

ZONING CODE – 153.0001

**City of Greenville
Code of Ordinances**

Adopted:

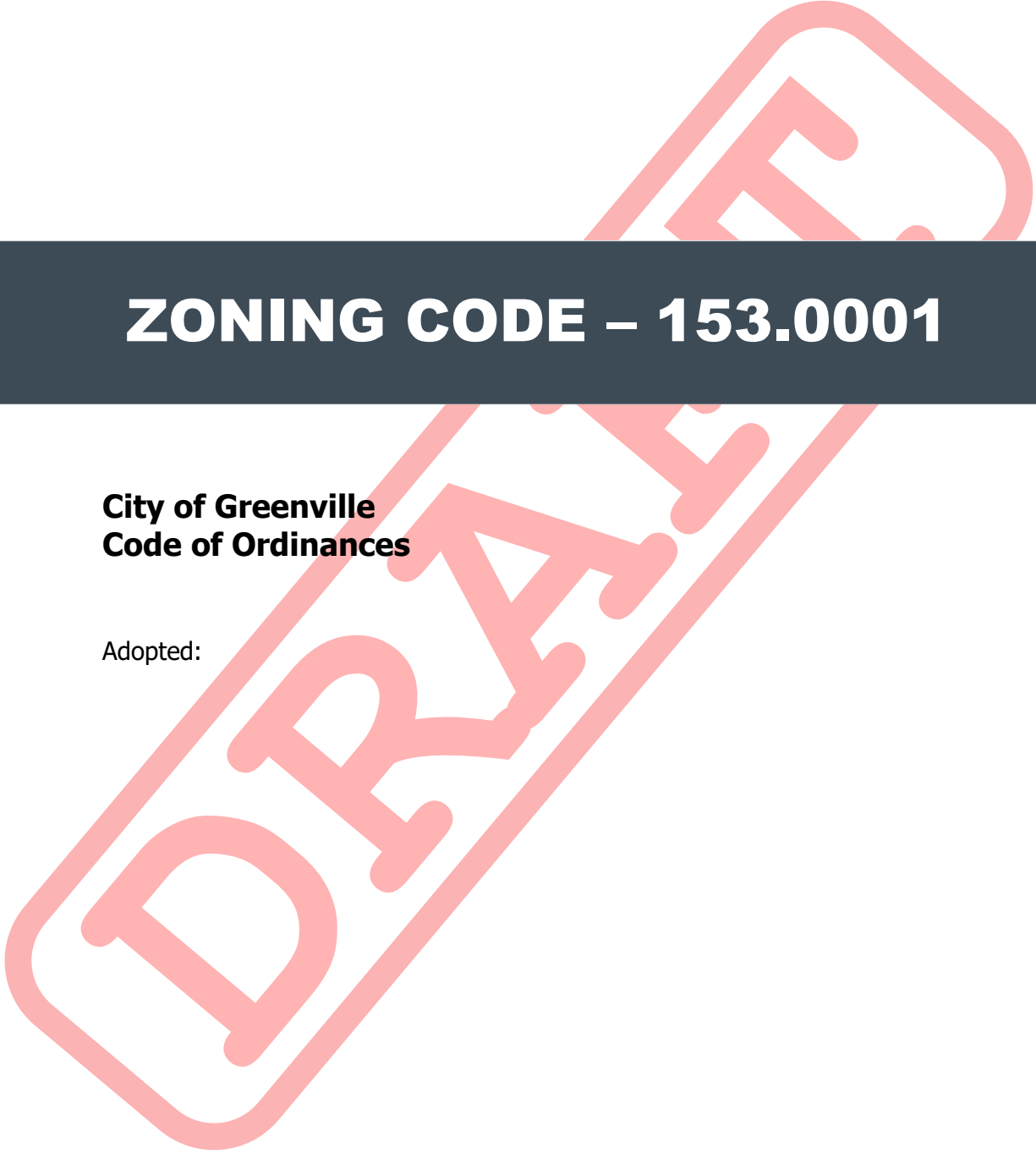


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CHAPTER 153

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

153.0001 TITLE.

This Chapter shall be known as the Greenville Zoning Code.

153.0002 INTENT AND PURPOSE.

In accordance with State Law, (**See 65 ILCS 5/11-13-1 et seq.**), this Code regulates lots, structures, and land uses. It is the intent and purpose of this Code to assist in achieving the following:

- A. To promote and protect the public health, safety, morals, comfort, and general welfare of the people;
- B. To serve as an implementing tool of comprehensive planning;
- C. To establish reasonable standards to which buildings or structures shall conform;
- D. To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for the City;
- E. To provide adequate light, air, privacy, and safe, convenient access to property;
- F. To divide the City into zoning districts restricting and regulating the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residential, business manufacturing and other specified land uses;
- G. To establish minimum requirements and standards for development and redevelopment within the area of the City's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;
- H. To conserve the taxable value of land and buildings throughout the Municipality.

153.0003 JURISDICTION.

This Code shall be applicable within the corporate limits of Greenville and within all territory located in Illinois within said limits, provided such territory is not located within the zoning jurisdiction of another municipality.

153.0004 INTERPRETATION. CONFLICT WITH OTHER ORDINANCES.

Every provision of this Code shall be construed liberally in favor of the City, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

153.0005 DISCLAIMER OF LIABILITY.

Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Ch. 745 10/1-101 et seq.) Any suit brought against any official, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

153.0006 SEVERABILITY.

If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

153.0007 EXISTING RESTRICTIONS.

Where this Code imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Code shall govern.

153.0008 EXISTING PERMITS.

This Code is not intended to abrogate or annul any building permits, certificates of occupancy, variances or other lawful permits issued before the effective date of this Code.

153.0009 COMPLETION PERMITTED.

Any building or structure for which a building permit has been issued prior to the date of enactment of this Code may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, provided construction commences within one hundred eighty (180) days of passage of this Code and is diligently prosecuted to completion.

153.0010 SEPARABILITY.

If any part or provision of this Code or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The City Council hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section, or application.

153.0011 RULES AND DEFINITIONS.

In the application of this Code, the rules and definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise; terms not defined in this Section shall have their standard English dictionary meanings.

- A. Rules. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural, the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive. The word "lot" shall include the words "plot", "piece," and "parcel". The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for". The word "City" shall refer to and be interpreted to mean Greenville, Illinois. The following words and terms, wherever they occur in this Code, shall be interpreted as herein defined.
- B. Definitions for This Code.

Abandonment: An action to give up one's rights or interests in property.

Abutting: A common lot line or district line. (Synonym for "adjacent" or "adjoining".)

Access Way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

Accessory Building or Structure: A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use. Accessory uses shall include garages, carports, utility/tool sheds, greenhouses, tennis courts, swimming pools, decks, patios, and gazebos.

Accessory Use: Any structure or use that is:

- (A) subordinate in size or purpose to the principal structure or use which is served; and
- (B) necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (C) located on the same lot as the principal structure or use served.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alter: As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another.

Amendment: A change in the provisions of this Code (including the District Map), properly effected in accordance with State Law and the procedures set forth herein.

Animals, Domestic: A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship, and protection. Domesticated animals are household pets, and are inclusive of animals, reptiles and fish such as dogs, cats, parakeets, goldfish, and painted turtles.

Animals, Farm: Farm animals are those which have historically been bred, reared, and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles, and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes, and catfish.

Animal Hospital: Any building, or portion thereof, designed or used for the care, observation, or treatment of domestic animals.

Animal, Wild: Wild animals are those animals, fowl, reptiles, and fish of the North American Continent not domesticated such as bears, raccoons, squirrels, alligators, and Gila monsters; animals, fowl, reptiles, and fish from other continents shall automatically be considered wild.

Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit, each with its own set of housekeeping facilities and usually leased as a dwelling.

Area, Gross: The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for streets and alley rights-of-way and public use.

Area of Zoning Lot: The total horizontal area (square footage) within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

Attached Building: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof.

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

Automobile Parking Area: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

Automobile Service Station: A building or premises or portion thereof used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles but not including liquefied petroleum gas distribution facilities.

Automobile and Trailer Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automobile Wrecking Yard: Any place where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

Basement: A story having more than **one-half (1/2)** of its height below the average level of the adjoining ground.

Bed and Breakfast Establishment: A type of lodging that is smaller than a hotel and may be in a private residence licensed for guests which offers overnight accommodation and breakfast, but usually does not offer other meals.

Billboard: Any single- or double-faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or corporate boundary lines.

Board of Adjustments Officer: The person or persons appointed by the City Mayor to conduct hearings for requests for variances and the conduct hearings for appeals from decisions of City administrative officials.

Board of Appeals: The Zoning Board of Appeals of the City.

Boarding Kennel: Any establishment where pet animals owned by another person are temporarily boarded for pay or compensation.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural vegetation or created by the use of trees, shrubs, fences, and/or berms designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Buildable Area: The space remaining on a zoning lot after the minimum setback requirements of this Code have been complied with.

Building: Any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter, or protection of persons, property, chattels, animals, or substances of any kind.

Building Code: The editions of the International Building Code (IBC) and International Residential Code (IRC), as published by the International Code Council (ICC) and adopted from time to time by the City of Greenville.

Building Height: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Line: See Setback Line.

Check Cashing Business: An establishment primarily engaged in providing currency and coinage for a fee to individuals presenting checks drawn from a bank or other source. This shall not include banks or savings and loan institutions, or other businesses wherein the cashing of checks is merely incidental to other primary business activities being conducted on the premises.

Chief Building and Zoning Official: The person or persons designated by the City to enforce and administer the provisions of the Zoning Code (inclusive of the Building Code, Electrical Code, and Plumbing Code), Subdivision Code, and Property Maintenance Code.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons but who are not provided with Council or room nor kept overnight on the premises.

Club: A nonprofit association of persons who are bona-fide members organized for some common purposes and paying regular dues, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commission: Plan Commission of the City.

Common Area: Any area or space designed for joint use of tenants or owners occupying a Mobile Home Development or other development.

Comprehensive Plan: The plan or any portion thereof adopted by the City for the coordinated physical development including among other things plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

Coverage: Total square footage of ground floor area expressed as square footage. **(See Lot Coverage)**

Cul-de-Sac: A short minor local street having only **one (1)** end open for vehicular traffic and other permanently terminated by a turn-around for vehicles.

Day Care Facility: Terms associated with day care facilities shall be defined as follows:

Day Care (Home). A family home which regularly provides day care for **less than twenty-four (24) hours** per day for **more than three (3) children** up to a **maximum of eight (8) children** not related to the day care provider. The term does not include facilities which receive only children from a single household.

Day Care Center. A childcare facility which regularly provides day care for **less than twenty-four (24) hours** per day for **more than eight (8) children** in a family home or **more than three (3) children** in a facility other than a family home.

Dependent Mobile Homes. A dependent mobile home shall not be located in any mobile home park within the jurisdiction of the City to be used as a temporary or permanent residence.

Department: The Illinois Department of Public Health unless otherwise stated.

Design: The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including materials, alignment, grade, and width of these elements.

District: A portion of the territory of the City within which certain uniform regulations and requirements

of various combinations thereof apply under the provisions of this Code.

Dog Day Care Facility: A facility providing such services as canine day care for all or part of a day, obedience classes, training grooming, behavior counseling, and other related services.

Drive Through Establishment: A place of business that through design, physical facilities, service, or packaging procedures, encourages customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. This definition shall include all businesses with a drive-through component.

Driveway: A minor private way used for vehicles on a zoning or mobile home lot or for common access to a small group of lots, or common parking facilities.

Dwelling: Any building or portion thereof designed or used exclusively as living quarters for one or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

Dwelling Unit: A residential unit providing complete independent living facilities for **one (1)** family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, One-Family: A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

Dwelling, Two-Family: A detached principal building designed for or used as a dwelling exclusively by **two (2) families** each living as an independent housekeeping unit.

Dwelling, Three-Family: A detached principal building designed for or used as a dwelling exclusively by **three (3) families** each living as an independent housekeeping unit.

Dwelling, Multiple-Family: A building or portion thereof, designed or altered for occupancy by **four (4) or more families** each living as an independent housekeeping unit.

Easement: A vested or acquired right to use land, other than a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

Electrical Code: The National Electric Code, as published by the National Fire Protection Association, and as adopted by the City of Greenville.

Enclosed Building: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls, with openings only for windows and doors, and covered by a permanent roof.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

Family:

- (A) A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit; or
- (B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based on birth, marriage, adoption, or employment as domestic servants; or
- (C) A group of not more than **three (3)** unrelated persons doing their own cooking and living

together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement.

- (D) A group of unrelated adult persons living in a State of Illinois certified Community Integrated Living Arrangement (CILA) group home, family home or apartment, who live together on the premises as a separate housekeeping unit, with no more than two (2) persons per bedroom, and who meet all square footage occupancy limits of the City of Greenville whenever said limits are more restrictive than any imposed by the State of Illinois.

Financial Services: An office establishment or business that primarily performs central banking functions (such as issuing currency, management national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and which establishment may include these services to patrons and customers through an accessory, drive-through, as a planned use. Financial Services shall also include establishments primarily engaged in one or more of the following:

- (A) underwriting securities issues or making markets for securities and commodities;
- (B) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities;
- (C) providing securities and commodity exchange services; and
- (D) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services. Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage for securities or commodities; credit reporting services; certified financial planning; accounting; auditing; bookkeeping; credit service offices, including credit unions; holding and investment services; savings and loans association offices; and consumer and mercantile credit reporting services.

Financial Services does not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-term consumer loans secured by personal property, certificates of title to such property, estimated tax refunds or other such collateral.

Flood Area: All land subject to periodic inundation by water as defined by a soils analysis or other appropriate means and includes the overflow of natural waterways, interior ponding and flooding of or resulting from drainage runoff.

Floor Area: The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space but not including vent shafts, courts, or uninhabitable areas below ground level or in attics.

Floor Area Ratio: The ratio of total floor area, in square feet, of all principal and accessory buildings on a lot to total lot area, in square feet, excluding basements.

