect a wall sign, subject to the following:

- a. Number per Main Building: No limit; provided that the aggregate square footage of all wall signs does not exceed the maximum square footage as required in (b.) below. (Amended, Ordinance No. 2007-06, February 20, 2007)
- b. Maximum Area per Sign: Ten percent (10%) of the façade or wall on which the sign(s) is/are attached, or one (1) square foot per linear foot of occupant frontage, whichever is larger. (Amended, Ordinance No. 2007-06, February 20, 2007)
- c. Illumination: A wall sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line
- d. A wall sign may not extend above the top of the wall where displayed

4. Permit-Exempt Signs

- a. Temporary freestanding signs may not exceed ten (10) feet in height and thirty-two (32) square feet in area. Only one (1) sign is allowed per lot.
- b. Extended temporary signs may not exceed three (3) feet in height and six (6) square feet in area. Only one (1) sign is allowed per lot.
- c. Temporary wall signs or banners may only be attached to the main building. A total of three (3) temporary wall signs or banners will be allowed on the main building and when combined with the permanent wall signs may not exceed fifteen (15) percent of the wall on which it is located. (Amended, Ordinance No. 2005-105, December 19, 2005)

F. SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS

1. General

Regulations in this subsection shall apply to the B-1, B-2, B-3, B-4, M-1, M-2 and M-3 zoning districts.

2. Freestanding signs in the B-1 District.

- a. Number per Frontage: One (1). (Amended, Ordinance No. 2011-02)
- b. Maximum Area per Sign: 75 square feet. (Amended, Ordinance No. 2011-02)
- c. Maximum height: Twenty (20) feet
- d. Minimum Setbacks: Five (5) feet from any property line.
- e. Illumination: Such sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.

3. Freestanding signs in all other Business and Industrial Districts.

- a. Number per Frontage: One (1); however, properties that have 500 feet of linear frontage or more are permitted two (2) freestanding signs and properties with 800 feet of linear frontage or more are permitted three (3) freestanding signs. (Amended, Ordinance No. 2011-02)
- b. Multi-Tenant Sign Advertising Three or More Businesses: One (1) per development (Amended, Ordinance No. 2010-71, September 20, 2010)
- c. Maximum Area per Sign:
 - i. Sign Advertising One or Two Businesses: 75 square feet or one (1) square foot per each linear foot of frontage, to a maximum of 100 square feet. (Amended, Ordinance No. 2011-02)
 - ii. Multi-Tenant Sign Advertising Three or More Businesses: 75 square feet or one (1) square foot per each linear foot of frontage, to a maximum of 200 square feet. (Amended, Ordinance No. 2011-02)
- d. Maximum height: Thirty-five (35) feet
- e. Minimum Setbacks: Five (5) feet from any property line.

- f. Illumination: Such sign(s) may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line.
4. Wall signs
- a. Number per Main Building: No limit; provided that the aggregate square footage of all wall signs does not exceed the maximum square footage as required below.
 - b. Maximum Area: Ten (10) percent of the facade or wall on which the sign(s) is/are attached, or one (1) square foot per linear foot of occupant frontage, whichever is larger.
 - c. Illumination: A wall sign may be illuminated but non-flashing if located a minimum of 25 feet from any residential side or rear lot line
 - d. A wall sign may not extend above the top of the wall where displayed.
5. Permit-Exempt Signs
- a. Temporary freestanding signs may not exceed ten (10) feet in height and thirty-two (32) square feet in area. Only one (1) sign is allowed per lot.
 - b. Extended temporary signs may not exceed three (3) feet in height and six (6) square feet in area. Only one (1) sign is allowed per lot.
 - c. Temporary wall signs or banners may only be attached to the main building. A total of three (3) temporary wall signs or banners will be allowed on the main building and when combined with the permanent wall signs may not exceed fifteen (15) percent of the wall on which it is located.
(Amended, Ordinance No. 2005-105, December 19, 2005)
6. Projecting yard signs: Projecting yard signs not exceeding 40 square feet plus one additional square foot for each additional foot of occupant frontage over 40 feet are allowed, subject to the following:
- a. In the B-4 District
In the B-4 District, a combination of projecting yard signs and wall signs are permitted, subject to the area limitations for projecting yard signs and wall signs as noted above.
 - b. All other districts
In all other business and industrial districts, on a property where there are no freestanding signs and no wall signs, one projecting yard sign may be attached to the building
7. Rooftop signs: In the B-4 District, a building consisting of three (3) stories or more may erect a rooftop sign, provided that:
- a. The total height of the sign above the roof deck, coping line or parapet wall does not exceed 20 feet, provided that the combined height of the building and sign do not exceed the maximum height for a structure within the B-4 District;

- b. The width of the sign does not exceed one-third (1/3) of the width of the building face at the top of the building on the side on which the sign faces; and;
 - c. The maximum area of the sign does not exceed 300 square feet.
8. Signs in the M-3 District: Only the following signs are permitted in the M-3 District:
- a. Wall signs: One (1) sign is permitted, which may not exceed 25 square feet in area.
 - b. A freestanding monument-style sign of not more than 50 square feet nor more than five (5) feet in height may be used. Only one freestanding sign is permitted per lot and must be located not less than five (5) feet from any lot line.
 - c. Illumination: Signs in the M-3 District may be illuminated but non-flashing if located at least 25 feet from any lot line in a residential district.
9. Off-Premise Signs:

An off-premise (billboard) sign shall be permitted in the B-2, B-3, M-1, and M-2 zoning districts. For the purposes of this Ordinance, an off-premise sign is considered to be an accessory use.

- a. No off-premise sign shall exceed three-hundred (300) square feet in area including border and trim but excluding ornamental base or apron, supports and other structural members. Back to back displays erected at no greater than a thirty (30) degree angle to each other shall be permitted and deemed to be a single sign.
- b. In the case of an off-premise sign that is located on a one way street, two (2) sign faces of three-hundred (300) square feet in area each may be displayed facing the one-way traffic, provided that such faces are arranged in a vertical manner and advertising on the reverse side shall be prohibited. The reverse side shall be painted and maintained. An off-premise electronic message unit sign located on a one-way street shall only have one (1) face of up to three- hundred (300) square feet in area facing the flow of traffic and advertising on the reverse side shall be prohibited. The reverse side shall be painted and maintained. (Amended, Ordinance No. 2008-48, August 4, 2008)
- c. No off-premise sign shall be located closer than seven-hundred and fifty (750) feet from any other off-premise sign located on either side of the street or highway. (Amended, Ordinance No. 2008-48, August 4, 2008)
- d. An off-premise sign shall be set back a minimum of fifty (50) feet from any rear or side lot line of a residentially-zoned district. An off-premise electronic message unit sign shall be set back a minimum of one-hundred (100) feet from any property and/or lot line of a residentially-zoned district and/or residential use. (Amended, Ordinance No. 2008-48, August 4, 2008)
- e. No off-premise sign shall exceed thirty-five (35) feet in vertical height; however, an off-premise sign on a one-way street with two (2) sign faces as permitted above may be erected to a maximum height of forty (40) feet.

- f. No more than one (1) off-premise sign shall be permitted per lot.
- g. Off-premise electronic message unit signs located in all permitted zoning districts shall be static, constant and steady in nature. Off-premise electronic message unit signs shall not scroll or travel, flash, grow, melt, x-ray, up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation. Displayed messages shall not change at a rate greater than one (1) message per every ten (10) seconds. (Amended, Ordinance No. 2008-48, August 4, 2008)
- h. Off-premise electronic message unit signs shall adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring residential uses. The spillover at any property line shall not exceed 0.5 foot-candles. (Amended, Ordinance No. 2008-48)
- i. All off-premise electronic message unit signs must be connected to the Emergency Communications Systems which may override any display at any time. (Amended, Ordinance No. 2008-48)
- j. For every one (1) off-premise sign converted to an off-premise electronic message unit sign within City limits, it shall be required to remove one-thousand and five-hundred (1,500) square feet of existing off-premise signs and/or existing non-conforming signage in the Core Area. (Amended, Ordinance No. 2008-48)
- k. Off-premise signs shall be allowed only on properties with frontage upon the following local streets and marked State, County and Federal highways. Where more than one (1) such marked highway shares the same roadway, the provisions of both highways as enumerated below shall apply.
 - i. U. S. 36, except that portion between Union Street and Martin Luther King, Jr. Boulevard.
 - ii. U. S. 51 (Busn.), except those portions of North Main/South Main streets and Franklin Street/North Water Street between Grand Avenue and Decatur Street.
 - iii. IL 121.
 - iv. IL 48, north of Pershing Road and south of the Sangamon River.
 - v. IL 105, between 22nd Street and 32nd Street and between 34th Street and Brush College Road.
 - vi. IL 105, between U. S. 51 (Busn.) and IL 48.

vii. Macon County Hwy. 1 (Brush College Road), north of IL 105.

viii. I-72.

10. Interstate signs

Lots located within 250 feet of the centerline of Interstate 72 that are zoned B-2, B-3, M-1 or M-2 and have a minimum of 150 feet of frontage adjacent to the interstate may increase the area of a freestanding sign along the interstate frontage to 200 square feet and 60 feet in height. No interstate sign may be located within 200 feet of another interstate freestanding sign. One interstate freestanding sign is permitted per lot and shall not be counted towards the total number of freestanding signs permitted for a single lot.

SECTION XXVI. RESERVED

(Amended, Ordinance No. 2011-35, June 6, 2011)

SECTION XXVII. WIRELESS FACILITIES

A. PURPOSE AND INTENT

It is the purpose and intent of this Section to protect the health, safety and general welfare of the people of Decatur, in a manner consistent with the provisions of the Federal Telecommunications Act of 1996. These regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Encourage the location of towers in non-residential areas through performance standards and incentives;
4. Assure that unnecessary towers are not erected, and that towers which are no longer in operation are promptly removed at the owner's expense;
5. Avoid potential damage to adjacent properties from tower failure through structural standards, icing conditions, and inadequate setbacks; and,
6. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

B. JURISDICTION

1. These regulations apply to all wireless communications facilities, as defined in Section II, Definitions, located within the corporate limits of the City of Decatur.
2. No wireless communications facility may be constructed without a site plan approved by the City of Decatur.