Garage - Parking, Private: A building or portion thereof for the storage of vehicles for persons living on the premises.

Garage - Parking, Public: A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation or otherwise.

Hillside Area: An area with an average slope of twenty percent (20%) or more.

Hospital: Any building or portion thereof used for diagnosis, treatment, or care of human ailments including sanitariums but not including clinics, rest homes, convalescent homes, or nursing homes.

Hotel: A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6) guest rooms**, where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

Junk Yard: Any area where scrap, metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building salvage yards.

Kennel: Any structure or lot on which four (4) or more dogs and/or cats over four (4) months of age are kept.

Land Use Plan: The long-range plan for the desirable use of land in the City as officially adopted and as amended from time to time by the City Council.

Laundries:

Laundromat. A business that provides home-type washing, drying, and ironing machines for hire to be used by the customers on the premises.

Commercial Industrial Laundry. A business that provides washing, drying and ironing services operated by the employees on the premises.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access.

Lot: A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under the provisions of this Code having not less than the minimum area, width and depth required by this Code for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Code. The minimum area of a lot as defined herein must be an integral unit of land under ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

Lot Area: See Area of Zoning Lot.

Lot, Corner: A lot abutting upon **two (2) or more** streets at their intersection or upon **two (2) parts** of the same street. The point of intersection of the street lines is the "corner."

Lot Coverage: The percentage of a lot or parcel which is, or will be, covered by the principal building(s) and accessory structure(s).

Lot, Depth: The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

Lot, Double Frontage: See Lot, Through.

Lot Interior: A lot whose side lines do not abut upon any street.

Lot Line, Front: The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is no less than the average setback of existing buildings.

Lot Line, Rear: The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot, or lots, is called an interior side lot line.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds.

Lot, Through: A lot having frontage on **two (2)** parallel or approximately parallel streets.

Lot Width: The mean horizontal width of the lot measured at right angles to its depth.

Manufactured Home: A home that is constructed in compliance with the preemptive National Manufactured Housing Construction and Safety Standards of the Federal Department of Housing and Urban Development (HUD) Code, containing a permanently affixed, red emblem. A factory- assembled, completely integrated structure designed for use as a dwelling unit, with a permanent chassis and so constructed as to permit its transport in two or more sections, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, with a permanent masonry or concrete foundation and connected to available utilities, including but not limited to provisions for water, sewer, electric and natural gas systems contained therein. Such structures shall conform to lot line and setback regulations as required for site-built construction.

Mobile Home: A home that is constructed in compliance with the preemptive National Manufactured Housing Construction and Safety Standards of the Federal Department of Housing and Urban Development (HUD) Code, containing a permanently affixed, red emblem. A factory- assembled, completely integrated structure designed for use as a dwelling unit, with a permanent chassis and so constructed as to permit its transport in one section (single-wide), on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, with a permanent masonry or concrete foundation and connected to available utilities, including but not limited to provisions for water, sewer, electric and natural gas systems contained therein. Such structures shall conform to lot line and setback regulations as required for site-built construction. This definition shall not include a motorized recreational vehicle or camping trailer.

Mobile Home, Dependent: A mobile home which does not have toilet and bath or shower facilities.

Mobile Home, Independent: A mobile home with self-contained toilet and bath or shower facilities.

Mobile Home Lot: A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile Home Pad: That part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

Mobile Home Park: An area of land under unified ownership and control on which **two (2) or more** occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park, includes courts, developments, communities.

Mobile Home Space: Any portion of a mobile home park designed for the use or occupancy of **one (1)** mobile home.

Modular Home: A structure designed primarily for residential occupancy, designed, and constructed to a state or national model code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location. The term does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Nonconforming Building: A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

Nonconforming Use: A use of a building or land legally existing at the time of adoption of this Code or any amendment thereto and which does not conform with the use regulations of the district in which located.

Office, Professional: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers and others who through training are qualified to perform services of a professional nature.

Office, Service: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive.

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

Parking Area, Public: An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or free for clients or customers.

Parking Lane: A lane of a street used primarily for vehicular parking.

Parking Space, Automobile: Space with a public or private parking area of not less than **nine feet (9') by eighteen feet (18')**, exclusive of access drives, or aisles, ramps, columns, or office and work areas for the storage of a passenger automobile or a commercial vehicle under **one and one-half (1 1/2) ton** capacity.

Pawnbroker or Pawnshop: An establishment engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Permanent Foundation: A closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the front line, excluding the use of piers.

Person: Any agent, individual, firm, association, partnership or corporation or similar entity.

Planned Development: An area of minimum contiguous size, as specified by this Code to be planned, developed, operated, and maintained as a unified development and containing **one (1) or more** residential clusters or planned unit residential developments or **one (1) or more** public, quasi-public, commercial, or industrial areas in such ranges or ratios of differing uses as specified in this Code.

Plans: All of the drawings including plats, cross sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code, and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the appropriate officials of the City for consideration,

approval or disapproval.

Plat: Any map, plan or chart of a city, town, section, or subdivision, indicating the location and boundaries of individual properties, public improvements, utility locations and which meets the requirements of this Code.

Plat, Final: A plat conforming to the requirements of this Chapter, of the Revised Code.

Plat, Preliminary: The first plat prepared designating generally the methods, dimensions and conditions of land subdivision and the improvements proposed on a specific parcel of land.

Plot: A parcel of land consisting of **one (1) or more** lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

Plumbing Code: The Illinois Plumbing Code, as promulgated and published by the Illinois Department of Public Health, and as amended from time to time.

Premises: A lot together with all the buildings and uses thereon.

Principal Building: The main use of a building on a parcel of land as distinguished from a subordinate or accessory building or structure.

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

Property Line: A recorded boundary of a plot or plat.

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

Public Water and Sewer System: A water and/or sewer system, which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this State.

Recreational Vehicle: Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Residence: A stationary detached principal building designed for or used as a dwelling as distinguished from a mobile (dwelling) home.

Residential Care Facilities: Any facility, other than a foster home, whether operated for profit or not, which through ownership or management provides residential care of **one (1) or more** persons who are not related by blood or marriage to either the owner or operator, or one of them, of such facility, or any classification of such facilities as defined in the Minimum Standards, Rules and Regulations, as amended, of the Department of Public Health of the State of Illinois, that provides supervised residential care for a person or persons, who because of age, physical or mental disability, emotional or behavioral disorder, or mental retardation, are incapable of managing their person, whether or not under conservatorship or guardianship.

Re-Subdivision: See Subdivision.

Right(s)-of-way: Any street, alley, other land, or waterway, dedicated or commonly used for utility purposes, including utility easements in which the City (or IDOT) has the right and authority to authorize, regulate or permit the locations of facilities.

Road, County: A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way. This tract of land

must have been presented to and accepted by the County Superintendent of Highways.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

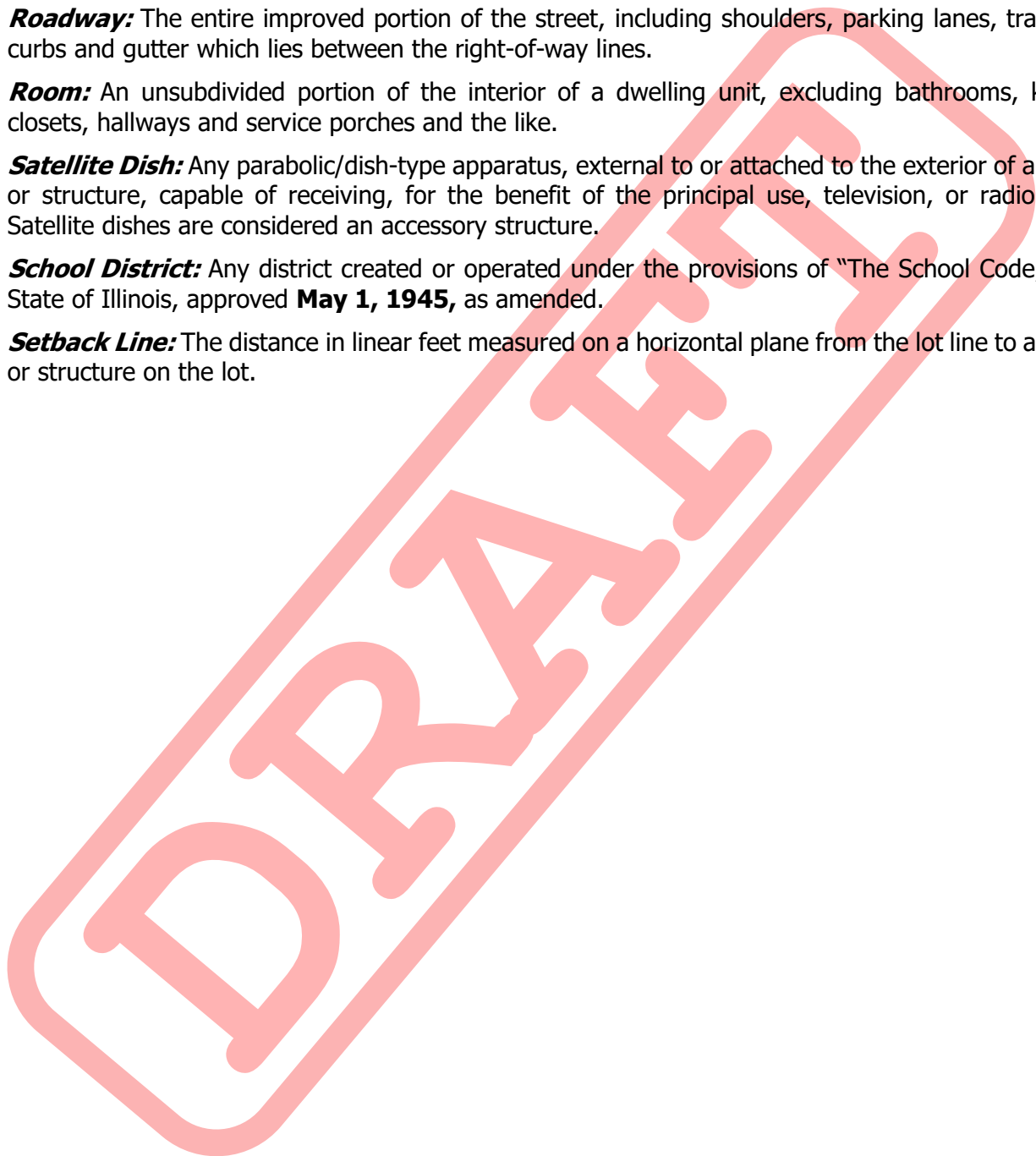
Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter which lies between the right-of-way lines.

Room: An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television, or radio signals. Satellite dishes are considered an accessory structure.

School District: Any district created or operated under the provisions of "The School Code," of the State of Illinois, approved **May 1, 1945**, as amended.

Setback Line: The distance in linear feet measured on a horizontal plane from the lot line to a building or structure on the lot.



Sight Distance Triangle: The area bounded by the street right-of-way lines of corner lots and a line joining points along said street lines **thirty feet (30')** from their points of intersection. Nothing shall be erected, placed, planted, or allowed to grow within this triangular area in a manner as to materially impede vision between a height of **two and one-half feet (2 1/2')** and **eight feet (8')** above the grades of the outside edge of the street surface of the intersecting surfaces. These requirements shall also apply to driveways serving development off collector and arterial roadways.

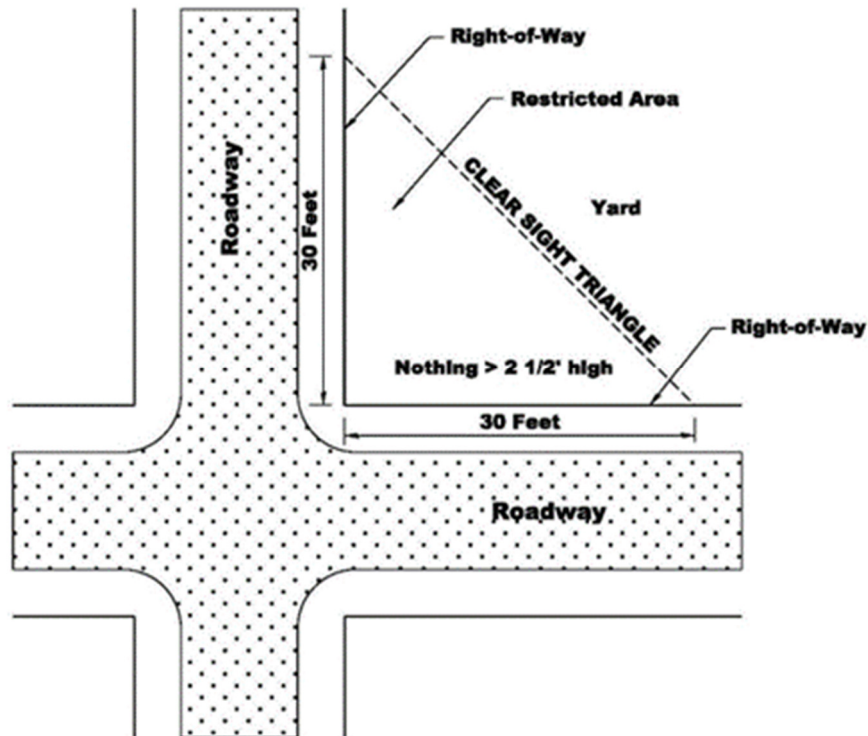


Figure: Sight Distance Triangle

Single-Family Attached Dwelling (Villa, Twin Home, Condominium or Townhome): Single family dwellings sharing a common wall but situated on separate lots designed to be owned and occupied exclusively by separate families.

Site: A parcel of land consisting of **one (1) or more** lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Slope: The degree of natural inclination of the existing ground.

Slope, Steep: Lands with a slope of **twelve percent (12%) or greater** and those lands with a **seven to twelve percent (7-12%)** slope which are especially susceptible to soil erosion.