C. WIRELESS COMMUNICATIONS FACILITY APPLICATION PROCEDURE & APPROVAL PROCESS

1. General procedure: The content of applications for wireless communication facilities shall follow the procedures described in this Ordinance.
2. Additional procedures: In addition to the information required elsewhere in this Ordinance, development application for wireless communication facilities shall include the following supplemental information:
 - a. A report from a qualified structural engineer or architect licensed to practice in the State of Illinois which:
 - i. Illustrates the tower height and design including a cross-section and elevation;

- ii. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - iii. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 - iv. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - v. Includes a structural engineer's or architect's stamp and registration number, and,
 - vi. Includes all other information necessary to evaluate the request
- b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if all additional users agree in writing to meet reasonable terms and conditions for shared use, shall be submitted.
 - c. The applicant shall provide a copy of a signed lease, or in the case where the applicant is owner of the property, a letter of intent, containing a commitment to remove the tower and appurtenant equipment should the tower become inactive or abandoned as defined below.
 - d. Before the issuance of a building permit, the applicant will provide the following supplemental information to the City Staff:
 - i. A copy of FAA's response to the applicants "Notice of Proposed Construction or Alteration" (FAA form 7460-1 or its successor);
 - ii. Proof of compliance with applicable Federal Communications Commission regulations; and,
 - iii. A report from a qualified structural engineer or architect licensed to practice in the State of Illinois that demonstrates the tower's compliance with the City's structural and electrical standards.
3. Site Plan Requirements:

In addition to the Site Plan requirements adopted by the City, site plans for wireless facilities shall include the following information:

- a. Location and approximate size and height of all buildings and structures within 200 feet adjacent to the proposed wireless communication facility, measured from the outermost perimeter of the base of the tower.
- b. Site plan of entire development, indicating all improvements including landscaping and screening
- c. Elevations showing facades of all buildings, including a scale elevation of the tower structure, indicating exterior materials and color of the tower(s) on the proposed site
- d. Plans shall be drawn at a minimum scale of 1 inch equals 50 feet.

4. General approval standards

The petition of an application for a wireless communication facility will be granted if the following items are met to the satisfaction of Council:

- a. The location of the proposed tower is compatible with the City's Comprehensive Plan and with the City's land development regulations.
- b. Efforts to co-locate on an existing tower or structure have not been successful or are not legally/physically possible, as shown by proof of such attempts submitted by the applicant and verified by Staff.
- c. The submitted site plan complies with the performance criteria set in these regulations.
- d. The proposed facility tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- e. The lowest eight (8) feet of the facility/tower shall be visually screened by trees, large shrubs, solid walls, fences, or nearby buildings.
- f. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
- g. The owner of the wireless communication facility has agreed to permit other persons/wireless providers to attach wireless antenna or other communications apparatus which do not interfere with the primary purpose of the facility.
- h. There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- i. The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy-wire supports.
- j. The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence of at eight feet (8') in height around the tower base or the lot where the tower is located.
- k. The facility/tower is in compliance with any other applicable local, state, or federal regulations.

D. GENERAL WIRELESS COMMUNICATIONS FACILITY PERFORMANCE STANDARDS

1. Co-location requirements: All commercial wireless telecommunication towers erected, constructed, or located within the municipality shall comply with the following requirements:
 - a. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two mile search radius (one

mile search radius for towers under 120 feet in height, one half mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

- i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed structural engineer or architect, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- b. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas as specified in Subsection F, Tower Height, of this Section.

E. TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless Council determines that an alternative design would better blend with the surrounding visual environment.
3. No rungs or other appurtenances used for the purpose of tower access shall be located within 20 feet of the ground. The owner shall take necessary precautions to prevent unauthorized access to the tower equipment.

F. TOWER HEIGHT

The maximum tower height(s) permitted in the City of Decatur are calculated by applying the following:

1. If the tower is designed to accommodate only one service provider, the maximum height shall be 120 feet from grade.

2. If the tower is designed to accommodate two service providers, the maximum height shall be 160 feet from grade.
3. If the tower is designed to accommodate more than two service providers, the maximum height shall be 200 feet from grade.

G. ACCESSORY UTILITY BUILDINGS

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

H. TOWER LIGHTING

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.

I. ANTENNAS MOUNTED ON STRUCTURES, ROOFS, WALLS, AND EXISTING TOWERS

The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the City Manager, provided the antennas meet the requirements of these regulations, after submitted of:

1. A final site and building plan as specified by Subsection C of this Section, and;
2. A report prepared by a qualified engineer licensed to practice in the State of Illinois indicating the suitability of the existing structure to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated in the text of the report.

J. TEMPORARY WIRELESS COMMUNICATIONS FACILITIES

Any facility designed for temporary use (as defined in Section II), is subject to the following;

1. Use of a temporary facility is allowed only if the owner has received a temporary use permit from the City of Decatur.
2. Temporary wireless facilities are permitted for use of no longer than 30 days while constructing permanent facilities, and no longer than 5 days for use during a special event.
3. The maximum height of a temporary wireless facility is 50 feet from grade.
4. Temporary facilities are subject to all applicable portions of these regulations.

K. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No new or existing telecommunications service shall interfere with public safety telecommunications including those of law enforcement, fire, and emergency medical services. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. The applicant's engineer will provide a written summary of the findings of the study. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the municipality at least ten (10) business days in advance of such changes and allow the municipality to monitor interference levels during the testing process.

L. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS

Abandoned or unused towers or portions of towers shall be removed as follows:

1. The owner of a wireless facility shall file annually a declaration with the Zoning Administrator as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the following: (Amended, Ordinance No. 2010-34, May 17, 2010)
2. All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the City Manager. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the municipality and the costs of removal assessed against the property.

M. SIGNS AND ADVERTISING

1. The use of any portion of the site, including fences and accessory buildings, for signs other than warning or equipment information signs is prohibited.
2. The street address (number) must be displayed on the perimeter fence or accessory building, subject to City Code Chapter 35.

N. FALL ZONE REQUIRED

1. A horizontal fall zone equal in radius to one-half of the tower's vertical height (1:2) shall be provided. Buildings, parking facilities, or other improvements where falling debris may cause injury to persons or real property shall not be permitted within designated fall zones. The fall zone shall be measured from the outer perimeter of the base of the tower.

2. In the case where cellular towers are located adjacent to residential zoning districts or residential homes, apartment complexes, etc., a fall zone equal to one foot in horizontal radius for every one foot in vertical height (1:1) shall be required. Roadways, alleys, and pedestrian ways shall not be located within the fall zone. The fall zone shall be owned and maintained by the tower operator or, where ownership is not possible; the tower operator shall secure a land lease to maintain the fall zone. Building permits shall not be issued for additional structures or parking areas located in fall zones that were not a part of the approved site plan.

O. CONCEALED SITING

Communications towers shall be located in concealed areas wherever possible. Potential concealed areas include park conservation areas, woodlands and remote sites in public or private areas. Minimum setbacks or fall zones may be waived by the City Council when towers are proposed in suitable concealed areas.

P. LANDMARKS AND HISTORIC DISTRICTS

Proposals for towers within five hundred (500) feet of a National Register Landmark, National Register Historic District or locally designated landmarks and districts shall provide a report of the visual impact on the designated area. This report shall be considered in the Council decision to permit a tower.

Q. ZONING-SPECIFIC WIRELESS COMMUNICATIONS FACILITY PERFORMANCE STANDARDS

1. Commercial wireless communication facilities are a permitted use in the following zoning districts, subject to Subsection D, General Wireless Communication Facility Performance Standards.
 - a. B-2 Commercial District
 - b. B-4 Central Business District, when co-located on existing facilities or mounted to existing buildings.
 - c. M-1 Light Industrial District
 - d. M-2 Heavy Industrial District
 - e. M-3 Limited Industrial District
2. Commercial wireless communication facilities are allowed only by conditional use requiring the approval of City Council, in the following districts, subject to Subsection D, General Wireless Communication Facility Performance Standards:
 - a. R-1 Single Family Residence District
 - b. R-2 Single Family Residence District
 - c. R-3 Single Family Residence District
 - d. R-5 Two Family Residence District
 - e. R-6 Multiple Dwelling District

- f. O-1 Office District
 - g. PMR-1 Park Mobile Home District
 - h. B-1 Neighborhood Shopping District
 - i. B-3 Planned Shopping Center District
 - j. B-4 Central Business District, when ground mounted.
3. Non-commercial wireless facilities also known as amateur radio antennas are subject to Subsection R, Non-Commercial Wireless Facility Standards.

R. NON-COMMERCIAL WIRELESS FACILITY (AMATEUR RADIO ANTENNA) STANDARDS

1. Towers supporting amateur radio antennas and conforming to all applicable provisions of these regulations shall be allowed only in the rear yard of residentially zoned parcels.
2. In accordance with the Federal Communications Commission's preemptive ruling PRB1, towers erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the City Manager that the proposed tower height is technically necessary to engage successfully in amateur radio communication.

SECTION XXVIII. LANDSCAPING AND EXTERIOR LIGHTING

A. INTENT

The intent of this Section is to protect and increase property values by requiring landscape treatments around buildings and parking areas in high-density residential, commercial and industrial areas; to provide buffers between high-density residential/commercial/industrial uses and adjacent low density residential uses; to provide shade and variegation of the landscape; and to insure that exterior lighting does not have a negative impact on surrounding uses.

B. LANDSCAPE AND EXTERIOR LIGHTING PLANS: WHEN REQUIRED

1. All development, excluding one and two family residential development, is subject to the requirements of this Section.
2. All new subdivisions shall provide landscaping in the public boulevards as required by this Section.

C. LANDSCAPING REQUIREMENTS, GENERALLY

1. Landscape Plan Required

A landscape plan showing the following information shall be submitted with the site plan at the time of application for building permit and/or with a subdivision plat where applicable:

- a. North arrow, scale, date of preparation and revisions;
- b. Location of all proposed and existing buildings, structures and pavement;
- c. Location and dimensions of all property lines;
- d. Location of all existing or proposed ponds, lakes, watercourses, or drainage facilities;
- e. Location of the 100 year floodplain on the site, if applicable;
- f. Location, size and common name of any existing trees or shrubs to remain on site;
- g. Location of all landscaping proposed for the site (drawn at one-half (1/2) of mature size) including trees, shrubs, ground cover, ornamental grasses or flower beds;
- h. Location of all existing or proposed signs, walls, fences, earthen berms (drawn at 1-foot contour interval), site furniture, lights, fountains, and/or sculptures on the site;
- i. Location of all existing or proposed sidewalks, bike trails, pedestrian paths, etc. on the site;
- j. Plant list for all existing or proposed trees or shrubs on the site, including:

- i. Common Name
- ii. Quantity
- iii. Installation Size
- iv. Height/Width at Maturity
- v. Point Value per Tree/Shrub (as defined below)
- k. Location of all existing or proposed curb lines and curb cuts for streets, alleys, or parking lots;
- l. Schedule of total required points, as defined herein, classified by trees or shrubs, and total points provided; and
- m. Any additional information as determined by the Zoning Administrator to be necessary for approval of the proposed plan. (Amended, Ordinance 2010-34)

2. Installation of Materials

A landscape plan must be approved by the Planning and Building Services Department prior to the installation of required landscaping.

3. Certificate of Occupancy

All landscaping must be installed and inspected prior to the issuance of a Certificate of Occupancy. The Zoning Administrator may, at his/her discretion, permit the posting of a bond in an amount equal to one hundred twenty percent (120%) of the estimated cost of all improvements where inclement weather or seasonal conditions prohibit the installation of landscaping materials. All bonds deposited with the City of Decatur shall have as security thereon a surety company qualified to do business in the state of Illinois. (Amended, Ordinance No. 2010-34, May 17, 2010)

4. Performance Standards

All landscaping shall be required to perform in accordance with the following provisions:

a. Safety

- i. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site. All landscaping materials shall comply with the clear vision requirements as stated in Section II of this Ordinance.
- ii. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing or proposed utilities or overland drainage.
- iii. Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited.
- iv. Landscaping materials shall be selected and placed with sensitivity toward the ultimate size that will be achieved over time.
- v. Landscaping with thorns, berries and other harmful plant characteristics shall be carefully placed to avoid potential harm to people or property on and off-site.

- vi. Weak-wooded trees shall only be used where limb breakage will not cause harm to property or life.
- b. Maintenance
 - i. The owner of the premises shall be responsible for the watering, maintenance, repair and replacement of all landscaping, fences and other visual barriers including refuse disposal area screens which have died (in the case of plant material) or fallen into disrepair (in the case of fences or walls).
 - ii. All required plant materials shall be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. They shall be replaced as necessary, and shall be kept free of refuse and debris.
 - iii. All fences, walls and other barriers shall be maintained in good repair, meaning structurally sound and attractive in appearance. All fences in the R-6, O-1, B-1, B-2, B-3, B-4, M-1, M-2, M-3 or PD districts, required or otherwise, shall have the finished face directed toward residential property, where a residential property is located adjacent to or across from the subject site.
- c. Size of Plant Material

All plant materials required by this ordinance shall be of the following minimum sizes at the time of planting:

- i. Shade Trees: Trunk caliper (diameter) of two (2) inches.
- ii. Evergreen Trees: Six (6) feet in height.
- iii. Intermediate Trees: Single-stem varieties shall have a trunk caliper (diameter) of one and one-half (1½) inches. Multi-stem varieties shall have a minimum height of six (6) feet.
- iv. Shrubs (all): Two (2) feet in height or spread.
- d. Mulching, Ground Covers and Weed Control
 - i. All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch. Plant groupings shall be mulched in a continuous bed in which the edge of the mulching bed does not extend more than four (4) feet beyond the anticipated edge (at maturity) of plantings.
 - ii. When required shrubs or trees are planted individually and away from nearby plants they shall be encircled in a mulched area with a diameter of no more than five (5) feet. Evergreen trees are allowed a mulched circle extending no more than four (4) feet beyond the anticipated edge (at maturity) of the tree.
 - iii. Mulch adjacent to parking lots shall be of shredded hardwood bark or cypress mulch. Gravel mulch shall not be permitted adjacent to parking lots.

- iv. Mulch shall be applied so as to prevent or retard weed growth and be kept free of weeds.
 - v. When low-growing broadleaf evergreen plants (for example, Pachysandra, Vinca minor, and Purpleleaf Wintercreeper) are utilized as ground covers, they shall be planted together in continuous beds and spaced to achieve a substantially continuous ground cover within two (2) years of the issuance of a Certificate of Occupancy. Said ground covers must be mulched as set forth herein until such substantially continuous coverage is achieved.
- e. Penalty for Noncompliance

A property owner, upon notification by the Zoning Administrator, shall have a period of not less than fifteen (15) days to restore, replace or repair plant material, fences or other screening found to be in violation of the Performance Standards set forth herein. If said violation is not corrected within the specified time, the property owner shall be subject to a fine of three hundred dollars (\$300) per day for the first violation and five hundred dollars (\$500) per day, per violation, thereafter. In the case of landscaping that performs poorly, Alternative Compliance may be utilized pursuant to Subsection F of this Section. No fine shall be levied during the time that an Alternative Compliance proposal to remedy the problem situation is being reviewed by the Planning and Building Services Department. (Amended, Ordinance No. 2010-34, May 17, 2010)

D. LANDSCAPING CLASSIFICATIONS

The amount of all required landscaping shall be determined using the point system herein described. All landscaping requirements shall be based on formulas herein set forth. Each section requiring landscaping shall be deemed a portion of the total required landscaping. Fractional calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number. The following points shall apply for each unit of landscaping.

1. Tree Classification
 - a. Shade trees shall constitute eighteen (18) points each.
 - b. Evergreen trees shall constitute eighteen (18) points each.
 - c. Intermediate trees shall constitute twelve (12) points each.
2. Shrub Classification
 - a. Evergreen shrubs shall constitute three (3) points each.
 - b. Deciduous shrubs shall constitute two (2) points each.

3. Frontage and Corner Lots

Landscaping for front yards shall be determined by lot frontage. In the case of corner lots, required points shall be determined by the sum of all sides having frontage.

E. DETERMINATION OF REQUIREMENTS

1. Residential Subdivisions

a. Boulevard Trees

As a component of plat approval, residential subdivisions in the City of Decatur shall be required one (1) shade tree a minimum of every fifty (50) linear feet on center, within the public boulevard. Plantings shall be regulated by the City of Decatur Arboricultural Specifications Manual.

b. Preservation Credit

Where existing native canopy exists, the property owner may substitute existing trees for required trees, subject to the Alternative Compliance provisions of this Section.

2. Multi-Family, Office, Commercial and Manufacturing Districts

All lots improved with office, commercial, industrial or multi-family residential development in the R-6, O-1, B-1, B-2, B-3, M-1, M-2, M-3 and PD districts shall be required to provide landscaping as set forth herein.

a. Front Yard Requirements

The number of points that must be achieved through landscaping for front and corner side yards shall be based on one-half (½) required points of landscaping for each one (1) foot of lot frontage (0.50 points per foot). All landscaping required for front yards shall be planted within the required front yard, except as may be approved by the Alternative Compliance provisions of this Section. Of the total required points, fifty (50) percent of the total must be achieved by using plants from the tree classification and fifty (50) percent must be achieved by utilizing plants from the shrub classification. A minimum of seventy-five percent of all area within the required front yard not occupied by parking lots shall be planted with live plant material, such as shrubs, ground cover or turf grass.

b. Corner Lot

Corner lots shall be required to provide front yard landscaping on all sides fronting on a public street or highway.

c. Refuse Disposal Areas

Refuse disposal areas shall be screened on all sides, including a solid gate for access, by a solid, commercial-grade wood privacy fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than seven (7) feet. The finished face of the fence shall face away from the refuse disposal area.

d. Mechanical Equipment

All roof top and ground level mechanical equipment and utilities shall be fully screened from view of the centerline of any street or the nearest boundary of a single- or two-family residence district as seen from a height six (6) feet above ground level.

3. Buffer Yards

a. Buffer Yard Required

Whenever a side or rear yard in the R-6, O-1, B-1, B-2, B-3, M-1, M-2, M-3 or PD districts abuts, or, in the absence of an alley, would abut, any R-1, R-2, R-3, or R-5 district or any residential use in the city limits or neighboring jurisdiction, a buffer yard shall be required. (Amended, Ordinance No. 2010-71)

b. Depth of Yard

The buffer yard shall be ten (10) percent of the lot width or depth, whichever is applicable. No buffer yard shall be less than ten (10) feet in width. No buffer yard shall be required to be more than fifty (50) feet in width. For property located on a corner lot where both the rear lot line and the interior side lot line abut property in the R-1, R-2, R-3 or R-5 district, the buffer yard depth for both required buffer yards may be determined by the lesser dimension of the lot width or lot depth.

c. Dispute of Yard

Where there is a dispute over the location or size of the required buffer yard, the Technical Review Committee shall make final determinations based on best available information.

d. Total Points Required

The number of points that must be achieved through landscaping for buffer yards shall be based on one and one-half (1.5) required points of landscaping for each one (1) foot of lot length along the buffer yard (1.5 points per foot). All landscaping required for buffer yards shall be planted within the required buffer yard, except as may be approved by the Alternative Compliance provisions of this Section. Of the total required points, fifty (50) percent of the total must be achieved by using plants from the tree classification and fifty (50) percent must be achieved by utilizing plants from the shrub classification. Of the total required points, fifty (50) percent must be evergreen or broadleaf evergreen plantings.

e. Berm.