Small Loan Establishments: Establishments which (1) engage in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (2) are registered as lenders under state or federal law. This classification does include, but is not limited to; check cashing stores, payday loan stores, and car title loan stores. The classification does not include a state or federally chartered bank, savings and loan association, credit union, mortgage company or trust company, or industrial land company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money

order is incidental to the main purpose of the business and does not hold itself out as providing check cashing services.

Conditional Use Permit: A permit issued by the City Council permitting an owner or applicant to use property for a use that is listed as a conditional use in the applicable zoning classification.

Street: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

Street, Arterial: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

Street, Collector: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Street, Local: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Street, Marginal Access, or Service Road: A local street, parallel and adjacent to arterial streets providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground but not including poles, lines, cables, and other transmission or distribution facilities of public utilities.

Subdivide: See Subdivision.

Subdivider: Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing, or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Subdivision: A division of land into **two (2) or more** parts, any of which is less than five (5) acres, except as set forth in the Plat Act, **(765 ILCS 205/1 et seq.)**.

Subdivision, Minor: A division of land into **two (2)** but not more than **four (4) lots**, all of which front upon an existing street, and not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Telecommunication Towers: Metal structures that have transmitting or receiving antennas attached for receiving or transmitting of electronic media.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Title Loan Establishment: Any person, entity or business that lends money to a borrower and in exchange retains physical possession of the state-issued certificate of title to the personal property of the borrower. The classification does not include a state or federally chartered bank, savings and loan association, credit union, mortgage company or trust company, or industrial land company.

Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its

weight rests upon the towing vehicle.

Travel Trailer: A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

Travel Way: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Yard: An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated and otherwise expressly provided for herein.

Yard, Front: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Zoning Map: The zoning map or maps of the City of Greenville together with all amendments subsequently adopted.

ARTICLE II - ZONING DISTRICT REGULATIONS

DIVISION I - GENERALLY

153.0012 ZONING DISTRICTS INTENT AND PURPOSE.

For the purposes of this Code, the entire City is hereby divided into the following Zoning Districts:

- Single Family Residential (R-1)**
- Multiple Family Low Density (R-2)**
- Multiple Family High Density (R-3)**
- Residential District (R-4)**
- Downtown (D)**
- Commercial General (CG)**
- Commercial Neighborhood (CN)**
- Industrial Light (IL)**
- Industrial Heavy (IH)**
- Planned Development (PD)**

153.0013 ZONING DISTRICT AREA, BULK, AND YARD REQUIREMENTS.

The table at Appendix A was created to place as many requirements as possible on one page and establishes the minimum area, bulk, and yard requirements for each approved City Zoning District. Additional area, bulk, and yard, permitted, permitted accessory and conditional use requirements exist throughout this Code.

153.0014 ZONING MAP AND DISTRICT BOUNDARIES.

The boundaries of the zoning districts are hereby established as shown on the City's Zoning District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zoning District Map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of the developmental code by reference. The zoning map properly attested shall remain on file in the office of the City Clerk.

- A. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, the center lines of alleys, or the centerlines of highways.
- B. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
- D. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be construed to be the centerline of the stream, otherwise at the limit of the jurisdiction of the County unless otherwise indicated.
- E. Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.
- F. Any area shown on the zoning map as a park, playground, school, cemetery, water, street, or

right-of-way shall be subject to the zoning regulations of the district in which it is located.

- G. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- H. Where any land or territory within the jurisdiction of the City is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
- I. Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

153.0015 ANNUAL PUBLICATION.

In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the City not later than March 31st of the following year. **(65 ILCS Sec. 5/11-13-19)**

NOTE: The map shall also be published if there are any annexations.

153.0016 ANNEXED TERRITORY.

Any territory hereafter annexed to the City shall automatically be in the Single Family Residential District (R-1) until duly changed by an amendment to this Code; except that the City Council with the advice of the Plan Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met.

153.0017 GENERAL PROHIBITION.

Hereafter, within the zoning jurisdiction of Greenville, it shall be unlawful to:

- A. Erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- B. to create any lot; or
- C. to use, occupy, or develop any lot or part thereof, except in conformity with the provision of this Code.

153.0018 MEETING MINIMUM REQUIREMENTS.

Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

153.0019 ACCESS REQUIRED.

No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public or private street.

153.0020 INTRUSIONS INTO YARDS.

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSION</u>
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios uncovered at ground level	3 feet
Porches, if unenclosed and at ground level	6 feet

Balconies and decks	4 feet
Canopies, roof overhangs	4 feet

153.0021 EXCEPTIONS TO HEIGHT LIMITS.

- A. Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent City ordinances.
- B. Intersections. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty feet (30')** from the point of intersection, no natural or man-made obstruction shall intrude into the air space that is between **two feet (2)** and **ten feet (10')** above the level of the adjacent street.

153.0022 SEWERS, SEPTIC TANKS.

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- A. Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred fifty feet (150')**, all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.
- B. Whenever the City sewerage system is not reasonably available, a private aeration sewerage system shall be installed and used. All private aeration sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:
 1. Illinois Private Sewage Disposal Licensing Act, **Illinois Compiled Statutes, Chapter 225; Sections 225/1 through 225/23**, as amended from time to time;
 2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time;
 3. Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
 4. Applicable codes and regulations of the City, particularly the **Subdivision Regulations**.

The Zoning Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Municipal Engineer, he is satisfied that these requirements will be met.

153.0023 ACCESSORY USES.

- A. Any accessory use shall be deemed permitted in a particular zoning district if such use:
 1. meets the definition of "**accessory use**" found in **Section 153.0011**;
 2. is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or conditional use; and
 3. is in compliance with restrictions set forth in **Section 153.0024**.
- B. If an accessory structure is attached to a principal structure, it shall be considered part of such structure.

153.0024 ACCESSORY USE RESTRICTIONS.

- A. **Height.** No accessory use shall be higher than:
 1. **Twenty feet (20')** in any residential district; or
 2. **Twenty-five feet (25')** in any Zoning District
- B. **Setbacks.** No accessory use in any zoning district shall be located in any part of any front yard that is required because of the setback regulations of such district; provided that in any

residential district, an accessory use may be located as close as **five feet (5')** to any side or rear lot line.

- C. **Yard Coverage.** In any residential district, accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.
- D. **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of Greenville.

153.0025 ACCESSORY BUILDINGS.

In any residential district there shall be no more than **two (2)** Accessory Buildings located on a single lot.

153.0026 RESERVED.

DIVISION I: SINGLE FAMILY RESIDENTIAL (R-1)

153.0027 PURPOSE

The Single Family Residential District (R-1) set forth herein is established to provide areas for residential purposes, single-family residential uses mixed with a variety of housing types where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings, and open space where similar residential development seems likely to occur.

153.0028 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0029 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0030 HEIGHT OF BUILDINGS.

The maximum height of buildings permitted shall be as follows:

- A. One-family detached dwellings: twenty-five feet (25') and not over two and one-half stories.
- B. Church: One hundred feet (100') for towers or steeples but not more than sixty-five feet (65') for the main structure.

153.0031 LOT SIZE.

- A. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than 8,000 feet, and a width at the established building line of not less than sixty feet (60').
- B. Churches, convents, and monasteries hereafter erected or structurally altered shall be on a lot having an area of not less than 10,000 square feet, and a width at the building line of not less than seventy-five feet (75').

153.0032 YARD AREAS.

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

- A. Front yard. Each lot upon which a dwelling or church is constructed shall have a front yard of not less than twenty-five feet (25'). Where lots comprising forty percent or more of the frontage between two intersecting streets are developed with buildings having front yards with a variation of more than fifteen feet (15') in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. In no case shall a front yard of more than forty feet (40') be required.

- B. Side yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side equal to not less than ten percent (10%) of the width of the lot; the combined total of the side yards on the interior lots shall not be less than twelve feet. On corner lots, there shall be maintained a side yard of not less than fifteen feet (15') on the side adjacent to tire street which intersects the street upon which the building or structure maintains frontage, and in the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen feet (15'). No accessory building on said reversed comer lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet (5') to the side lot line of said adjacent lot. On lots upon which a church is constructed, or extensions made to an existing church, there shall be a side yard of not less than ten feet on each side of the main structure and a combined total of side yards of not less than twenty-five feet (25').
- C. Rear yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five feet (25').
- D. Permitted obstructions. The following shall not be considered as obstructions when located within or over required yards:
 - 1. Terraces;
 - 2. Awnings and canopies;
 - 3. Chimneys, not exceeding two percent of the width of the yard;
 - 4. Steps not over four feet in height;
 - 5. Arbors and trellises;
 - 6. Breezeways and open porches (rear yards only);
 - 7. Open parking areas;
 - 8. Swimming pool, private (rear yards only);
 - 9. Fences.

153.0033 DWELLING STANDARDS.

Every one-story dwelling hereafter erected in any Single Family Residential District, R-1, shall have a total ground floor area of not less than **720 square feet** measured from the outside of the exterior walls including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. Every dwelling of more than one story hereafter erected in any Single Family Dwelling District shall have a total floor area, measured from the outside of the exterior walls, of not less than **900 square feet**, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.

153.0034 RESERVED.

DIVISION II: MULTIPLE FAMILY LOW DENSITY (R-2)

153.0035 PURPOSE

The Multiple Family Low Density District (R-2) set forth herein is established to provide areas for low density residential purposes, single-family residential uses mixed with a variety of housing types where adequate public facilities and services exist with capacity to serve development. These districts are

composed mainly of areas containing a mixture of single-family, and two-family dwellings, and open space where similar residential development seems likely to occur.

153.0036 PERMITTED USES.

The following are permitted uses in the Multiple Family Low Density District (R-2):

- A. Any use permitted in the Single Family Dwelling District (R-1).
- B. Two-family dwellings.
- C. Permitted uses as shown in the Use Matrix Table in the appendix of this code.
- D. Three and four family dwellings, as transitional use, when located on lots having a side lot line adjoining or when facing a business or manufacturing use, or a railroad right-of-way, provided the building is located on a lot having a width of not less than seventy feet (70') and has an area of not less than 8,500 square feet.
- E. Transitional non-residential off-street parking when authorized by the City Council.

153.0037 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0038 HEIGHT OF BUILDINGS.

The same regulations shall apply as permitted in the Single Family District (R-1).

153.0039 LOT SIZE.

One-family dwellings. The same regulations shall apply as permitted in the Single Family District (R-1).

- A. Two-family dwellings. Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than 7,200 square feet, and a width at the building line of not less than sixty feet (60').
- B. Convened dwellings. An existing one-family dwelling located on a lot of less area than required in this section may be converted to a two-family dwelling without increasing the lot size; provided that the building is not enlarged beyond its present outside dimensions and that all other regulations of this chapter are complied with. Additions may be made to an existing building only when the lot size and yard requirements of this section are complied with.
- C. Churches, convents, and monasteries. The same regulations shall apply as required in the R-1 Districts.

153.0040 YARD AREAS.

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

- A. Front yards. The same regulations shall apply as permitted or required in the R-1 Districts.
- B. Side yards.
 1. One-family detached dwellings: The same regulations shall apply as required in the R-1 Districts.
 2. Two-family dwellings: The same regulations shall apply as required for one-family detached dwellings.
- C. Converted dwellings: An existing one-family dwelling located on a lot having side yards of less width than required herein may be converted to a two-family dwelling provided that the building is not enlarged beyond its present outside dimensions.
- D. Rear yards. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty feet (30').
- E. Permitted obstructions. The same regulations shall apply as required in the R-1 Districts.

153.0041 DWELLING STANDARDS.

Each dwelling hereafter erected, converted or reconstructed in an R-2 District shall contain floor area in compliance with the following:

- A. One-family detached dwellings shall have a total ground floor area of not less than **720 square feet** measured from the outside of the exterior walls including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. Every dwelling of more than one-story hereafter erected in any Multiple Family Low Density District (R-2) shall have a total floor area, measured from the outside of the exterior walls, of not less than **1,150 square feet**, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used for living purposes, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.
- B. Two-family dwelling structures shall have a total floor area of not less than **620 square feet** of floor area per dwelling unit measured from the outside walls, including all other areas not used for living or sleeping purposes. Every multiple family residential - high density structure shall have a minimum of **620 square feet** living space per unit.

153.0042 RESERVED.**DIVISION III: MULTIPLE FAMILY HIGH DENSITY (R-3)****153.0043 PURPOSE**

The Multiple Family High Density District (R-3) set forth herein is established to provide areas for medium to high density residential purposes, single-family residential uses mixed with a variety of housing types where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings, and open space where similar residential development seems likely to occur.

153.0044 PERMITTED USES.

The following uses are permitted in the Multiple Family High Density District (R-3):

- A. Any use permitted in the R-2 District.
- B. One-family row dwellings (party-call type) with not more than six (6) dwelling units in a building.
- C. Multiple family dwellings and apartments.
- D. Permitted uses as shown in the Use Matrix Table in the appendix of this code.
- E. Transitional uses - principal offices of physicians, dentists, lawyers, architects, real estate brokers, and other professional occupations and barber and beauty shops, when conducted in a residential structure used primarily as a home and when located on lots having a side line adjoining a lot in a Downtown, Commercial General, or Commercial Neighborhood District, or adjacent to a railroad right-of-way directly across a street or alley, provided that:
 1. The lot on which the transitional use is located does not extend more than seventy feet (75') from the adjoining Downtown, Commercial General, or Commercial Neighborhood District, or more than one hundred twenty feet in depth from the street line in cases where the lot does not adjoin but faces a Downtown, Commercial General, or Commercial Neighborhood District
 2. The home occupations are conducted in conjunction with the use of a dwelling unit as a home by the occupant thereof, with not more than two employees other than members of

the related family, and that the residential character of the exterior of the dwelling is not included or permitted.

153.0045 CONDITIONAL USES.

The conditional uses are as shown in the Use Matrix Table in the appendix of this code.

153.0046 HEIGHT OF BUILDINGS.

No building shall hereafter be erected or structurally altered to exceed three stories, nor shall it exceed 35 feet in height.

153.0047 YARD AREAS.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such structure or enlargement:

- A. Front yard. There shall be a front yard of not less than twenty feet (20').
- B. Side yard. On interior lots there shall be a side yard on each side of a main building of not less than five feet (5') for all multiple-family dwellings of not more than two stories in height. For each additional story added above the two stories, the side yard on each side of the main building shall be increased two feet (2') in width. On corner lots, the side yard on the intersecting street side shall be not less than ten feet, except in the case of a reversed corner lot, where there shall be a side yard on the street side of the corner lot of not less than fifty percent (50%) of the front yard required in the lots in the rear of such corner lot. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five feet to the side lot line of such key lot.
- C. Rear yard. There shall be a rear yard of not less than twenty feet (20') for interior lots nor less than fifteen feet (15') on corner lots.
- D. Lot coverage. Not more than thirty-five percent (35%) of the area of a lot may be covered by buildings or structures.
- E. Lot area. Every building hereafter erected or structurally altered as a multiple-family dwelling, apartment, or row dwelling of more than two dwelling units shall provide a lot area per dwelling unit of not less than **3,000 square feet**. There shall be maintained at all times a minimum standard of **2,000 square feet** of lot space for each residential unit established in any area. There shall be maintained on each lot a minimum of twenty-five (25%) of the area which is uncovered by any improvement or paving and shall be maintained as a green area, that is, grass, shrubbery, and/or trees.
- F. Courts. No inner court or courts surrounded by a building shall be permitted. Outer courts are permitted, provided the depth of the court is no greater than the width of the court.

153.0048 LOT AREA.

Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than **8,000 square feet**, and a width at the established building line of not less than **sixty feet (60')**.

- A. Churches, convents, and monasteries hereafter erected or structurally altered shall be on a lot having an area of not less than **10,000 square feet**, and a width at the building line of not less than **seventy-five feet (75')**.
- B. Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than **8,000 square feet**, and a width at the building line of not less than **sixty feet (60')**.
- C. Every building hereafter erected or structurally altered as a multiple-family dwelling, apartment,

or row dwelling of more than two dwelling units shall provide a lot area per dwelling unit of not less than **3,000 square feet**. There shall be maintained on each lot a minimum of twenty-five percent (25%) of the area which is uncovered by any improvement or paving and shall be maintained as a green area, which is grass, shrubbery and/or trees.

153.0049 RESERVED.

DIVISION IV: RESIDENTIAL DISTRICT (R-4)

153.0050 PURPOSE.

The Residential District (R-4) set forth herein is established to provide for the continued use of an area for residential purposes, while allowing for the expansion of existing commercial and industrial uses. The general goals are to preserve the residential character of the area and to protect the amenities and values of the existing residences, to allow commercial and industrial establishments to expand their operations to retain and protect the economic base of the city and to provide for the proper buffering between residential and non-residential uses.

153.0051 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0052 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0053 HEIGHT.

No building shall hereafter be erected or structurally altered to exceed three stories, nor shall it exceed **thirty-five feet (35')** in height.

153.0054 YARD AREAS.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such structure or enlargement:

- A. Front yard. There shall be a front yard of not less than **twenty feet (20')**.
- B. Side yard. On interior lots, there shall be a side yard on each side of a main building of not less than **five feet (5')** for all structures of not more than two stories in height. For each additional story added above the two stories, the side yard on each side of the main building shall be increased two feet (2') in width. On corner lots, the side yard on the intersection street side shall be not less than ten feet, except in the case of a reversed corner lot, where there shall be a side yard on the street side of the corner lot of not less than fifty percent (50%) of the front yard required in the lots in the rear of such corner lot. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five feet to the side lot line of such key lot.
- C. Rear yard. There shall be a rear yard of not less than **twenty feet (20')** for interior lots nor less than **fifteen feet (15')** on corner lots.
- D. Courts. No inner court or courts surrounded by a building shall be permitted. Outer courts are permitted provided the depth of the court is no greater than the width of the court.

153.0055 LOT AREA.

Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than 8,000 square feet, and a width at the established building line of not less than sixty feet (60').

- D. Churches, convents, and monasteries hereafter erected or structurally altered shall be on a lot having an area of not less than 10,000 square feet, and a width at the building line of not less than seventy-five feet (75’).
- E. Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than 8,000 square feet, and a width at the building line of not less than sixty feet (60’).
- F. Every building hereafter erected or structurally altered as a multiple-family dwelling, apartment, or row dwelling of more than two dwelling units shall provide a lot area per dwelling unit of not less than 3,000 square feet. There shall be maintained on each lot a minimum of twenty-five percent (25%) of the area which is uncovered by any improvement or paving and shall be maintained as a green area, which is grass, shrubbery and/or trees.

153.0056 RESERVED.

DIVISION V: DOWNTOWN DISTRICT (D)

153.0057 Purpose.

The Downtown District, (D), set forth herein is established to provide concentrated downtown retail, service, office and mixed uses in the existing central business districts. Major/regional shopping centers are permitted, but urban design standards are required in order to maintain a neighborhood commercial scale, to promote pedestrian activity and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The establishment and/or expansion of any Downtown District shall conform to the following additional location, design, area and bulk, and use requirements:

- A. Promote the long-term vitality of the Central Business District;
- B. Encourage development of the downtown area as a complete neighborhood to enhance its image to both visitors and residents;
- C. Accommodate a broad range of housing stock, including single-occupancy hotels; low-, moderate- and upper-income housing; and housing for elderly persons; and
- D. Give priority to existing buildings, particularly vacant upper floors in existing buildings, for meeting housing needs.

153.0058 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0059 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code

153.0060 DIMENSIONAL STANDARDS.

The dimensional standards within the Downtown District are

- A. Front setback:
 - 1. Minimum 0 feet
 - 2. Maximum 20 feet
- B. Frontage build-out, minimum: 80 percent

153.0061 DESIGN.

Ground-level fenestration (e.g., transparent windows and opening at street level) shall conform to the commercial building design standards of the applicable building code.

153.0062 OUTDOOR DISPLAY/SALES.

- A. The outdoor display or sale of merchandise is allowed in the "D" District.
- B. Any merchandise displayed or sold outdoors must be taken indoors at any time outside of the posted operating hours.
- C. Merchandise displayed or sold outside shall always leave a minimum of five feet with for pedestrian traffic.

153.0063 RESERVED.

DIVISION VI: COMMERCIAL GENERAL DISTRICT (CG)

153.0064 PURPOSE.

The Commercial General District (CG) set forth herein is established to provide for certain limited sales and service facilities located in residential areas to constitute a convenience to the residents of the immediate neighborhood. The district is limited to size and facilities to preserve and protect the general character of the residential areas surrounding these particular districts. The establishment and/or expansion of any Commercial General District shall conform to the following additional location, design, area, and bulk, and use requirements:

- A. **Design Standards.** The lot on which the neighborhood-shopping unit is situated shall be landscaped and maintained in conformity with the general character of the surrounding area. Yard requirements for a lot on which a neighborhood shopping unit is located shall not be less than the yard requirements of the most restrictive abutting zoning district.
- B. **Access Ways.** Any access way to any off-street parking lot or loading berth shall be located at least **ten feet (10')** from any lot line.
- C. **Refuse Containers.** All garbage or other refuse shall be in removable, visually screened, and covered containers.
- D. **Buffer Requirements.** Additional landscaping, screening and buffer requirements shall be met in accordance with the applicable sections of this code.

153.0065 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0066 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0067 PERMITTED ACCESSORY USES.

- A. Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
- B. Residential uses shall be allowed as an accessory use provided that such use is not located on the ground floor of any building.
- C. Storage of merchandise, or inventory, usually carried in stock, provided that such storage shall be located on the same lot with the business and shall be within a completely enclosed building.
- D. Temporary outdoor displays, seasonal displays and sales, and vendors provided permit is obtained from the Chief Building and Zoning Official.

153.0068 RESERVED.

DIVISION VII: COMMERCIAL NEIGHBORHOOD DISTRICT (CN)

153.0069 PURPOSE.

Commercial Neighborhood Districts provide small areas for offices, professional services, service and shopfront retail uses - all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature, and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards, which are comparable to those called for in the residential districts. These districts are also intended to reduce auto trips by permitting a limited group of commercial uses to be located in close proximity to residential areas. These districts provide a balance of residential and non-residential land-use opportunities, reflecting the economic needs of residents and business owners.

153.0070 IMPLEMENTATION POLICIES.

- A. Based on a comprehensive land-use plan, encouraging more intensive development in and near neighborhood centers with less intensive development between neighborhood centers and implementing these changes through zoning; and
- B. Encouraging resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.
- C. LIMITS.

The intersection of arterial/collector, collector/collector and collector/local street intersections, except where an existing commercial area has been established prior to the adoption of this chapter; or
The interior of a block along an arterial or collector street that lies parallel to an existing commercial area.

153.0071 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0072 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0073 DIMENSIONAL STANDARDS.

The dimensional standards within the Commercial Neighborhood District are:

- A. Front setback:
 1. Minimum 0 feet
 2. Maximum 20 feet
- B. Side setback, minimum: 0 feet
- C. Rear setback, minimum: 30 feet
- D. Frontage minimum: 10-150 feet
- E. Height maximum: 35 feet
- F. Lot coverage, maximum: 70 percent
- G. Building size, maximum: 20,000 aggregate
- H. Building size, maximum: 2,000 individual
- I. Frontage build-out, minimum: 65 percent

153.0074 RESERVED.**DIVISION VIII: INDUSTRIAL LIGHT DISTRICT (IL)****153.0075 PURPOSE.**

The Industrial Light District of the City delineates areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and adequate provisions of public utilities required by light industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature from finished goods, warehousing and wholesaling activities.

153.0076 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0077 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0078 RAILROAD SIDING FRONTAGE.

No yards shall be required for those portions of lots which front on railroad sidings.

153.0079 DESIGN STANDARDS.

Buildings shall include architectural features such as textured/masonry/stucco surfaces, accents, and fenestration such as windows, doors and other offsets or other breaks in the primary walls and roof planes to avoid monotonous, uninterrupted walls or roof planes on any building face visible from adjacent non-industrial uses or public right-of-ways.

153.0080 BUILDING MATERIALS.

Buildings shall include brick, concrete, masonry, or tilt-up buildings. Pole buildings shall be prohibited.

153.0081 BUFFER AREAS/REQUIREMENTS.

Landscape development shall be required along all streets, with the exception of approved entrances which border the proposed development, to be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas. Additional landscaping, screening and buffer requirements shall be met in accordance with the applicable sections of this code.

153.0082 PERMITTED ACCESSORY USES.

- A. Dwelling units for security guards or caretakers only.
- B. Off-street parking and loading.
- C. Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

153.0083 RESERVED.

DIVISION IX: INDUSTRIAL HEAVY DISTRICT (IH)

153.0084 PURPOSE.

Industrial Heavy Districts accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses that are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.

153.0085 CONDITION OF USE.

It is the intent of these districts to provide an environment for industries that is unencumbered by nearby residential or commercial development.

153.0086 LOCATION.

Districts must be located in:

- A. Areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses;

- B. Are located for convenient access for existing and future arterial thoroughfares and railway lines; and
- C. Support efforts to diversify the economic base, promote the safe storage of hazardous materials in locations that do not endanger neighborhoods and establish appropriate locations and standards for heavy industrial activities, such as the storage of hazardous and toxic materials.

153.0087 PERMITTED USES.

The permitted uses as shown in the Use Matrix Table in the appendix of this code.

153.0088 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0089 DIMENSIONAL STANDARDS.

The dimensional standards within the Commercial Neighborhood District are:

- A. Front setback, minimum: 20 feet
- B. Side setback, minimum: 50 feet
- C. Rear setback, minimum: 50 feet
- D. Frontage minimum: 100 feet
- E. Height maximum: 60 feet
- F. Lot coverage, maximum: 80 percent
- G. Lot width, minimum: 100 feet
- H. Stories, maximum: 5

153.0090 GENERAL PROVISIONS.

- A. All driveways, parking areas and pedestrian ways shall be surfaced with a concrete or asphalt all-weather surface. Curb and gutter shall be provided where required by the street design standards.
- B. All delivery and freight handling areas shall be screened from the boundary of any property not zoned "IL" (Industrial Light) or "IH" (Industrial Heavy).
- C. Sites shall not be accessed from residential streets.

153.0091 RESERVED.

DIVISION X: PLANNED DEVELOPMENT DISTRICT (PD)

153.0092 PURPOSE.

The Planned Development District (PD) of the City is intended to allow substantial flexibility in planning and designing a development proposal by providing alternate zoning procedures in the various zone districts to achieve:

- A. More attractive site layout.
- B. Economies in construction and in providing public improvements.
- C. Larger recreational areas.
- D. Varying densities and building types.
- E. Preserving the natural beauty of Greenville.

The City Council, upon receiving recommendations of the Plan Commission may by ordinance authorize a Planned Development District. When approved by the City Council, a Planned Development (PD) District shall be a new zoning district that replaces the existing zoning district or districts that apply to

the PD. The development standards and land uses in an approved development are the zoning regulations, standards, and land uses for a PD in the PD District. A PD District is an amendment to the City's Official Zoning Map and the Official Zoning Map shall identify the areas covered by each PD District.

The City Council shall review and approve a development plan for the PD concurrently with its review and approval of the application for a rezoning to a Planned Development District.

153.0093 APPLICABILITY.

An area may be considered for rezoning to the PD District when:

- A. More than one land use is proposed for development on a single parcel in which each use is taken from two different zoning districts, where only a single use is permitted under other zoning classifications; or
- B. Different land uses that would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership; or
- C. An exception or variation from the size, setback, frontage, density, uses or other standards that are required in other zoning districts permitting the same uses are being proposed as part of a development plan.