Where a semi-continuous berm measuring a minimum of three (3) feet and a maximum of four (4) feet in vertical height and not having a slope greater than 3:1 on either side is provided, required buffer yard landscaping points may be reduced by twenty (20) percent. Slopes may be increased above 3:1 where retaining walls are used, subject to approval under the Alternative Compliance provisions of this section. No individual section of said berm may measure more than forty (40) feet in length. Berms should present an aesthetically-pleasing screen, such as the berm shown in Exhibit XX-1. The berm should be integrated into the overall landscaping plan, including landscaping on the berm where practical.

f. Prohibited Use

All driveways, refuse containers, storage areas, aisleways, vehicular maneuvering areas, mechanical equipment and structures are prohibited within the required buffer yard. A sidewalk or paved trail may be located within a buffer yard when used as a connection to other pedestrian and/or recreational corridors. A concrete pad for emergency exits from a building shall be permitted in the buffer yard provided that it is required by the Building Code.

g. Activity areas

All on-site activity areas located within twenty-five (25) feet of a required buffer yard shall be screened by a fence, wall, berm, evergreen planting or combination thereof such that a substantially solid visual barrier of six (6) feet in height is attained. Fences or walls, when provided, must be located between the activity area and the buffer yard. Activity areas shall include refuse containers/dumpsters; storage; display of materials or merchandise; loading or unloading of passengers or goods, production assembly, processing or demolition of goods; and parking of vehicles. Plantings provided to screen activity areas shall not count toward required landscaping.

4. Parking Lots

Parking lots in all districts are subject to the following requirements; however, any portion of a parking lot not visible from the street in the B-4 District is exempt from landscaping requirements.

a. Points Required.

The number of points that must be achieved for all parking lots through landscaping shall be equal to one and one-half (1.5) points for every one (1) parking space provided. The points may be achieved through the use of both trees and shrubs. Parking lots with fifty (50) or more spaces must provide all required landscaping in curbed islands or medians within the interior of the parking lot. Parking lots with less than fifty (50) spaces may place landscaping in interior curbed parking islands and/or within ten (10) feet of the perimeter of the parking lot.

b. Shade tree requirements

Fifty (50) percent of the required landscaping for parking lots must be met with shade trees. Intermediate trees and/or shrubs may fulfill the remaining fifty (50) percent of the requirements. Shade trees shall be arranged as to provide maximum pavement shading, where possible.

c. Islands

Where internal landscaping of the parking lot is required, there shall be a minimum of one curbed island provided for each 15 parking stalls in each row. The minimum area for planting all types of trees within parking lots shall not be less than 180 square feet. Shade trees and intermediate trees shall not be planted in any area with a width of less than ten (10) feet. Shrubs shall not be planted in an area of less than two (2) feet in width. Measurements of width and area shall be from the inside edge of the curb(s). A minimum of fifty (50) percent of every landscape island shall be planted with live plant material, such as shrubs, ground cover or turf grass.

d. Curb materials.

Parking lot islands and medians shall be curbed with concrete or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs: asphalt, landscape timbers, railroad ties, wood or lumber, and concrete wheel stops. (Amended, Ordinance No. 2010-34, May 17, 2010)

e. Minimum parking lot setback

The Zoning Administrator may review and approve alternative compliance landscaping plans to reduce parking lot setbacks due to unique circumstances. An alternative compliance landscape plan may be submitted to the Zoning Administrator to reduce the front, rear and/or side yard setback. Petitioners requesting alternative compliance shall provide an additional twenty percent (20%) increase in landscaping points than are required by this Section.

(Amended, Ordinance No. 2010-34, May 17, 2010)

(Amended, Ordinance No. 2009-54, July 20, 2009)

(Amended, Ordinance No. 2005-105, December 19, 2005)

F. ALTERNATIVE COMPLIANCE PROVISIONS

1. Alternative compliance established.

Petitioners may choose to follow the point system described herein or submit a landscape plan to the Planning and Building Services Department under the alternative compliance provisions of this section. The alternative compliance provisions are intended to give flexibility where unique situations complicate the provision of required landscaping.

2. Waiver of appeal

If a petitioner chooses to submit a landscape plan through the alternative compliance process and is denied, the petitioner may appeal the Zoning Administrator's decision to the Zoning Board of Appeals subject to Section XXX.

(Amended, Ordinance No. 2010-34, May 17, 2010)

(Amended, Ordinance No. 2009-54, July 20, 2009)

3. Authority of Director

The Zoning Administrator, at his/her discretion, may choose to forward an alternative compliance proposal to the Technical Review and/or Policy Review Committees for final approval. (Amended, Ordinance No. 2010-34)

4. Poor performance

Alternative compliance may be used where landscaping has repeatedly performed poorly and the property owner wishes to propose alternative plantings/arrangements.

G. RECOMMENDED AND PROHIBITED PLANTING MATERIALS

The following list of recommended trees is designed to provide preferred plantings, however, trees not listed below may be permitted provided that they are not judged to be a nuisance or problem species. Prohibited trees may not be planted in the City of Decatur.

1. Recommended Trees

a. Recommended Intermediate Trees - 12 Tree Points Each				
Common Name	Scientific Name	Mature Height	Mature Spread	Native/Non-Native
Amur Maple	<i>Acer ginnala</i>	15' - 20'	15' - 20'	Non-native
Crabapple	<i>Malus spp.</i>	10' - 30'	8' - 20'	Native
Japanese Tree Lilac	<i>Syringa reticulata</i>	20' - 30'	20' - 30'	Non-native
Kousa Dogwood	<i>Cornus kousa</i>	20' - 30'	20' - 30'	Non-native
Redbud	<i>Cercis canadensis</i>	25' - 30'	25' - 35'	Native
Serviceberry	<i>Amelanchier</i>	15' - 30'	15' - 25'	Native
Star Magnolia	<i>Magnolia stellata</i>	10' - 20'	10' - 15'	Native
American Hophornbeam	<i>Ostrya virginiana</i>	30' - 40'	20' - 30'	Native
Black Gum	<i>Nyssa sylvatica</i>	30' - 50'	20' - 30'	Native
Blue Beech	<i>Carpinus caroliniana</i>	20' - 35'	20' - 35'	Native
Callery Pear	<i>Pyrus calleryana</i>	35' - 45'	25' - 35'	Non-native
Hedge Maple	<i>Acer campestre</i>	30' - 40'	25' - 35'	Non-native
Paperbark Maple	<i>Acer griseum</i>	25' - 35'	15' - 30'	Non-native

b. Recommended Shade Trees - 18 Tree Points Each				
Common Name	Scientific Name	Mature Height	Mature Spread	Native/ Non-Native
Baldcypress	Taxodium distichum	60' - 80'	20' - 45'	Native
Black Maple	Acer nigrum	50' - 60'	20' - 30'	Native
Blue Ash	Fraxinus quadrangulata	50' - 75'	35' - 50'	Native
Bur Oak	Quercus macrocarpa	70' - 90'	60' - 90'	Native
Chinkapin Oak	Quercus muehlenbergii	35' - 50'	35' - 50'	Native
English Oak	Quercus robur	60' - 80'	50' - 70'	Non-native
Ginkgo (Male only)	Ginkgo biloba	50' - 80'	40' - 80'	Non-native
Kentucky Coffetree (Male only)	Gymnocladus dioicus	55' - 75'	45' - 65'	Native
Lacebark Elm	Ulmus parvifolia	40' - 50'	30' - 40'	Non-native
Northern Red Oak	Quercus rubra	60' - 80'	45' - 65'	Native
Shumard Oak	Quercus shumardii	60' - 80'	45' - 65'	Native
Silver Linden	Tilia tomentosa	60' - 70'	45' - 55'	Non-native
Swamp White Oak	Quercus bicolor	60' - 80'	50' - 80'	Non-native

2. Prohibited Trees

a. Prohibited Trees	
Common Name	Scientific Name
Carolina Poplar	Populus x canadensis
Cottonwood	Populus deltoides
Willow	Salix spp.
Siberian Elm	Ulmus pumila
Silver Maple	Acer saccharinum
Tree of Heaven	Ailanthus altissima
Osage Orange (female)	Maclura pomifera
Ginkgo (female)	Ginkgo biloba

a. Prohibited Trees	
Kentucky Coffeetree (female)	Gymnocladus dioicus

H. PRESERVATION OF EXISTING LANDSCAPING

1. Incentive

Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this ordinance may count toward meeting the requirements of this ordinance. Plant materials, when preserved, will be awarded ten (10) additional points per tree. Shrubs shall not be eligible for preservation credits.

2. Minimum size for preservation

Plants must meet the following minimum size criteria to receive preservation points:

- a. Shade Trees: 12 inches trunk diameter or greater,
- b. Intermediate Trees: 15 feet vertical height or taller, and
- c. Evergreen Trees: 15 feet vertical height or taller.

3. Protection during construction

Trees that are to be preserved under the provisions of this ordinance shall be fenced around the drip line of the tree and marked to be saved during construction. Care shall be taken to prevent damage to the tree and its root structure during construction.

I. INCENTIVE FOR LANDSCAPE AESTHETIC INITIATIVE

1. Incentive

It is the intent of the City Council to provide incentives for initiative in landscaping and providing an aesthetically pleasing environment for residents of Decatur. Initiative is considered going above and beyond the requirements of the landscaping regulations by providing public space, urban vistas and attractive corridors for public use. Example of aesthetic initiative may include provision of biking trails, pedestrian paths, parking lot safety corridors, park or green space areas, etc. Incentives shall be provided via various tax abatements available to developers. All incentives shall be approved by the City Council.

2. Conditions for incentive

Incentives will only be provided when the developer has provided all of the required landscaping for the subject property. Although required landscaping may be utilized in incentive areas, it is generally expected that incentive areas will provide more landscaping than required. All incentive applications must be reviewed under the Alternative Compliance provisions of this section. Incentives will be reviewed based on the proposed landscaping meeting the following factors:

- a. That the proposed landscaping is generally considered to be above and beyond the normal landscaping requirements for the proposed development;

- b. That the proposed landscaping is generally considered to be a major aesthetic improvement;
 - c. That the developer is making a substantial contribution in landscaping and aesthetic initiative to the development;
 - d. That the developer has integrated aesthetic, safety and circulation factors into the plan; and;
 - e. That the proposed landscaping is in harmony with the intent of the ordinance
3. Cluster parking with landscaped buffers.