153.0094 PERMITTED USES.

The uses permitted in the PD District shall be limited to the uses designated as permitted, accessory or conditional uses in any of the other zoning districts within the City. Uses not listed, may be permitted on a case-by-case basis as approved by the City Council. In approving any PD District, the City Council may attach any condition necessary to protect the public welfare, health and safety. All developments within the PD District shall be subject to development plan review. All PD District development plans shall be consistent with the objectives of the Greenville Comprehensive Plan. Additional details of the permitted uses are shown in the Use Matrix Table in the appendix of this code.

153.0095 CONDITIONAL USES.

The conditional uses as shown in the Use Matrix Table in the appendix of this code.

153.0096 BUILDING AND DEVELOPMENT REGULATIONS.

- A. **Minimum Area:** Two (2) acres
- B. **Maximum Structure Height:** No structure shall exceed **three (3) stories or thirty-five feet (35')**, whichever is less, unless approved by the City Council.
- C. **Maximum Site Coverage:** None. Each site shall contribute street plantings, street lighting and other pedestrian amenities as approved by the City Council.
- D. **Maximum Square Footage:** None. The gross floor area of the entire building(s) shall be approved by the City Council.
- E. **Setback Requirements:** The following shall be the setback requirements:
 1. **From front lot line:** The required front setback is a **maximum of ten feet (10')**. The intent of the front setback maximum is to pull structures close to the street while creating public space in the form of sidewalks, plaza areas and landscaping between the street and the building. The maximum front yard setback may be modified or waived by the City Council upon approval of the development plan depicting the proposed setback modifications.
 2. **From rear lot line:** The **minimum** rear setback shall be **fifteen feet (15')**.
 3. **From side lot line:** The **minimum** side setback shall be **fifteen feet (15')**.
- F. **Off-Street Parking Requirements:** The off-street parking and loading requirements and regulations in the PD District are to be the same requirements and regulations as specified for

the same uses in the other zoning districts of this Chapter. The following off- street parking guidelines shall also be considered in PD Districts:

1. Off-street parking spaces should be located to the rear of the principal building or screened, landscaped, and/or buffered to minimize visibility from major rights-of-way, residential units, and adjoining properties.
2. The use of low impact development techniques is encouraged. Low impact development includes, but is not limited to, the use of permeable pavers, indigenous landscaping, rain gardens, etc.;

- G. **Signage Requirements:** All PD proposals shall include a signage plan illustrating the design, placement and size of all signage approved by the City Council. All signage shall be in scale and harmonious with the development and shall be located and designed in a manner that does not introduce visual clutter of the street or obstruct any public right of way, including pedestrian pathways.
- H. **Landscaping Requirements:** All PD proposals shall include a landscape plan illustrating the design, placement and type of all landscaping approved by the City Council. Additional landscaping, screening and buffer requirements shall be met in accordance with the applicable sections of this code.
- I. **Subdivision Code Requirements:** When a PD District involves any subdivision activity, the subdivision review and approval procedure requirements contained in the Greenville Subdivision Code shall be carried out simultaneously with the review of a PD under this section. As applicable, reference is made to the requirements of the Subdivision Code within this section. A PD shall meet all development and construction standards as required in the City's Subdivision Code.

153.0097 PLANNED DEVELOPMENT DISTRICT GENERAL PROCEDURE.

An applicant for a PD District shall submit an application satisfying the requirements for a change in zoning district regulations and satisfying the requirements of Conditional Use Permit, Amendments to Zoning Regulations and District Boundaries section of this code. The PD application and development plan shall be subject to hearing, notice and review by the Plan Commission and approval by ordinance by the City Council as provided for Conditional Use Permit and Amendment and subject to hearing, and additionally all such other requirements as provided in Preliminary Plats, for review of preliminary plats if applicable. Final Development Plan approval is required prior to commencement of the planned development or construction.

153.0098 PLANNED DEVELOPMENT DISTRICT REVIEW PROCEDURES.

An applicant for a PD District shall comply with the following procedural requirements:

- A. **Review by City Manager.** To the extent possible, the applicant shall meet with the City Manager at the time the applicant receives the application packet from the City in order to preliminarily review the planned use with the City Manager. If the applicant is unable to meet with the City Manager at the time the applicant receives the application packet, the applicant shall be required to meet with the City Manager prior to filing the planned use application with the City. The City Manager shall prepare a narrative that shall accompany the Planned Development application to the Chief Building and Zoning Official, the Plan Commission and the City Council. Said narrative shall briefly describe the Planned Development and state any recommendations of the City Manager.
- B. Filing of application and additional submittal materials as provided for in **Section 153.0097**, along with a petition for rezoning with the Chief Building and Zoning Official.
- C. The Plan Commission shall review the petition following the procedures of **Section 153.0215**.
- D. The Plan Commission shall submit to the City Council a written advisory report concerning

acceptance or rejection of the development plan. In deciding what their advice should be, the Plan Commission shall consider the following criteria, in addition to the criteria of **Section 153.0215**.

1. The extent to which the proposed PD is consistent with the City's Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances of the City; and
 2. The extent to which the proposed PD deviates from the regulations that are generally applicable to the property (including, but not limited to, use, lot and building regulations of the district), and the apparent merits (if any) of said deviations; and
 3. Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, and the preservation of natural features; and
 4. The compatibility of the proposed PD with adjacent properties and surrounding area.
- E. The City Council shall not approve any PD development plan unless:
1. The developer has posted a letter of credit or deposited funds in escrow in the amount the Code Enforcement Officer deems sufficient to guarantee the satisfactory completion of all required improvements as required by the City's Subdivision Code to insure satisfactory completion of the PD; and
 2. The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
 3. The proposed PD, as evidenced by the development plan, complies with all applicable codes and ordinances; and
 4. The development plan, if approved by the City Council, shall be filed by the City Clerk at the expense of developer with the County Recorder of Deeds in the County in which the PD is located.

153.0099 APPLICATION AND SUBMISSION REQUIREMENTS.

- A. Preliminary Development Plan. A preliminary and final development plan shall be required for any use or circumstance identified in **Section 153.0091**. The preliminary development plan shall be submitted with the request for zoning application.
- B. Exterior Building Sketches, Landscape Plan, Signage Plan and Photometric Plan. The application shall include preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the development plan, a separate sketch shall be prepared for each building type. Such building sketches shall include elevation drawings, but detailed drawings and perspectives are not required. A preliminary landscape plan, signage plan and lighting plan shall also be submitted to complete submission requirements.
- C. Statement of Need for Modification from PD District Regulations. A narrative statement that explains the need for modification of the applicable zoning regulations, if requested, shall be submitted in support of the application for the preliminary development plan approval. The statement shall specifically address the precise modification requested, what compensating factors support the modification and how the criteria for approval herein are satisfied. Any site features or improvements intended to justify a modification in the PD District regulations shall be clearly identified on the development plan.

153.0100 FINAL DEVELOPMENT PLAN.

Approval of a final development plan is required any time a preliminary development plan is required. No building permit shall be issued for any structure on the property until a final development plan is approved. Within twelve (12) months following passage of the ordinance approving the PD rezoning

and preliminary development plan, the applicant shall submit a final development plan to the Plan Commission for its review and consideration to determine if said final development plan is in conformance with the approved preliminary development plan and with any imposed conditions of approval. The Plan Commission shall submit to the City Council a written advisory report concerning acceptance or rejection of the final development plan. The City Council shall either accept or reject the final development plan.

153.0101 EXPIRATION OF AN APPROVED FINAL DEVELOPMENT PLAN.

Final development plan approval shall not be valid for a period longer than 12 months from the date of such approval, unless within such period a building permit is obtained and substantial construction is commenced. The City Council may grant one extension of no more than 12 months upon written request of the original applicant. An application for extension of a final development plan may be granted, if the application is filed before the final development plan expires. Upon granting an extension, the City Council has the authority to attach new conditions to the final development plan as it deems appropriate. Substantial construction as used in this section shall mean completion of at least 10% of the construction in terms of the total expected cost of the project for which the permit was issued.

153.0102 CHANGES IN PLANS.

No changes shall be made to any approved PD development plan except as follows:

- A. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Chief Building and Zoning Official, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. All proposed changes which cause any of the following situations shall require a public hearing before the Plan Commission and approval by the City Council.
 - 1. A change in the use or character of the development;
 - 2. An increase in building or site coverage;
 - 3. An increase in the intensity of use (such as number of dwelling units);
 - 4. An increase in vehicular traffic generation or significant changes in traffic access and circulation; or
 - 5. A reduction in the approved open space or required buffer areas.
- C. No approved change shall have any effect until the change is adopted by the Ordinance by the City Council.

153.0103 RESERVED.

ARTICLE III - GENERAL DEVELOPMENT REGULATIONS

DIVISION I - GENERALLY

153.0104 PURPOSE.

The purpose of this Article is to define general development regulations that apply in all zoning districts and in other development areas where applicable. These regulations apply to all development within the appropriate jurisdiction of the City.

153.0105 ACCESSORY BUILDINGS.

All Residential, Multi-Family and Commercial Districts.

- A. An accessory building shall not be constructed on a zoning lot unless the lot includes a principal

building.

- B. Any attached accessory building or structure shall be considered as a part of the principal building.
- C. The maximum height of any accessory building shall be **twenty-five feet (25')**.
- D. No more than **two (2)** accessory buildings shall be permitted on a zoning lot.
- E. An accessory building shall be:
 - 1. A **minimum** distance of **ten feet (10')** from the principal building.
 - 2. A **minimum** distance of **twenty feet (20')** from a side lot line that is adjacent to a street.
 - 3. A **minimum** distance of **five feet (5')** from the side lot line and **five feet (5')** from the rear lot line and **two feet (2')** from any drainage swale, ditch, drainage improvement or utility improvement.
 - 4. A **minimum** distance of **sixty feet (60')** from the front lot line.
 - 5. Accessory buildings shall be included in the total floor area ratio calculation.
 - 6. No permanent or semi-permanent accessory building shall be located within any platted or recorded easement, or over any known utility unless approved in writing by the City in advance of construction.

153.0106 ACCESSORY BUILDINGS.

All Community Business, Highway Business and Industrial Light Districts.

- A. An accessory building shall not be constructed on a zoning lot unless the lot includes a principal building.
- B. Any attached accessory building or structure shall be considered as a part of the principal building.
- C. The maximum height of any accessory building shall be **twenty-five feet (25')**.
- D. An accessory building shall be:
 - 1. A **minimum** distance of **twelve feet (12')** from the principal building.
 - 2. A **minimum** distance of **twenty-five feet (25')** from a side lot line adjacent to a street except in Business Districts where none is required.
 - 3. A **minimum** distance of **twenty feet (20')** from the rear lot line except when a buffer or planting screen is required, additional footage shall be required to allow at least a **twelve-foot (12')** lane for rear access.
- E. Accessory buildings shall be included in the total floor area ratio calculation.

153.0107 BUILDING, ACCESSORY.

No accessory building shall be used for residential purposes except as otherwise provided in this Code.

153.0108 BUILDING, BULK OF.

All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances may be permitted to exceed the maximum bulk provisions when erected in accordance with all other Ordinances of the City.

153.0109 BUILDING, EMERGENCY AND TEMPORARY OCCUPANCY.

No temporary structure (including trailers or mobile homes) shall be used or occupied for any residential, commercial, or industrial use except as specifically permitted or required by this Code. However, upon application therefore, the Chief Building and Zoning Official may permit the use of such temporary structure for a period not to exceed **one (1) year**, subject to such conditions as the Chief

Building and Zoning Official deems to be compatible with the character of the area in which the structure is located and is in compliance with reasonable consideration of the general health, safety and welfare. Such occupancy shall be contingent on an emergency resulting from fire, explosion, or disaster, or in conjunction with construction, demolition, or related conditions.

153.0110 BUILDING, MAXIMUM HEIGHT AND EXCEPTIONS.

The height limitations of this Code shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances usually carried above the roof level.

153.0111 BUILDING, ONE PRINCIPAL BUILDING PER LOT, YARDS.

No part of an area, frontage or yard required for any lot, building or use for the purpose of complying with the provisions of this Code shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Code only **one (1)** principal building shall be permitted on a lot.

153.0112 BUILDING, USE AND BULK.

No building, structure, or premises shall be used or occupied and no buildings or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged or altered and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premise for the district in which it is located and as otherwise regulated herein, except in conformity with this Code.

153.0113 LOT, CORNER AND THROUGH.

For any through lot both frontages shall comply with the front yard requirement of the district in which it is located, except instances of rectangular blocks which are **two (2) lots** in depth and the cross or short street does not have the principal residence's front oriented towards the cross or short street, the frontage on the cross street shall be considered a side yard.

153.0114 LOT, CONTIGUOUS PARCELS.

When **two (2) or more parcels** of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use, prior to any permits being issued.

153.0115 LOT, DIVISION OF.

No zoning lot shall hereafter be divided into **two (2) or more zoning lots** unless all zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

153.0116 LOT, FRONTAGE REQUIREMENTS.

Lots shall have the minimum frontage abutting a public street as specified on the Area, Bulk, and Yard Requirements Table, at Appendix A.

153.0117 PERMITTED USE.

When a use or accessory is not specifically listed in the sections devoted to "permitted uses" it shall be assumed that such uses are **expressly prohibited** unless by a written decision of the Chief Building and Zoning Official it is determined that said use is similar to and is compatible with the uses listed in the appropriate zone district. Such a written decision shall become a permanent public record for subsequent administrative use and shall be considered as being a permitted use or an accessory use in the same manner as if such use had been specifically included in the zone district.

153.0118 Reserved.

153.0119 RESERVED.**DIVISION II - NONCONFORMING USES****153.0120 NONCONFORMING USE DEFINED.**

A nonconforming use is a use of land or buildings within the City that does not conform (does not meet the regulations of this Code in some way). A nonconforming use may often have a detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking space, the emission of noxious fumes, the creation of loud noises or a depressing effect on property values. These regulations are intended to minimize the existing and/or potential problems created by nonconforming uses.

153.0121 CONTINUATION OF A NONCONFORMING USE.

- A. Any lawful building, structure, or use existing at the time of the enactment of this Code may be continued even though such building, structure, or use does not conform to the provisions of this Code for the district in which it is located and whenever a district shall be changed hereafter the then existing lawful use may be continued, subject to the provisions of this Code.
- B. Any legal nonconforming building or structure may be continued in use provided there is no structural change other than normal maintenance and repairs, except as otherwise permitted herein.
- C. Any building for which a permit has been lawfully granted prior to the effective date of this Code or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within **one hundred eighty (180) days** and diligently prosecuted to completion. Such building shall be thereafter deemed to be a lawfully established building.

153.0122 CHANGE OR EXTENSION OF NONCONFORMING USE.

- A. A nonconforming use shall not be extended but the extension of a conforming use to any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.
- B. A nonconforming use shall not be changed to a use of the same or greater nonconformity with the district regulations of the district in which it is located and when changed to a use of a greater conformity shall not thereafter be changed to a use of lesser conformity; however, in the LI, Industrial Light District a nonconforming use shall not be changed to a nonconforming residential use.
- C. Any nonconforming use shall not be altered, extended, or restored so as to displace any conforming use.

153.0123 ABANDONMENT OR DISCONTINUANCE.

- A. When any nonconforming use has been discontinued for a period of **twelve (12) consecutive months** such use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Code, provided that, such nonconforming use may be resumed when the owner during the period of discontinuance, has been actively attempting to continue such nonconforming use.
- B. Proof of fact in writing must be furnished to the Chief Building and Zoning Official by the applicant to establish intent not to abandon.
- C. When any nonconforming mobile home has been removed from a lot, such use shall not thereafter be resumed, and any future use shall be in conformity with the provisions of this Code.

153.0124 REPAIRS, MAINTENANCE AND ALTERATION.

- A. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension

of such nonconforming building and shall be permitted.

- B. No structural alteration shall be made in a building or other structure containing a nonconforming use except in the following situations:
- C. When the alteration is required by law.
 - 1. When the alteration will actually result in elimination of the nonconforming use.
 - 2. When a building in a residence district containing residential nonconforming uses may be altered in a way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

153.0125 RESTORATION.

If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of **fifty percent (50%) or more** of its value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than **fifty percent (50%)** of its value, based upon the prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

- A. In the event that the Chief Building and Zoning Official's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Officer.
- B. In any event, restoration, or repair of the building or other structure must be started within a period of **six (6) months** from the date of damage or destruction and diligently prosecuted to completion.
- C. Conditions: The City Council may issue, or cause to be issued, a building permit if the subject matter thereof is otherwise permitted by the provisions of this Article, provided that the City Council may impose such conditions and requirements to the issuance of the permit as are reasonably necessary to promote compatibility of the nonconforming use or building with its immediate neighborhood and to protect adjacent property from any adverse effects of the nonconforming use.

153.0126 RESERVED.

DIVISION III - PERFORMANCE STANDARDS

153.0127 PERFORMANCE STANDARDS, GENERAL.

- A. Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
- B. Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises due to intermittent beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
- C. No obnoxious, toxic, or corrosive matter, smoke, fumes, or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or to cause injury or damage to property or business.

DIVISION IV – SEWERS

153.0128 SEWERS, INDIVIDUAL SYSTEMS.

In any zone district where individual sewage systems are used in place of central or public sewage facilities, the minimum lot area, width, and depth shall be determined by the soils in that zoning district but shall not be less than the requirements for the zone district. The Chief Building and Zoning Official shall require the property owner to obtain a signed, written opinion from a qualified soils scientist or related professional determining if larger lots are necessary for the proper functioning of the individual sewage disposal system to prevent the possibility of health hazards. If lots larger than those required by the zone district are indicated as necessary, the Chief Building and Zoning Official shall require such larger lots. If City Sewer is available as defined in **Section 153.0252**, no individual sewage systems will be permitted.

153.0129 RESERVED.**DIVISION V - YARDS****153.0130 SLOPE.**

In any district where the slope of any lot exceeds **twelve percent (12%)** within **fifty feet (50')** of any wall of the principal building, the following additional requirements shall be met:

- A. A site plan shall be drawn to a scale necessary for clarity with contour intervals every two feet (2') and the location of all buildings and structures and their required minimum yard requirements shall be indicated. The principal use of the lot shall be indicated.
- B. Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical, and locational measures shall be taken to prevent and protect any building from hillside slippage.
- C. Significant changes in the natural flow of water courses shall be prohibited and/or a drainage plan shall be provided.
- D. Adequate consideration shall be given to access to the property and to emergency vehicle access and turnarounds to the principal building.
- E. Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences along steep slopes and **six inch (6")** vertical curbs on access drives for slopes of **twelve percent (12%)** and over.
- F. In no case shall any development be detrimental to adjacent properties.
- G. Before any building permit or certificate of occupancy shall be issued for any such lot, the Code Enforcement Officer and Director of Public Works shall review the site plan and determine that all conditions imposed herein have been complied with.

153.0131 YARDS, EXCEPTIONS, MINIMUM REQUIREMENT.

Subject to the requirements that there be a minimum distance of **eight feet (8')** between any point of a roof or eaves on a principal building and any point on any principal building on an adjacent lot the following exceptions shall apply:

- A. Cornices, chimneys, planters, or other similar architectural features may extend two feet (2') into a required yard.
- B. Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than **six feet (6')**.
- C. Fire escapes may extend into a required yard not more than **four feet (4')**.
- D. Patios extending into required rear yards may be covered by a roof but shall not be enclosed by walls.

- E. Canopies, eaves, balconies, roof overhangs or other similar features not included in the foregoing parts of this Section may extend into a required yard not more than **four feet (4')**.

153.0132 YARDS, EXISTING BUILDING REQUIREMENTS.

No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Code for equivalent new construction except as otherwise specifically provided for herein.

153.0133 YARDS, LOCATION, REQUIRED OPEN SPACE.

All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

153.0134 YARDS, MAINTENANCE OF COURTS AND OTHER OPEN SPACES.

The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

153.0135 RESERVED.

DIVISION VI –LANDSCAPING, SCREENING AND BUFFERING REQUIREMENTS

153.0136 PURPOSE.

The purpose of this Division is to require landscaping in development sites, parking lots and transition areas between zoning districts to enhance the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods and businesses by:

- A. Providing for quality and consistency in the design of landscaping and screening.
- B. Providing for the separation of incompatible types of land use.
- C. Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.

153.0137 DEFINITIONS.

In addition to the definitions set forth in the Zoning Code, the following definitions shall apply to this Division:

Berm: A mound of earth, or the act of pushing earth into a mound.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural vegetation or created by the use of trees, shrubs, fences, and/or berms designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Buffer, Natural: A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Buffer, Structural: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, to present an opaque visual separation when viewed from one side to the other throughout the year.

Caliper: The diameter of a tree (usually nursery stock) measured at a point **six inches (6")** above the ground or top of the root ball for up to and including **four inch (4")** caliper trees, and at a point

twelve inches (12") above the ground or top of root ball for larger sizes.

Critical Root Zone: The land area circular in shape and centered on the trunk of a tree, the radius of which circle is determined by the farthest extent of the drip line from the trunk.

Development Site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions. Where the proposed development site is less than the entire tract, the Chief Building and Zoning Official shall determine the boundaries of the development site.

Diameter Breast Height (DBH): The diameter of a tree trunk (usually a mature tree) measured at a height of **four and one-half feet (4 ½')** above the ground. If a tree splits into multiple trunks below **four and one-half feet (4 ½')**, the trunk is measured at the narrowest point beneath the split.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Ground Cover: A low growing plant other than turf grass that forms a continuous cover over the ground surface.

Landscape Materials: Any combination of living plant materials and nonliving materials, such as rock, pebbles, sand, mulch, pavers, berms, fencing, walls, fountains, and other decorative materials.

Landscaping: Landscaping shall consist of shrubs, vines, turf, ground cover and other landscape materials that are utilized to enhance the aesthetic and functional qualities of a site.

Opaque: Impenetrable to view, or so obscuring to the view that features, buildings, structures, and uses become visually indistinguishable.

Plant Materials. Living plants that include trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines, which are suitable for ornamental and/or functional use.

Screen. Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. For the purpose of this Chapter, a screen is opaque to a height of **six feet (6')** above the ground surface or for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of **six feet (6')**. Screening may consist of any combination of the following, as approved by the Chief Building and Zoning Official.

- a) Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- b) Masonry walls.
- c) Plant materials or natural vegetation.
- d) Earthen berms.

Shade Tree: A broadleaf tree having an average height at maturity of at least **twenty feet (20')** and having a broad spread relative to its height (excluding trees with pyramidal, conical, or columnar crowns) and a dense canopy, so as to provide shade in the summer months.

Significant Tree: A tree in fair or better condition, which is **twenty inches (20")** DBH or greater or small ornamental hardwoods such as dogwoods, redbuds, or sourwoods whose diameters are **eight inches (8")** DBH or more.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

153.0138 APPLICABILITY.

This Division sets out the minimum landscaping, buffering and screening requirements within the City of Greenville.

- A. An approved preliminary landscaping plan shall be required as a condition of any:
 1. Preliminary plat approval for subdivisions or developments in the following zoning

- classifications: R-2, R-3, R-4, D, CG, CN, IL, IH, or PD.
2. Preliminary site plan approval for subdivisions or developments in the following zoning classifications: R-2, R-3, R-4, D, CG, CN, IL, IH, or PD.
 3. Planned Development District development plan approval, or
 4. Planned Use development plan approval.
- B. A final landscaping plan shall be required as a condition of and prior to issuance of the permit for any construction and grading activity as to the following:
1. Final plat approval,
 2. Final site plan approval,
 3. Final Planned Use Development District or Planned Use development plan approval, or
 4. Any other building or grading permit for any land disturbing construction activity, other than permits for agricultural uses, or relating to one single-family detached dwelling or two-family attached dwelling, except where it is determined by the Chief Building and Zoning Official that the activity creates no new landscaping needs as established by the purposes of this Division.

Landscaping shall be provided in accordance with the requirements of this Division and all other applicable requirements of this Chapter.

The City may require an outside consultant to review any of the submittal requirements in accordance with this Division. When deemed necessary, the City may require a landscape or forestry study performed by an independent arborist, urban forester, landscape architect, or other certified professional approved by the Chief Building and Zoning Official. **All costs associated with these professional services shall be the responsibility of the developer.**

153.0139 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.

Landscape plans including landscaping, screening and tree protection shall include information and detail as required by the Chief Building and Zoning Official to determine compliance with this Division. Such landscape plans shall be approved prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

- A. **Preliminary Landscape Plan Requirements:** All preliminary landscape plans, unless otherwise waived by the Chief Building and Zoning Official, shall include, but are not limited to, the following:
1. Legible scale consistent with the submitted plat, site plan or development plan.
 2. North reference.
 3. The extent of the development site, including the limits of land disturbance, clearing, grading, and trenching. The boundaries of existing stands of trees and any other significant trees shall also be included.
 4. The location and size of all utilities on the site.
 5. The location of all existing and proposed parking areas, sidewalks, and other paved surfaces.
 6. The location of any screening or enclosures to be used on the property, including but not limited to, trash/dumpster locations and loading areas.
 7. The general location and proposed type of landscaping for all existing and proposed buildings, structures, trash/dumpster enclosures, signage and all raised medians or islands. The landscaping plan should provide dimensions of planting areas; approximate location and number of plants/trees; and general location, dimension, and material of any structural buffer requirements.

- B. **Final Landscape Plan Requirements:** All final landscape plans, unless otherwise waived by the Chief Building and Zoning Official, shall include all preliminary landscape plan requirements in addition, but not limited, to the following:
1. The location of all landscape materials proposed to meet the requirements of this Division, drawn to scale; and a planting schedule indicating plant names, quantities, and installation size.
 2. Location of all stands of trees to remain on the development site and measures taken to protect them during construction.
 3. The construction details, including a profile section, of each natural and structural buffer proposed.

153.0140 GENERAL REQUIREMENTS.

All landscaping, screening, and buffering shall meet the following minimum requirements:

- A. Pedestrian access between developments and in parking lots is encouraged to provide safe and uninterrupted pedestrian access to on-site principal uses and adjacent uses, where appropriate.
- B. All portions of the site not covered with paving or buildings shall be landscaped. Open areas not covered with other materials shall be covered with turf or ground cover.
- C. All areas required to be landscaped shall be covered in plant material or other pervious materials in accordance with this Division or as approved by the Chief Building and Zoning Official. Plantings shall include trees, shrubs, ground cover, perennials, grasses, decorative rock, mulch, sod, or other natural materials excluding gravel, aggregate, paving, and other road surfacing materials.
- D. Required landscape and buffer areas shall contain no driveways, structures, parking areas, patios, storm water detention facilities or any other structures or accessory uses except the following:
 1. Retaining walls or earthen berms constructed as part of an overall landscape design.
 2. Pedestrian-oriented facilities such as sidewalks and bus stops.
 3. Underground utilities.
 4. Required vehicular access/driveways through a required buffer or landscape area may be allowed as a condition of plat, site plan or development plan approval.
 5. Signs otherwise permitted by this Chapter.
 6. Buffer areas may contain fences, walls, or earthen berms constructed to provide the visual screening required to meet the standards of the applicable sections of the City's code.

153.0141 SUBDIVISION LANDSCAPE STANDARDS.

Subdivision developments shall adhere to the landscape standards set forth in the applicable sections of the City's code.

153.0142 PARKING LOT LANDSCAPE STANDARDS.

Parking lots shall adhere to the landscape standards set forth in the applicable sections of the City's code.