The use of clustering for parking, with structures located to the front of a parcel, shall be eligible for incentive. Clusters should be designed to control traffic and should have a ten (10) foot landscape buffer around each cluster parking area. Each cluster should contain no more than 25% of the required parking spaces for the development and should contain appropriate interior parking lot landscaping. The example shown below illustrates the clustering effect.

4. Parking lot safety corridors

Landscaped medians, integrating pedestrian paths and landscaping, when providing access to a structure, shall be eligible for incentive. An example median is shown in the illustration below. Medians must have pedestrian paths located within the median, must eliminate unnecessary pedestrian/vehicle interactions, must provide robust landscaping and appropriate lighting for public safety. Medians should be continuous, thereby segmenting the parking lot for increased traffic control.

5. Dedication of green space / corridor

Where a proposed corridor, green space or other public recreation amenity is located on the site to be developed, or where the provision of a corridor or green space represents a logical extension of existing facilities, the developer may receive incentive for the dedication of land and/or capital improvements toward the extension of the facility. Dedications or improvements of this type must be arranged for acceptance by the appropriate entity (Decatur Park District, City of Decatur, Macon County Conservation District, etc.). All parties must be in agreement regarding the proposed facility and capital improvements for the facility to qualify for incentive(s). Green space/corridor projects should be well-integrated into the development where possible, provide maximum safety for pedestrians and motorists, and should achieve a high level of aesthetic quality. Corridors provided under this alternative maybe located in a required buffer yard.

J. EXTERIOR LIGHTING

1. Lighting Plan Required

An exterior lighting plan shall be submitted with the site plan at the time of application for a building permit for all new construction excluding single-family and two-family residences. The lighting plan shall show the following information:

- a. North arrow, scale, date of preparation and revisions;

- b. Location of all existing buildings; structures and pavement;
- c. Location and dimension of all property lines;
- d. Location of all existing or proposed sidewalks, bike trails, pedestrian paths, etc. on and adjacent to the site;
- e. Location of all existing or proposed curb lines and cuts for streets, alleys, or parking lots;
- f. Location of all proposed free-standing and wall-mount lighting including mast height for free-standing (or pole) lights;
- g. Location of all illuminated signs, externally-illuminated storefronts and any externally-mounted neon lighting;
- h. Location of all canopy-mounted lighting on the site;
- i. Detail Sheet showing:
 - i. Proposed illumination by fixture;
 - ii. Catalog cuts or drawings of horizontal isolux (mounting height and horizontal footcandles for each fixture);
 - iii. Maximum allowable illumination based on the proposed use;
 - iv. Proposed canopy illumination;
 - v. Proposed sign lighting if any; and
 - vi. Proposed exposed neon lighting, if any.
- j. Any additional information as determined by the Zoning Administrator to be necessary for approval of the proposed plan. (Amended, Ordinance 2010-34)

2. Combination of Plans

The landscape plan and exterior lighting plan may be combined on one (1) sheet where the detail can be reasonably discerned, however, the Detail Sheet as described above shall be shown on a separate sheet.

3. Photometric Plans

A photometric plan shall be required for all multi-family, office, commercial and industrial development on sites greater than 10,000 square feet in area. Photometric plans shall be superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.

4. Installation of lighting

An exterior lighting plan must be approved by the Planning and Building Services Department prior to the installation of any exterior lighting regulated herein, excluding single-family and two-family residences. All lighting must meet the applicable sign code, building code and electrical code of the City of Decatur.

5. Applicability

- a. Major Additions

All new land uses, changes in use, new buildings and major modifications shall provide full compliance with this Section. All building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this ordinance, shall invoke the requirements of this section for the entire property, including previously installed or new exterior lighting. A major addition shall also include the replacement or installation of twenty-five (25) percent or more of the allowable lumens on the parcel.

b. Minor Additions

Additions or modifications of less than twenty-five (25) percent to existing uses as described in the preceding paragraph shall require the submission of a complete inventory and site plan detailing all existing and proposed lighting. All new lighting shall meet the requirements enumerated herein. The total light output after the modifications shall not exceed those on site prior to construction, or that permitted by this Section, whichever is larger.

c. The addition of one (single bulb) light fixture per property may be allowed to be installed in a commercial or industrial district without the submission of a lighting plan with the following conditions:

- i. The light fixture shall be placed on an existing pole that is located within public right-of-way or within an easement;
- ii. Written approval of all owners of adjacent property or property that in the absence of right-of-way or an alley would be adjacent property;
- iii. Only one (single bulb) light fixture shall be added from the effective date of this amendment; and,
- iv. A catalog cut of the fixture must be provided. All new lighting shall meet the requirements enumerated herein.

For purposes of this subsection, property is defined as the contiguous lot(s) that are used for the purposes of conducting business to include all buildings, parking, etc.

6. Performance Standards

All lighting shall be required to perform in accordance with the following provisions:

a. Safety

- i. Lighting shall be installed to provide pedestrians and motorists safe travel through parking lots and pedestrian facilities;
- ii. Lighting shall be so arranged as to highlight nodes of travel for motorists and pedestrians;
- iii. Lighting shall not create excessive glare that may interfere with safe travel.

7. Maintenance

- a. The owner of the premises shall be responsible for maintenance, repair and replacement of any lighting or light standards that have fallen into disrepair or are no longer in operation.

b. Nuisance

- i. Any exterior lighting installed that is not in conformance with the requirements of this section shall be considered a nuisance to the public.
- ii. All lighting shall be arranged so that no glare is projected upon any adjoining premises.

8. Penalty for Nonconformance

All non-conforming multi-family, office, commercial or industrial exterior lighting installed after the effective date of this ordinance shall be considered a violation of the Zoning Ordinance. The Zoning Administrator, at his/her discretion, may require the removal of non-conforming lighting immediately where said lighting creates a nuisance condition or poses imminent danger to life or property. (Amended, Ordinance No. 2010-34, May 17, 2010)

9. Permitted and Required Lighting Thresholds:

Use	Minimum Average Level (fc)	Maximum Average Level (fc)	Allowable Spillover	
			Adjacent to R-1, R-3, and R-6 (fc)	Adjacent to R-2, R-5, and other zoning districts (fc)
All Parking Lots				
Regional Shopping	0.9	4.0	0.5	1.0
Community Shopping	0.6	3.0	0.5	1.0
Neighborhood Shopping	0.8	1.5	0.5	1.0
Cultural, Civic, Recreational	0.6	3.0	0.5	1.0
Office	0.6	3.0	0.5	1.0
Airport, Commuter Parking	0.6	3.0	0.5	1.0
Apartment Complex	0.6	3.0	0.5	1.0
Hospital	0.6	3.0	0.5	1.0
Fast Food	0.9	4.0	0.5	1.0
Industrial Parking	0.8	1.5	0.5	1.0
Educational Facilities	0.8	1.5	0.5	1.0
Churches	0.8	1.5	0.5	1.0
Office, Commercial and Industrial Building Entrances & Environs				
Active (pedestrian/conveyance)	4.0	5.0	0.5	1.0
Inactive (normally locked, fire egress)	1.0	2.0	0.5	1.0

Building (inactive)	Environs N/A	1.0	0.5	1.0
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Automobile Sales Lots				
Circulation	N/A	10.0	0.5	1.0
Merchandise	N/A	50.0	0.5	1.0
Feature Display	N/A	75.0	0.5	1.0
Automobile Service Stations, Gas Stations				
Approach	N/A	3.0	0.5	1.0
Driveway	N/A	5.0	0.5	1.0
Pump Island, Canopy	N/A	30.0	0.5	1.0
Service Areas	N/A	7.0	0.5	1.0
Storage Yards				
Active*	N/A	20.0	0.5	1.0
Inactive	N/A	1.0	0.5	1.0

*Does not include self-service storage (mini-warehouses)

“Allowable spillover” refers to the amount of light allowed to cross the property line between the subject property and adjoining premises.

10. Seasonal Decorations

Seasonal lighted displays are not regulated by this Section.

11. Single-Family and Two-Family Residences

Lighting shall be arranged so as not to shine directly on any adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

12. Canopies

Rigid, permanent canopies that provide shelter for uses such as gasoline stations, automotive service stations, drive-up banks and similar uses shall conform to the requirements herein:

- a. All light fixtures mounted on or recessed into the lower surface of canopies shall be fully shielded and utilize flat lenses.
- b. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels, shall not exceed the permitted footcandle coverage as specified for canopies in subsection I.9, above.

13. Outdoor Sports Fields

Outdoor sports fields shall be exempt from the maximums of this section. Lighting installed for outdoor sports fields shall, however, meet the following minimum standards:

- a. Each light fixture shall have internal and/or external glare control louvers and shall be installed so as to minimize uplighting and off-site light trespass;
- b. Each light fixture shall be installed and maintained with aiming angles that permit no greater than five (5) percent of the light emitted by each fixture to project above horizontal
- c. Off-site spill shall be controlled consistent with the regulations of Subsection I.9 of this Section;
- d. Lighting plans for outdoor sports fields shall be certified by a registered Professional Engineer of the State of Illinois; and
- e. Lighting shall be designed in accordance with the Illuminating Engineering Society of North America (IESNA) standards for minimum illuminance for the intended activity on the field.
- f. Lighting used for sporting events shall be extinguished within the shortest reasonable time upon completion of scheduled sporting activities.

14. Exposed Neon Lighting

Exposed neon lighting (for illumination purposes) shall be permitted only in the B-2, B-3, B-4, M-1, M-2 and PD Districts.

15. Signage Lighting

Signs that are externally-illuminated must utilize a full cutoff lighting fixture. External-illumination fixtures on signs exceeding eight (8) feet in height shall be down-tilted from the top of the sign. Up-tilted lighting for uses other than signs less than eight feet in height, decorative lighting, and flag lighting is not permitted.

16. Off-Premise Sign Lighting

All off-premise signs may be externally-illuminated by full cutoff light fixtures and shall be down-tilted from the top of the sign. Lighting used for off-premise signs shall not exceed 30 foot-candles when measured along a horizontal plane extended from the bottom of the sign frame. (Amended, Ordinance No. 2004-92, November 15, 2004)

17. Laser Lighting, Search Lights and Brilliant Lighting

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited. The operation of searchlights for advertising purposes is prohibited.

18. Wallpack Lighting

All wallpack lighting shall utilize full cutoff luminaires. Shields on the wallpack lighting must be permanently affixed to the fixture.

19. Required Cut-off Angle

All exterior lighting must be IESNA (Illuminating Engineering Society of North America) rated cut-off or full cut-off for use on the site, except as expressly permitted herein. (Amended, Ordinance No. 2005-105, December 19, 2005)

20. Parking Garages

Parking areas within wholly or partially enclosed parking garages shall be exempt from the provisions of this section; however, rooftop parking decks and other garage parking areas not covered by a roof shall comply with the requirements herein.

SECTION XXIX. PLAN COMMISSION; AMENDMENTS

A. PLAN COMMISSION ESTABLISHED

There is hereby created, in accordance with applicable State statutes, the City Plan Commission which shall consist of eleven (11) residents of the City appointed by the Mayor with the consent of the Council for terms of three (3) years, and until their respective successors are appointed and qualified.. Members will serve without compensation.

B. OFFICERS AND BY-LAWS

The Commission shall biennially elect from its membership a Chair, Vice-Chair, Secretary, and such other officers as it shall require for the conduct of business; and shall adopt by-laws regulating the time, place, and manner of holding and conducting its meetings.

C. STAFF TO THE COMMISSION

The Zoning Administrator and his/her designee(s) shall be staff to the Plan Commission.

D. COMPREHENSIVE PLAN

The Commission shall from time to time review and hold hearings on the City of Decatur Comprehensive Plan, soliciting and receiving public input, and recommending to Council such changes, including adoption of a new or amended plan, as may be in the best interest of the City.

E. RECORDS

The Commission shall keep written records of all its transactions and meetings, whether regular or special.

F. AUTHENTICATION OF RECORDS

The records, reports, maps, plats, plans, exhibits, and all other documents and materials of the Commission or filed with it shall be deemed to be sufficiently authenticated when certified by the signature of the Chair and attested by the Secretary.

G. AMENDMENTS TO ZONING CODE AND ZONING MAP

1. The Council may, from time to time, on its own motion or on petition, amend, supplement or change by ordinance the regulations and districts herein or subsequently established, but no such amendments shall be made without a public hearing before the City Plan Commission and its report to the Council. Notice of the time, place and purpose of such hearing shall be given as required by law.
2. In the case of written protest against any proposed amendment, under the conditions specified in Division 13 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the amendment shall not be passed except by a favorable vote of two-thirds of the City Council.

H. POSTING OF SIGN

1. In addition to other forms of notice which may be from time to time required or directed to be given of the pendency of a hearing upon a petition under this section, a temporary sign shall be posted on or at the premises which are the subject of said petition which said sign shall be so posted continuously for a period of not less than ten (10) days before the hearing upon said petition and shall be not less than three square feet in size and shall state substantially as follows:

“A request for action under the City Zoning Ordinance affecting these premises is pending. For information consult the Planning and Building Services Department, One Gary K. Anderson Plaza.”

2. Petitioners may be required to post the required sign(s) and provide proof of proper and timely posting. In addition, petitioners may be required to post a deposit in an amount equal to the replacement value of the sign, said deposit to be returned to the petitioner upon City receipt of the sign in the same condition in which it was issued.

I. PETITION FOR AMENDMENTS

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

J. FEES

The following fee shall be paid at the time of filing, to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing:

1. Rezoning from residential to more intensive use and from any classification to PD, Planned Development District:

Size of Tract	Rate
tracts less than 5 acres	\$ 250.00
Tracts 5 acres or more but less than 10 acres	280.00
tracts 10 acres or more but less than 25 acres	300.00
tracts 25 acres or more	325.00

2. Rezoning to a more intensive use

Any zoning change from a less intensive to a more intensive district, except changes within the residential classifications:

Size of Tract	Rate
---------------	------

tracts less than 5 acres	\$ 325.00
tracts 5 acres or more	400.00

3. Rezoning to a less intensive use

A fee of \$150.00 shall accompany a petition for a change from a higher to a lower classification.

4. Conditional use permits.

Fees accompanying an application for a conditional use permit shall be the same as those in subparagraph 1 ("Rezoning from residential to more intensive use") above.

5. Non-Conforming Use Permits

Fees accompanying an application for a Non-Conforming Use Permit shall be the same as those in subparagraph 1 ("Rezoning from residential to more intensive use") above. (Amended, Ordinance No. 2009-38, May 18, 2009)

6. Wind Energy System Permits.

Fees accompanying an application for a Wind Energy System permit shall be the same as those in subparagraph 1 ("Rezoning from residential to more intensive use") above. (Amended, Ordinance No. 2009-82, November 16, 2009)

7. Amending a Planned Development

A fee of \$150.00 shall accompany a petition for an amendment to an approved Planned Development. (Amended, Ordinance No. 2005-105, December 19, 2005)

K. RE-APPLICATION

In the event a petition for rezoning is denied by the Council, another petition for a change regarding the same property or portion thereof to the same zoning district shall not be filed within a period of one (1) year from the date of denial, unless the City Council determines that the circumstances regarding the property in question have materially changed in such a way as to warrant reconsideration.

SECTION XXX. ZONING BOARD OF APPEALS

A. ORGANIZATION

1. Composition of Zoning Board of Appeals

A Zoning Board of Appeals is hereby established. Said Board shall consist of seven (7) members appointed by the Mayor with the approval of the Council. The term of office of each member shall be three (3) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The Mayor shall have the power to remove any member of the Board for cause, after notice and hearing. One of the members of the Board shall be elected as Chair of the Board by the other members annually in October or at the retirement of the Chair. No member shall serve more than two (2) terms as Chair.

2. Conduct of meetings.

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

B. POWER AND DUTIES

The Board of Appeals shall have the following powers:

1. Appeals of decisions by an Administrative Official

The Board shall hear appeals to the official actions, interpretations and orders of any Administrative Official in the enforcement and implementation of the terms of this Ordinance. Appeals may be granted if the Board finds that an error has been committed.

2. Interpretation of Zoning Boundaries

The Board shall have the authority to interpret the Zoning Map in cases where actual street layout does not agree with the street layout illustrated on the official Zoning Map. Interpretations will be based upon consistency with the City of Decatur Comprehensive Plan, with the City's overall interests, with the general character of the use and its compatibility with neighboring land uses.

3. Extension of boundary lines

The Board shall have the authority to extend the boundary of a district when the boundary line illustrated on the official Zoning Map divides into two or more parts a lot in single ownership at the time of the adoption of this Ordinance.

4. Variances to parking and loading regulations

The Board may grant variances to the parking and loading regulations that appear in Section XXIV of this Ordinance. The variance granted shall not reduce the minimum requirement more than 50 percent, except as provided in subparagraph 5, below. The Board will base its decision upon the Decatur Comprehensive Plan and upon the determination that the literal enforcement of this Section would create an unnecessary surplus of parking and loading spaces.

5. Housing for elderly families

The Board may grant variances to the parking and loading regulation that appear in Section XXIV of this Ordinance. The variance granted may reduce the minimum requirement by up to 75 percent, subject to final approval by the City Council. Grounds for approval are the same as provided in subparagraph 4, above.

6. Off street parking in residential districts

The Board is authorized to permit an off-street parking area in any Residential zoning district which serves a use located in an adjacent non-residential district. The Board will base its decision on the City of Decatur Comprehensive Plan and upon the determination that the off-street parking would relieve traffic congestion on the street. The Board, in granting the application, will find that the proposed off-street parking area meets the standards specified in Section XXIV of this Ordinance; that it will be located within reasonable proximity to the use which it is intended to serve; and that it will be developed in a manner which will have no adverse effect to any neighboring residential property.

7. Height, area, and setback variances

The Board may grant variances to yard size requirements, setback requirements, building height or bulk limitations, or lot size or coverage limitations. The Board, in granting the variance, will base its decision upon the City of Decatur Comprehensive Plan and will find that the variance will not create a safety hazard or exacerbate an existing safety hazard; and that the variance if approved will cause no detriment to the overall health, safety, or welfare of the City as a whole or to any neighboring property.

8. Barbed wire/razor wire in Office and Commercial Districts

The Board may grant a variance to permit barbed wire, razor wire, electrical fencing, spiked railing or any guard or barricade to which there is attached any pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith within the O-1, B-1 and B-2 Districts except in lots adjacent to designated urban corridors. (Amended, Ordinance No. 2009-38, May 18, 2009)

9. Electronic Message Unit Signs (Amended, Ordinance No. 2011-02)

The Board may grant variances to the required setback for an electronic message unit sign. The variance granted for the setback shall not reduce the minimum requirement by more than 50 percent. If a variance is granted, the electronic message unit shall only operate between the hours of 6:00 a.m. and 11:00 p.m. Before approving any

request for a variance, the Board shall consider: the effect of the variance on the City of Decatur Comprehensive Plan; whether the variance will create a safety hazard or exacerbate an existing safety hazard; and, whether the variance will be detrimental to the overall health, safety and welfare of the City as a whole, or any neighboring property.

C. PROCEDURE

1. Variances—generally

Variances shall be granted by the Board when:

- a. The variance requested is found to be in harmony with the general purpose and intent of the City of Decatur Comprehensive Plan and with the regulations of this Ordinance;
- b. The Board finds the existence of practical difficulties or a non-economic hardship which render the strict implementation of the provisions of this Ordinance impracticable; and
- c. The requested variance will not alter the essential character of the locality or have a negative impact on surrounding properties.

2. Determination of practical difficulties and particular hardships

In determining whether a petition for variance meets the standards of practical difficulties or particular hardship as articulated in subparagraph 1, above, the Board shall require evidence that:

- a. Strict application of the zoning standards as herein enumerated lead to an unnecessary non-economic hardship or practical difficulty which prevents the reasonable use of the property for the uses allowed within the zoning district; and/or
- b. The plight of the owner is due to unique circumstances not of his/her own making.