153.0143 BUFFERS, WHERE REQUIRED.

A landscape buffer shall be required within any development along a side or rear lot line that abuts a different zoning district, as identified in Table 1 below:

Table 1 – Buffer Requirement

Zoning of Adjacent Development	Zoning of Proposed Development				
	IL, IH	D, CG & CN	R-2, R-3, R-4	R-1 &	PD
R-1	D	A or B	A or B	-	Per plan
R-2, R-3 & R-4	D	A or B	-	A or B	Per plan
D, CG & CN	C	-	A or B	A or B	Per plan
IL & IH	-	C	D	D	Per plan
PD	Per plan	Per plan	Per plan	Per plan	-

Required Buffer Design
(Letters in table correspond with the design standards below and in Figure 1)

A. **Structural Buffer** - 6' fence or wall with landscaping
 B. **Structural Buffer** - Combination of berm, fencing and landscaping
 C. **Natural Buffer** - Opaque natural screen or vegetation
 D. **Natural Buffer** - with a fence

153.0144 MINIMUM BUFFER STANDARDS.

Required buffer yards shall comply with the minimum standards in this Section. **Figure 1** provides illustrations of acceptable buffering techniques.

- A. **Natural Buffers:** At a minimum, natural buffers shall consist of existing vegetation that provides an opaque natural visual screen to a height of at least **six feet (6')**, or any combination of existing and replanted vegetation that can reasonably be expected to create an opaque visual screen at least **six feet (6')** high within **five (5)** growing seasons. Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs, bushes, and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year, in accordance with the following:
 1. Natural buffers shall include at least one evergreen shrub planted every **four feet (4')**, at least one evergreen tree planted every **twenty-five feet (25')**, and at least one deciduous tree planted every **fifty feet (50')**. The minimum width of all natural buffers shall be **twenty feet (20')**.
 2. The retention of existing vegetation should be preserved to the maximum extent practical. The addition of new vegetation may be required if vegetation retained is not sufficient.
 3. Natural buffers shall be sufficient in opacity to screen automobile headlights from areas zoned residential or agriculture. The City may require a landscaped berm or a structural buffer, such as walls or fences, to achieve the desired level of screening needed.
 4. Generally, all trees and bushes used within a required buffer area shall be adequate in quantity and type to provide the necessary screening or buffering as determined by the City. Buffer areas shall comply with the standards in **Table 1** and **Figure 1** of this Division.
- B. **Structural Buffers:** Structural buffers shall meet the following criteria:
 1. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.

2. Structural buffers shall include at least one evergreen shrub planted every **ten feet (10')**, at least one evergreen tree planted every **twenty-five feet (25')**, and at least one deciduous tree planted every **fifty feet (50')**. The minimum width of all structural buffers shall be **ten feet (10')**.
3. All earthen berms shall have a maximum side slope of **three (3) horizontal to one (1) vertical (3:1)**. Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
4. Fences and freestanding walls of brick, stone or ornamental concrete shall meet the standards of the applicable sections of the City's code and shall be designed to present a finished and decorative appearance on both sides. Unless otherwise waived by the Chief Building and Zoning Official, fences and walls shall be placed on the property line, and the shrubs, ground covers, or other vegetation shall be provided on the interior side of the fence or wall.

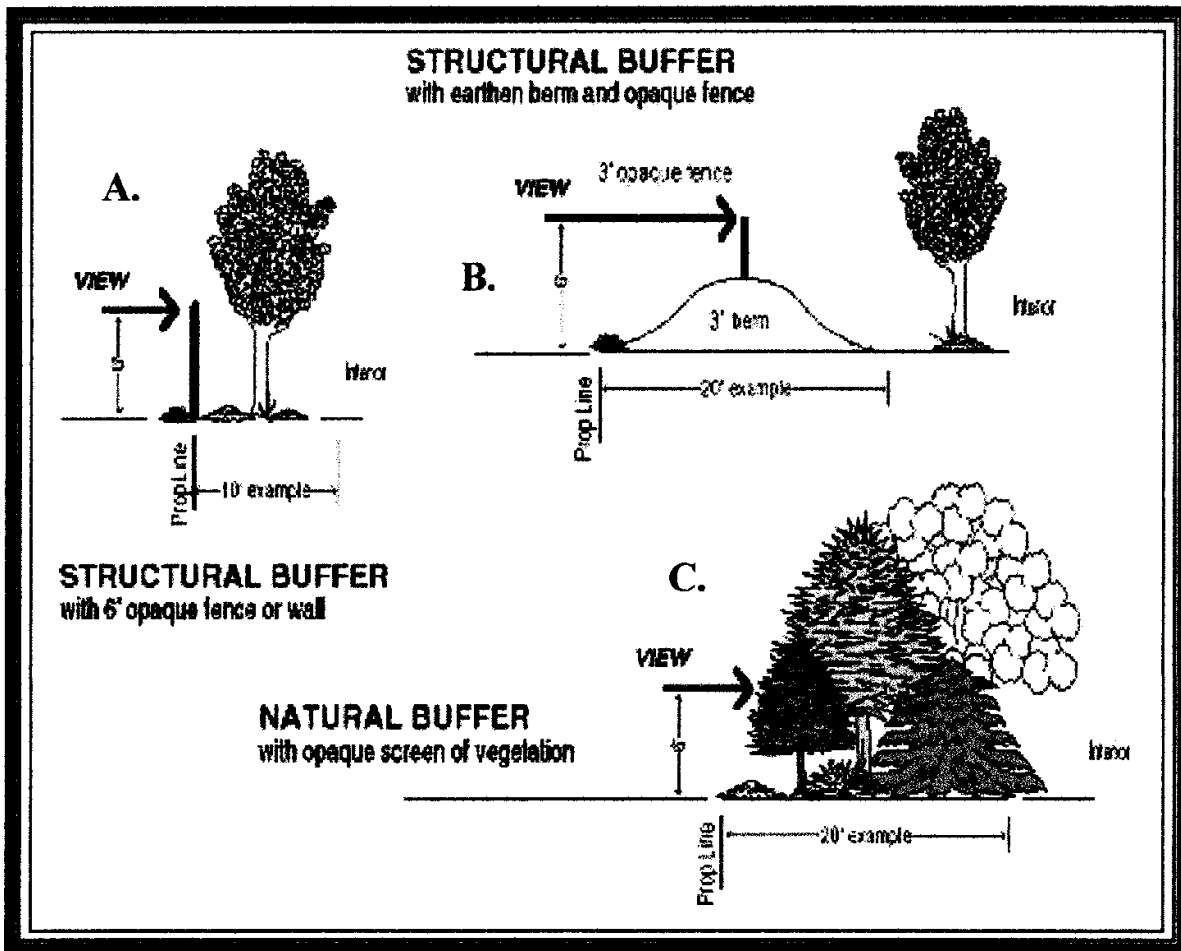


Figure 1 - Acceptable Buffer Methods

153.0145 MODIFICATIONS AND ALTERNATIVE COMPLIANCE.

Upon request by the applicant, the City Council may consider and approve alternatives to full compliance with the landscaping, screening, and buffering standards contained in this Division if the associated visual impact is mitigated to the maximum extent feasible by the alternative landscaping and screening plans. Mitigation measures may include, but are not limited to increased setbacks, increased landscaping, additional fencing, and architectural treatments or otherwise camouflaging equipment or, with prior City Council approval, the planting and maintenance, or payment therefore, of adjacent public right-of-way landscaping. The Chief Building and Zoning Official may waive a buffer requirement or reduce its extent to a temporarily appropriate level of screening if the Future Land Use Map in the Greenville Comprehensive Plan designates adjoining property in a land use category such that a buffer would not be required by this Chapter once the adjoining property is rezoned or developed.

153.0146 INSTALLATION.

All landscaping shall be installed prior to issuance of any temporary or final occupancy permit, unless a hardship is determined to exist by the Chief Building and Zoning Official. In such event, the landscaping improvements shall be secured with a letter of credit or other acceptable surety.

153.0147 MAINTENANCE.

The applicant, developer, landowner, and successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements, whether located on private common ground or private property, in accordance with the approved landscaping plan. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered required elements of a development in same manner as parking, building materials, and other site requirements imposed by the final plat, site plan or development plan. When a buffer is required, the owner shall maintain the landscaping and screening to provide an opaque visual screen to a height of six feet (6') on a continuous, year-round basis. All landscaping shall be maintained free of disease, pests, weeds, and litter. All landscape structures such as fences, walls and planters shall be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition. Any landscape element located on the owner's property that dies, or is otherwise removed or seriously damaged, shall within thirty (30) days of the beginning of the growing season be replaced based on the requirement of this Division. If the owner fails to fulfill his or her obligation in this regard during an eighteen (18) month period after installation of the landscaping, the City may complete the performance and seek reimbursement from the owner.

153.0148 LANDSCAPE CREDIT.

Any existing trees on a site that are in appropriate locations and of acceptable quality may be credited towards fulfillment of any landscaping provisions of this Chapter on a caliper inch per basis at the discretion of the Chief Building and Zoning Official.

153.0149 RESERVED.

DIVISION VII – SITE PLAN REVIEW

153.0150 PURPOSE.

The purpose of the site plan review procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, consistency with good planning practices, and to ensure high standards of site and building design for the general welfare of the City and its residents.

153.0151 APPLICABILITY.

An approved site plan is required in the R2, R3, R4, D, CG, CN, IL, IH, and PD zoning classifications for the development or redevelopment of any parcel of land proposed for any land use, except single-family and two-family dwellings, uses customarily accessory to single-family and two-family dwellings, and agricultural uses which do not involve additional impervious surfaces. An approved site plan is required for all proposed developments in the NB, CB, HB, and IL zoning classifications. The contents for any site plan prepared for a Planned Use or for a Planned Development District shall meet the requirements set forth in this Division; provided, however, the procedures for review and approval of such site plans shall be governed by the review and approval sections applicable to Planned Uses and Planned Development Districts, respectively.

A. Types of Site Plans:

1. **Major Site Plans:** A "major site plan" is defined as a plan for the development of a parcel of land that currently contains no buildings or for which the existing buildings are to be removed and a new building or buildings constructed. In addition, a major site plan is required for any development that is adding more than five thousand (5,000) square feet of new impermeable surface to a site or when stormwater detention is required in accordance with the Greenville Subdivision Code.
2. **Minor Site Plans:** A "minor site plan" is defined as a plan for the expansion, change in use, or redevelopment of a site that already contains a building or buildings and which does not

add more than five thousand (5,000) square feet of new impermeable surface to a site. A minor site plan may be approved by the Chief Building and Zoning Official if it meets all of the requirements of this Zoning Code.

Within this section, references to site plans include requirements for both major and minor site plans. Requirements that deal specifically with major site plans or minor site plans are so indicated.

- B. **Relationship to Other Ordinance Requirements:** The requirements, procedures, and standards contained in this section are in addition to the requirements, procedures, and standards contained in other sections of this Zoning Code, which shall remain applicable to the parcel for which the application is filed. In case of conflict between the general provisions and district regulations of this Zoning Code with the provisions of this section, the more restrictive requirements shall control.

153.0152 SITE PLAN REVIEW PROCEDURES.

An applicant for a site plan shall comply with the following procedural requirements:

A. **Application:**

1. An applicant shall confer with the Chief Building and Zoning Official, or his/her designee, to become familiar with the City's regulations and requirements affecting the zoning district in which the parcel in question lies and shall obtain copies of all City ordinances pertaining to procedures and requirements for site plan approval.
2. An application may be made by the owner or by a contract purchaser. Written consent of the owner shall be required if the applicant is not the owner. All owners must join if more than one.
3. The written application for review and approval of the site plan shall be filed on a form supplied by the Chief Building and Zoning Administrator and shall be accompanied by a site plan that meets the requirements of this section. The application shall be signed by the applicant and shall state the name and address of the applicant and of the owner, if different. If the applicant is not the owner, the application shall identify the applicant's specific contractual interest in the property. A fee for reviewing the site plan shall be paid to the City at the time of filing the application.

B. **Review of Application:**

1. Upon receipt of an application completed in satisfactory form, the Chief Building and Zoning Official shall deliver a copy of the application and accompany documents, including the site plan, to the appropriate City departments for their review and comments on the impact of the proposed development on health, safety, traffic, public services, or facilities and other relevant considerations, in both the area of the project, and other areas of the City which may be affected. Such comments shall be sent to the Chief Building and Zoning Official and forwarded to the applicant within twenty-one (21) days of the receipt of the completed application by the Chief Building and Zoning Official.
2. Within twenty-one (21) days from the forwarding of comments to the applicant, the applicant shall advise the Chief Building and Zoning Official of the applicant's desire to revise said application and site plan based on the City's comments or proceed to a review by the Plan Commission, if said application is for a major site plan. If the applicant opts to proceed to a review of the major site plan by the Plan Commission, the application shall be placed on the agenda of the next available meeting of the Plan Commission. If the applicant desires to revise the major site plan, the applicant shall make the desired revisions and resubmit the application and site plan to the Chief Building and Zoning Official for review in the same manner as the first submittal.

- C. **Major Site Plan Approval:** The Plan Commission shall review the major site plan at a regular meeting, and the major site plan shall be approved, disapproved, or approved with conditions. In determining whether to approve, disapprove, or approve the major site plan with conditions, the Plan Commission shall consider:
1. All relevant information, including the comments of City officials, the major site plan's consistency with good planning practices, its compatibility with adjacent developments and uses, and its effect on the health, safety, morals, and general welfare of the residents of the area in the vicinity of the property subject to the major site plan and upon the residents of the City generally.
 2. The likely effect of the major site plan on vehicular or pedestrian traffic, fire hazards, emergency services, utility services, municipal expenditures, stormwater drainage and control facilities, and environmental aspects.
- D. **Minor Site Plan Approval:** The Chief Building and Zoning Official may approve a minor site plan if said site plan complies with all requirements of this Zoning Code. If the Chief Building and Zoning Official disapproves the minor site plan, the disapproval shall include, in writing, the reasons for the disapproval. Any disapproval may be appealed to the Zoning Hearing Officer in accordance with the applicable sections of this code.
- E. **Validity of Site Plan:** Approval of a site plan shall be valid for a period of twelve (12) months from the date of approval by the City. If no building permit is obtained during that period, the approval shall terminate. The Plan Commission may grant extensions of time not to exceed twelve (12) months each, upon written request of the applicant for a substantially similar major site plan, provided that the request is filed prior to the expiration date. The Plan Commission may attach new conditions when an extension is granted. If, in the opinion of the Plan Commission, the application contains substantial changes to the originally approved plan, a new major site plan review process must occur, including payment of a new application fee. The same procedure stated herein shall be followed by the Chief Building and Zoning Official for minor site plans.