3. Impact on the surrounding area

The variance, if granted, must not alter the essential character of the locality or otherwise negatively impact surrounding properties. In making this determination, the Board shall determine that the requested variance.

- a. Will not impair an adequate supply of light and air to adjacent properties;
- b. Will not unreasonably diminish the values of adjacent property;
- c. Will not unreasonably increase congestion in the public streets or otherwise endanger public safety;
- d. Is in harmony with the intent of the zoning district in which it is located and is in harmony with the general purpose and intent of this Ordinance.

4. Nothing herein permits, or shall be construed to permit the Board to authorize the use of land in any district for other than a permitted use of that district.

5. Petitions—generally

Petitions to the Board for exceptions or variations or appeals, as authorized in Subsection C hereof, may be made by any person or by any officer, department, board or bureau of the City affected by any decision of the Building Official. The appeal shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the Planning Division a notice of appeal specifying the grounds thereof. The Planning Division shall forthwith transmit to the Board all papers constituting the record from which the action appealed is taken.

6. Fees

The following fees shall apply to all petitions for variances and appeals:

- a. For properties located within the R-1, R-2, R-3 and R-5 districts: \$150.00
- b. For properties located within all other districts: \$250.00
- c. Whenever work has commenced prior to receiving all necessary permits on a project that requires a variance, the above fees shall be doubled.

7. Appeal stays all proceedings; exception.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board, after notice of appeal shall have been filed with him/her, that, by reason of the facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

8. Conduct of hearing.

The Board shall fix a reasonable time for the hearing of the petition or appeal and give due notice of the time, place and purpose thereof, and shall decide the appeal within a reasonable time. An affirmative vote of four members of the Board shall be necessary to take any action authorized in Subsection C, above.

9. Posting of signs

- a. In addition to other forms of notice which may be from time to time required or directed to be given of the pendency of a hearing upon a petition under this Section, a temporary sign shall be posted on or at the premises which are subject of said petition which said sign shall be so posted continuously for a period of not less than ten (10) days before the hearing upon said petition, and shall be not less than three (3) square feet in size, and shall state as follows:

“A request for action under the City Zoning Ordinance affecting these premises is pending. For information consult the Planning and Building Services Department, One Gary K. Anderson Plaza.”

- b. Petitioners may be required to post the required sign(s) and provide proof of proper and timely posting. In addition, petitioners may be required to post a deposit in an amount equal to the replacement value of the sign, said deposit to

be returned to the petitioner upon City receipt of the sign in the same condition in which it was issued.

10. Quorum

Five (5) members of the Board shall constitute a quorum for the conduct of business as described in this Section. All decisions of the Board will be considered final, and may not be appealed to City Council.

11. Reapplication

Once a decision has been rendered by the Zoning Board of Appeals, no application for the same action upon the same premises shall be heard within one year after said decision.

(Amended, Ordinance No. 2002-72, August 19, 2002)

SECTION XXXI. CERTIFICATE OF OCCUPANCY

A. WHEN REQUIRED

Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of existing building to a use of a different classification.
3. Change in the use of land to a use of a different classification.
4. Any change in the use of a non-conforming use. No such occupancy, use or change of use shall take place until a certificate of occupancy therefore shall have been issued by the Building Inspector.

B. FOR BUILDINGS

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

C. APPLICATIONS

Applications for certificates of occupancy shall state that the building or proposed use of a building, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

D. NON-CONFORMING USES

In the event that the adoption of this Ordinance causes a non-conformity of land or buildings, the property owner, owners, or lessee thereof shall apply to the Building Official for a certificate of occupancy. It shall be the duty of the Building Official to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for a non-conforming use, or refusal of the Building Inspector to issue a certificate of occupancy for such non-conforming use shall not be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

SECTION XXXII. SITE AND BUILDING PLANS

A. PURPOSE AND INTENT

It is the purpose and intent of this Section that site and building plans be complete in their preparation, thoroughly reviewed by City Staff to protect the public health, safety, and welfare, and properly stored and maintained. Council recognizes the critical importance of the Building Official in protecting the public interest. It is the intent of Council that the Building Official will have all information necessary prior to the approval of plans.

B. SITE PLANS REQUIRED

1. All applications for building permits shall be accompanied by accurate site plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. A record of the original copy of such applications and plats shall be kept in the office of the Building Official and the duplicate copy shall be kept at the building at all times during construction.
2. The City may adopt specific standards for site plans that conform to the regulations of this Ordinance. Said standards may include requirements not elsewhere required by this Ordinance, so long as they do not conflict with or are not in conformance with the requirements of this Ordinance.

C. SURVEY BY REGISTERED SURVEYOR

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a registered surveyor and the lot shall be staked out on the ground before construction is started. This requirement for a survey may be waived by the Building Official, provided all corner pins or monuments of the lot are pre-existing and are available for his inspection.

SECTION XXXIII. INTERPRETATION, PURPOSE AND CONFLICT

A. PURPOSE AND INTENT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. It is also the intent of this Section that the specific provisions of Section IV shall guide the interpretation of this Ordinance, and that City staff, the Board of Appeals and the Plan Commission shall take guidance from these sections.

B. CONFLICTS

1. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements the provisions of this Ordinance shall govern.
2. Whenever there is an actual or apparent conflict between two or more regulations within this Ordinance, the more restrictive shall apply.

SECTION XXXIV. FENCES (Amended, Ordinance No. 2009-38)

A. PERMIT REQUIRED

1. Regulation

Fences, unless otherwise specified by ordinance, shall conform to the requirements of this section. No fences not meeting the requirements described herein shall be permitted.

2. Permit Required.

Except as otherwise provided herein, it shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a fence without first obtaining a building permit.

Fences installed for protection of a construction or demolition site (as specified in Chapter 33 of the International Building Code) are exempt from permit requirements but must be removed upon completion of the project.

B. GENERALLY

1. Lawfully constructed fences within the City limits of the City of Decatur which were in compliance with the Zoning Ordinance existing on the effective date of this Ordinance and subsequent amendments that do not conform to development regulations of the City of Decatur as codified herein, are hereby declared to be non-conforming.
2. No fence in the B-3, M-3 and PD zoning districts shall be permitted unless approved by City Council.
3. No fence in any zoning district shall be constructed at a height greater than three and one-half (3 ½) feet above the established street grade within the vision clearance triangle nor shall any fence limit the clear sight of vehicular traffic.
4. Fences installed for protection of a construction or demolition site (as specified in Chapter 33 of the International Building Code) are exempt from permit requirements but must be removed upon completion of the project.
5. The Zoning Board of Appeals may grant variances for fences in accordance with Section XXX.B. of this Zoning Ordinance.

C. FENCES IN RESIDENTIAL DISTRICTS

1. Regulations in this subsection shall apply to the R-1, R-2, R-3, R-5, R-6, and PMR zoning districts.
2. Barbed wire, razor wire, electrical fencing, spiked railing or any guard or barricade to which there is attached any pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith shall be prohibited.
3. Fences may be located on the property line provided that any post or other stabilizing apparatus shall be located within the property lines of the owner of the fence and shall have the finished side facing outward towards the public.
4. No fence exceeding four (4) feet in height, measured from surrounding grade to the highest point on the fence, shall be constructed or erected in the front yard, including any front yard beyond the required front yard setback.
5. The location of the front door or entrance of a home or main structure shall determine the front yard for purposes of constructing or erecting a fence in a residential district.
6. No fence exceeding six (6) feet in height, measured from surrounding grade to the highest point on the fence, shall be constructed or erected in any rear or side yard. Excepting side or rear yards adjacent to an R-6, O-1, B-1, B-2, B-3, M-1, M-2, M-3, PD, and PMR Districts which may be built to a height up to eight (8) feet.

D. FENCES IN OFFICE AND COMMERCIAL DISTRICTS

1. Regulations in this subsection shall apply to the O-1, B-1, B-2 and B-4 zoning districts.
2. Fences may be located on the property line provided that any post or other stabilizing apparatus shall be located within the property lines of the owner of the fence and shall have the finished side facing outward towards the public.
3. A fifteen (15) foot front yard setback shall be required for all fences in this subsection except those fences located in the B-4 District.
4. The location of the front door or main entrance of a business or main structure shall determine the front yard for purposes of constructing or erecting a fence in an office or commercial district. Any remaining front yards, now classified as a side or rear yard for purposes of erecting a fence, which are located across the street from a residential district or use, there shall be a required evergreen landscaping screen. This evergreen landscaping screen shall be six (6) feet in height at time of planting and shall be located between the fence and the property line.

E. FENCES IN INDUSTRIAL DISTRICTS

1. Regulations in this subsection shall apply to the M-1 and M-2 zoning districts.
2. Barbed wire, razor wire, electrical fencing, spiked railing or any guard or barricade to which there is attached any pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith shall only be permitted in the M-1 and M-2 Districts except in lots adjacent to designated urban corridors.
3. Barbed wire, razor wire, electrical fencing, spiked railing or any guard or barricade to which there is attached any pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith shall only be permitted at an elevation no less than six (6) feet above grade thereof nearest such device and must be extended inward towards the property enclosed.
4. Fences may be located on the property line provided that any post or other stabilizing apparatus shall be located within the property lines of the owner of the fence and shall have the finished side facing outward towards the public.
5. A fifteen (15) foot front yard setback shall be required for all fences in this subsection.
6. The location of the front door or main entrance of a business or main structure shall determine the front yard for purposes of constructing or erecting a fence in an industrial district. Any remaining front yards, now classified as a side or rear yard for purposes of erecting a fence, which are located across the street from a residential district or use, there shall be a required evergreen landscaping screen. This evergreen landscaping screen shall be six (6) feet in height at time of planting and shall be located between the fence and the property line.

SECTION XXXV. WIND ENERGY SYSTEMS

(Amended, Ordinance No. 2009-82)

A. GENERALLY

A Wind Energy System may be installed as an accessory structure according to an approved plan as provided below in order to accomplish its purposes to appropriately and efficiently provide energy within any zoning district.

All Wind Energy Systems, unless otherwise specified by ordinance, shall conform to the requirements of this Section. Wind Energy Systems not meeting the requirements mentioned herein shall not be permitted. Except as otherwise provided herein, it shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a Wind Energy System without first obtaining a Wind Energy System Permit from City Council.

All Wind Energy Systems shall conform to all applicable rules and regulations including but not limited to the Federal Aviation Administration and the National Electrical Code.

B. SITE REQUIREMENTS

1. Lot Size.
 - a. No minimum lot size required for wind energy systems.

2. Tower Height.

The tower shall be measured from the ground to the top of the tower, excluding the wind turbine generator and blades.

- a. Maximum allowable tower height for any Single and Two-Family uses within the R-1, R-2, R-3, R-5, R-6 and PMR Districts shall not exceed a height of one hundred (100) feet.
 - b. Maximum allowable tower height for any Multi-Family and Non-Residential uses within the R-1, R-2, R-3, R-5, R-6 and PMR Districts, shall be based on site specifications and the ability to meet all requirements set forth in this Section.
 - c. Maximum allowable tower height for uses in all other districts shall be based on site specifications and the ability to meet all requirements set forth in this Section.
3. Setbacks.

A Wind Energy System shall be set back a distance equal to or greater than its extended height, measured from the center of its base, to the nearest

point on each property line, or a distance at which sound from the system does not exceed thirty (30dB) decibels at the nearest point on each property line, whichever distance is greater.

4. Noise.
 - a. It shall be a violation of this Section for noise generated by the operation of a Wind Energy System to exceed a noise level of thirty (30dB) decibels as measured at any point along the property line.
5. Location.
 - a. No Wind Energy Systems shall be erected within the front yard of any use.
 - b. No part of a Wind Energy System (including blades) shall be located within or over any utility, water, sewer, or other type of easement.
 - c. No part of a Wind Energy System (including blades) shall be located within any required setbacks.
6. Multiple Wind Energy Systems.
 - a. Multiple Wind Energy Systems may be allowed if they meet all regulations as required herein. The Wind Energy System must also maintain a setback from each other equal to the extended height of the structure.
7. Rooftop Wind Energy Systems.
 - a. Wind Energy Systems designed to be installed on top of structures, must meet all regulations as required herein.
8. Force Wind Standards.
 - a. The Wind Energy System must be engineered to withstand wind forces of up to 110 miles per hour.
9. Redundant Braking Systems.
 - a. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (includes variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
10. Removal of abandoned Wind Energy Systems.
 - a. Within 180 days of notice that a Wind Energy System is inoperable the owner or occupant shall restore the Wind Energy System to full operating condition. It shall be a violation of this Section for any owner or occupant to fail to fully dismantle and remove a Wind Energy System that has been inoperable in excess of 180 days. The City of Decatur shall be authorized to remove any Wind Energy System that has been inoperable in excess of 180 days, at the owner's and/or occupier's expense and the costs of removal shall

be a lien against the property. Removal of the Wind Energy System shall include removal of: the turbines, any above ground improvements, fencing, all foundations, pads, underground electrical wires, or any other components associated with the wind energy system's operations, all of which shall be to a depth of ten (10) feet.

11. Signage.
 - a. Commercial marking, messages, banners or advertising of any kind on a Wind Energy System shall be prohibited.
 - b. One (1) sign, no less than four (4) square feet and no greater than (6) square feet in area, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner/operator to call in case of emergency.
12. Tower Access.
 - a. The tower should not be accessible for unassisted climbing. This can be prevented by not providing rungs for the first twelve (12) feet, covering the climbing apparatus, enclosing the base of the structure with a six (6) foot fence, or by any other approved preventative measures. It shall be a violation of this Section for any unattended Wind Energy System to be accessible for unassisted climbing.
13. Color.
 - a. The Wind Energy Systems shall be of a neutral color, such as white or light grey, and the surface shall be non-reflective.
14. Lighting.
 - a. No lights shall be installed on any part of the Wind Energy System, unless required to meet FAA regulations.
15. Soil Studies.
 - a. Provide proof that the site's soil conditions meet the minimum standards as specified by the tower turbine manufacturer.
 - b. Formal site soil analyses are not necessary or required for residential scale turbines if they are designed to withstand worst case scenario soil conditions.
 - c. For turbines greater than twenty (20kW) kilowatts, a Structural Engineer's seal will be required as well as a full soil analysis of the site.
16. Liability Insurance.
 - a. Proof of liability insurance for a duration of not less than 24 months from the estimated completion date of construction of the Wind Energy System, covering loss or damage to persons or

property occasioned by failure of the facility, shall be provided, and updated proof shall be provided annually thereafter.

17. Local Historic Districts, Local Landmarks, and National Historic Districts.
 - a. Wind Energy Systems located within the Local Historic Districts or on the site of a Local Landmark may be installed as long as the applicant receives a Certificate of Appropriateness from the Historical and Architectural Sites Commission prior to submitting an application to the Plan Commission and City Council.
 - b. Wind Energy Systems located within a National Historic District or on the site of a National Landmark must receive a recommendation from the Historical and Architectural Sites Commission prior to submitting an application to the Plan Commission and City Council.
 - c. Wind Energy Systems within five-hundred (500) feet of a Local Historic District or Landmark or a National Historic District or Landmark must receive a recommendation from the Historical and Architectural Sites Commission prior to submitting an application to the Plan Commission and City Council.

C. APPLICATION

The owner or owners of the Wind Energy System and/or tract of land must submit to the Plan Commission a plan for the use of a wind energy system for the purpose of meeting the requirements set forth in this Section. Said plan may be accompanied by evidence concerning the compatibility of the project and its effects on surrounding properties and other physical conditions. The application shall be submitted along with the following information:

1. A site plan showing the following information:
 - a. Existing and proposed contours, at a minimum of two (2) foot intervals.
 - b. Location, setbacks and exterior dimensions of all structures.
 - c. Location and size of all easements.
 - d. Location of any overhead lines.
 - e. Areas subject to flooding.
 - f. Any and all other pertinent information regarding the installation, construction and operation of the wind energy system.
2. Approval letters from all utility companies.
3. Proof of notice to all property owners within a 250 foot radius of every lot line of the property on which the wind energy system is to be erected.
4. Manufacturer's engineering specifications of the tower, wind energy system and foundation.

5. Plans of the proposed tower and foundation shall be signed and sealed by a Structural Engineer licensed in the State of Illinois for turbines greater than twenty (20kW) kilowatts.
6. Detailed drawing of electrical components as supplied by the manufacturer and installation details which conform to the National Electrical Code
7. A plan for decommissioning and reclaiming the wind energy system, and a bond for doing so in an amount not less than one half the cost of constructing the wind energy system is required EXCEPT when the following two (2) conditions are met:
 - a. The Wind Energy system shall be used in conjunction with a residential use, not to include mixed use; AND
 - b. The Wind Energy System is less than twenty (20kW) kilowatts.
(Amended, Ordinance 2012-46; July 16, 2012)
8. Any and all other pertinent information regarding the installation, construction and operation of the wind energy system.

D. REVIEW AND APPROVAL

1. Technical Review Committee.

The Technical Review Committee (TRC) shall review the site plan at a date scheduled by the Secretary of the TRC. The applicant and his/her design professionals may participate in this meeting. Based upon the information provided by the applicant, the TRC may recommend approval, conditional approval, or denial to the Plan Commission. The recommendation of the TRC will be compiled into draft conditions of approval. If the TRC determines that more information is needed before the application can be approved, they may place the application on hold, in which case the TRC will advise the applicant as to the contents which will be required before approval can be recommended. Applications placed on hold will be rescheduled to the next meeting of the TRC unless the applicant requests more time.
2. Plan Commission Review.

After the Wind Energy System Permit application and site plan have been filed, said application, site plan, and draft conditions of approval will be considered by the Plan Commission at a public hearing. The Plan Commission will review the application, site plan, and draft conditions of approval and will make findings concerning the consistency of the application with the comprehensive plan, and with the zoning ordinance and other land development regulations if appropriate; and, based upon these findings, will recommend to the City Council that the project be approved, approved with conditions, or denied.
3. Council Action.

City Council will review the recommended findings of the Plan Commission along with the application, site plan, and draft conditions of approval, and the project may be approved, approved with conditions, or denied. The City Council may by ordinance grant a Wind Energy System Permit. The Council may impose appropriate conditions and safeguards to conserve and protect property values.

E. CONSTRUCTION

1. All construction shall be in conformance with the final Wind Energy System site plan as approved by the City Council.

F. DELAY IN CONSTRUCTION

In the event that construction of the project has not begun within two (2) years of the date of approval by City Council, the approved site plan becomes null and void and a new site plan must be submitted for full review and approval.

G. AMENDMENTS TO COMPLETED PROJECTS

All changes must be approved via the same process as required for new construction.

H. VIOLATIONS

It shall be a violation of this Section for any owner or occupant constructing a Wind Energy System to fail or refuse to comply with the provisions of this Section. Violations shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per day, with each day or part of a day a violation is found to exist constituting a separate offense. In addition to any other remedies provided under this Section, the City of Decatur shall be entitled to recover all costs and expenses related to the dismantling and removal of any inoperable wind energy system from the owner or occupant constructing the same, and shall be entitled to record a lien against the property for said costs and expenses.

SECTION XXXVI. ENFORCEMENT, LEGAL PROCEDURE, AND PENALTIES

A. AUTHORITY OF PLANNING AND BUILDING SERVICES DIRECTOR.

It shall be the duty of the Zoning Administrator to enforce this Ordinance.

(Amended, Ordinance No. 2010-34, May 17, 2010)

B. VIOLATIONS, PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall upon conviction be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Amended, Ordinance No. 2013-03, January 7, 2013)

C. UNLAWFUL CONSTRUCTION, ETC.

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

SECTION XXXVII. VALIDITY

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

SECTION XXXVIII. WHEN EFFECTIVE

This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval and recording and publication as provided by law.