153.0153 CONTENTS OF A SITE PLAN.

- A. A site plan shall include, but not be limited to, the following:
1. The location of the parcel in relation to the surrounding uses, buildings, and zoning;
 2. The location of the parcel in relation to major thoroughfares, and any roadways or drives connecting the parcel to those major thoroughfares;
 3. The boundaries, dimensions, and area of the parcel;
 4. The proposed use and development of the parcel, including principal and accessory uses;
 5. The location and size of the existing structure on the parcel;
 6. The footprint of each proposed building or structure on the parcel;
 7. The height and number of stories of proposed buildings and structures;
 8. The amount of land area covered by buildings, structures, drives, and parking facilities;
 9. The form of proposed buildings and structures, including plan and elevation views, for all new construction;
 10. A concept landscape plan (if applicable), including a detailed drawing to scale and a corresponding schedule of all plant material to be provided;
 11. The location, general design, and width of existing and proposed driveways and curb cuts;
 12. The location, dimensions, and number of proposed parking spaces;
 13. The location and size of loading areas;

14. The location and size of existing and proposed utilities, including water, sanitary sewer, storm sewer, gas, and electric; and all proposed and existing utility easements as well as right-of-way;
15. Road right-of-way dedication (if required by City) identified;
16. The location of refuse collection facilities and related screening;
17. The type, size, and location of all signs;
18. The existing and proposed contours at intervals identifying grade changes and drainage areas;
19. Preliminary grades for entrances and parking areas;
20. Stormwater drainage calculations, as a separate attachment;
21. A digital copy of the site plan to be provided in AutoCAD format;
22. The cover sheet for the site plan (or plan sheet) shall provide the following information:
 - a. Name of the proposed development;
 - b. Name and address of the developer;
 - c. Name and address of the property owner(s);
 - d. Name and address of the project engineer with signature and seal;
 - e. Parcel identification number(s);
 - f. Accurate metes and bounds or other adequate legal description of the tract;
 - g. Preparation date;
 - h. Revision date(s);
 - i. Drainage statement, as follows:

Drainage Statement

We the undersigned, do hereby certify to the best of our knowledge and belief that drainage of surface waters will not be changed by the construction of such site or any part thereof, of that if such surface waters will be changed, adequate provisions have been made for collection and diversion of such surface waters into public areas, or drains which the owner/developer has a right to use, and that such surface waters will not be deposited on the property of the adjoining land owner(s) in such concentrations as may cause damage to the adjoining property because of the construction of the developed site.

OWNER _____ ENGINEER _____

- B. Site Plan Drawings. The scale for all drawings shall be no smaller than one inch equals fifty feet (1" = 50'), and the drawings shall contain the project name, street names, a scale, north arrow, and the date drawn.
- C. Maintenance of Constructed Improvements. Buildings, structures, landscaping, and other improvements shall be constructed, installed, and maintained in accordance with the approved site plan. It shall be the duty of the property owner to maintain such improvements.

ARTICLE IV - SUPPLEMENTARY LAND USE AND AREA-BULK REGULATIONS

DIVISION I – GENERALLY**153.0154 PURPOSE.**

The purpose of this Article is to define regulations and standards that apply to the area, bulk, and use of specific land uses. These regulations apply in all zoning districts.

153.0155 CHURCHES AND PLACES OF FORMAL WORSHIP.

Each principal building shall be located at least **thirty feet (30')** from all property lines or shall meet the zoning district yard setback requirements, whichever is greater.

153.0156 DRIVE-THROUGH SERVICE FACILITIES.

In any district where retail or service uses provide drive-through facilities, the facilities shall be designed and operated to mitigate problems of traffic congestion, excessive pavement, litter, noise, and unsightliness.

- A. Drive-through aisles shall have a **minimum twenty foot (20') radius** at curves and a **minimum width of twelve feet (12')**.
- B. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- C. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
- D. No order box or order window shall be located within **one hundred feet (100')** of any residentially zoned property.
- E. A solid screening fence or wall will be required, along with appropriate landscaping, to be placed between any property used for a drive-through facility and any adjoining residentially zoned property in order to screen passenger car headlight glare.

153.0157 FENCES, WALLS, HEDGES AND ACCESSORY STRUCTURES.

Fences, walls, hedges, and accessory structures used for any purpose shall in all districts conform to the following:

- A. For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles:
 1. Visual obstructions higher than **two and one-half feet (2 1/2')** above the adjacent top of the curb or street elevation, whichever is higher, shall not be permitted to be planted, maintained, or erected.
 2. No fence, wall, hedge, or other planting shall encroach into the designated sight distance triangle, as defined in the applicable sections of this code.
- B. No barbed wire, or razor wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained.
- C. No permanent fence, retaining wall, or obstruction shall be constructed or erected within any public street or alley right-of-way unless authorized by the City Council. Fences and accessory structures erected on public easements shall be constructed so manholes, water valve boxes, water meters and drainage shall not be obstructed, and shall not be across any drainage ditch or swale or within twenty-four inches (24") of any such ditch or swale. In the event of necessity for removal of such fence for maintenance or other purposes, removal and/or replacement of such fence or other improvement shall solely be the responsibility of the owner of the fence or retaining wall. Any replacement fence, accessory structure or other improvement removed pursuant to this provision must be in compliance with all applicable code provisions in effect at the time of replacement.

- D. Fences erected in the front yard shall not exceed **four feet (4')** in height and shall permit direct vision through at least **fifty percent (50%)** of any **one square foot (1 sf)** segment of vertical surface area.
- E. No fence, wall, or other obstruction shall be erected on or within **three feet (3')** of any alley or public right-of-way. Temporary barricades shall require a permit issued by the Chief Building and Zoning Official.
- F. No fence, wall or other obstruction shall exceed **eight feet (8')** in height in any district except the Industrial District where the maximum height shall not exceed **ten feet (10')**; in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions.
- G. No fence, wall, or other obstruction, which completely encloses a lot, shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.
- H. No tree shall be planted or located within any public right-of-way. No tree shall be planted or located within any easement if, in the opinion of the Chief Building and Zoning Official or the Commissioner of Public Works, the tree obstructs the drainage or obstructs the City's use of the easement. No tree shall be planted or located within five feet (5') of a drainage swale. If it becomes necessary to remove any such tree due to an obstruction, the cost of the removal shall be the responsibility of the owner.

153.0158 GARAGES, REPAIR.

In repair garages all repair work, servicing and storage of parts and equipment concerning vehicles, boats, auto body, radiator and appliance repair and similar uses shall be done completely within an enclosed building or shall be enclosed by a solid fence at least **eight feet (8')** in height or a planting screen of at least **ten feet (10')** in depth and **eight feet (8')** in height.

153.0159 AUTOMOBILE SERVICE STATIONS.

In districts where automobile service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- A. All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least **twenty-five feet (25')** from any street right-of-way line, side, or rear lot line.
- B. No access drive shall be within **two hundred feet (200')** of a fire station, school, public library, church, park or playground, except when multiple access drives are available, with unobstructed vision, and appropriately marked to yield to all responding emergency vehicles.
- C. All waste and trash receptacles shall be in a visually screened enclosed area.

153.0160 HOME OCCUPATIONS, URBAN.

An urban home occupation means any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling, and which is carried on wholly within a main building or accessory building by a member of the family residing on the premises.

- A. The establishment of an urban home occupation requires a conditional use permit reviewed by the Plan Commission and granted by the City Council.
- B. No urban home occupation shall be established or conducted except in conformity with the following regulations:
 - 1. Such use shall be conducted entirely within a dwelling and carried on by not more than **two (2) individuals, one (1)** of whom is the principal occupant.
 - 2. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
 - 3. The total area used for such purposes shall not exceed the equivalent of **one-fourth (1/4)**

the floor area, in square feet, of the first floor of the user's dwelling unit, if any, otherwise of the main floor of such dwelling unit; but in any instance a **maximum of three hundred square feet (300 sf)** shall be allowed.

4. There shall be no advertising, display or other indications of a home occupation on the premises except as permitted by the City's code.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations.
6. There shall be no exterior storage on the premises of material used in the home occupation nor of any highly explosive or combustible material.
7. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. A home occupation, including studies or rooms for instruction, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than **two (2) parking spaces** plus the parking spaces required for the dwelling unit. Such parking shall be provided on the same lot as the home occupation.
9. For the purposes of this Section provided all requirements contained herein are met, the following shall be considered home occupations:
 10. Professional and service offices.
 11. Art and photo studio.
 12. Dressmaking or millinery.
 13. Teaching, with musical instruction limited to two **(2) pupils** at a time.
 14. A home occupation shall not include the following: clinic, hospital, mortuary, funeral home, nursing home, tearoom, barber shop, tourist home, antique shop, animal hospital, restaurant, beauty shop, veterinarian's office, or use similar to any of the foregoing excluded uses.

C. **Complaints:** The Chief Building and Zoning Official shall investigate complaints concerning home occupations and file a written report of his findings with the home occupation permit. If, after investigation and report, the Chief Building and Zoning Official determines that the home occupation is in violation of the performance requirements of this Section, a corrective action order will be issued to the operator.

D. **Appeals:** Any person aggrieved by any decision or order of the Chief Building and Zoning Official may appeal to the Zoning Hearing Officer in accordance with the procedures as outlined in the City's code.

153.0161 HOME OCCUPATIONS, FARM.

A. Explanation. There are significant differences between urban home occupations and farm home occupations. The nature of resources available for use, the benefits and disadvantages created by home occupations and the problems generated necessitate a distinction between urban home occupations and farm home occupations. Each concept is based on supplementing income, but the district in which each is practiced has unique characteristics. For the aforesaid reasons, different home occupations may be permitted in agricultural zoning districts than are permitted in the residential districts.

1. For the purpose of this Section, provided all requirements are met, the following shall be considered farm home occupations:
 - a. Welding repair.

- b. Veterinarian's office.
 - c. Blacksmith.
 - d. Service office.
2. Any home occupation shall be clearly supplementary to the principal use of the land and structures.
 3. A home occupation may not be changed to another home occupation except by the issuance of a separate permit.
 4. If any "A" District or part thereof is rezoned the rezoned area shall meet the new district regulations and any home occupations shall be considered a nonconforming use until such requirements are met.
 5. Parking requirements shall be met as required by the applicable sections of the City's code.
 6. No sign shall be permitted larger than that allowed for an urban home occupation as provided applicable sections of the City's code.
 7. All other provisions for urban home occupations shall apply.
- B. **Permit:** The establishment of a farm home occupation requires a conditional use permit reviewed by the Plan Commission and granted by the City Council.
- C. **Complaints:** The Chief Building and Zoning Official shall investigate complaints concerning home occupations and file a written report of his findings with the home occupation permit. If, after investigation and report, the Chief Building and Zoning Official determines that the home occupation is in violation of the performance requirements of this Section, a corrective action order will be issued to the operator.
- D. **Appeals:** Any person aggrieved by any decision or order of the Chief Building and Zoning Official may appeal to the Zoning Hearing Officer in accordance with the procedures as outlined in the City's code.

153.0162 JUNK YARDS.

In any district where junk yards are permitted, the establishment and/or maintenance of such uses shall be subject to the following requirements:

- A. All storage of parts and equipment and the dismantling of vehicles shall be done within a completely enclosed building or within an area enclosed by a solid fence not **less than ten feet (10')** in height, or a planting screen **twenty feet (20')** in depth and expected to attain a height of at least **twenty feet (20')**.
- B. Any junk yard shall be located not less than **five hundred feet (500')** from any residential district boundary.

153.0163 LIGHTING CONTROLS.

Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

153.0164 PLANT NURSERIES AND GREENHOUSES.

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

- A. No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty feet (50')** of any property line.
- B. Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty feet (50')** from any property line.

153.0165 PUBLIC BUILDINGS.

In any zone district where publicly owned office or governmental buildings, other than the City's are permitted, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment) unless in an enclosed building or enclosed within a live planting screen and fenced. Such storage areas, in maintenance yards or storage warehouses shall be located at least **fifteen feet (15')** from any property line.

153.0166 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES.

Electrical substations, gas regulator stations, telephone exchange facilities, sewage treatment plants, water storage facilities or similar facilities in any Residential Zone District shall meet all following requirements and in other zone districts shall meet all requirements except (A), (E) and may be required to meet (G).

- A. No public office, principal repair or storage facilities shall be maintained in connection with such substations or exchanges.
- B. The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.
- C. The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.
- D. Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **five foot (5')** minimum rear yard.
- E. Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen feet (15')** to any side or rear lot line.
- F. If transformers are exposed, there shall be provided an enclosed fence or wall at least **six feet (6')** in height.
- G. All parcels or lots on which substations, exchanges, equipment, or transformers are located shall meet the following minimum landscaping standards: a planting screen of at least **ten feet (10')** in depth and expected to reach a height of at least **ten feet (10')** shall be provided and maintained.

153.0167 SANITARY LANDFILL AND LANDFILL.

In any zone district where sanitary landfill is permitted, the following additional requirements shall apply:

- A. A conditional use permit for any landfill operation shall be required and a plan, containing at least the following items, shall be required to be submitted for any sanitary landfill operation and may be required for other landfills.
 1. Maps of the site at a scale of **one inch (1")** equals **two hundred feet (200')** or a smaller scale if necessary for clarity. If map size would exceed **thirty-six inches (36")**, the next appropriate map scale may be used.
 2. Existing topography of the site at **ten foot (10')** contour intervals, spot elevations in places too flat to be adequately defined by contours, and all natural features such as natural water courses and drainage ways.
 3. Ownership of the subject property and the abutting properties. The present use of the land and of adjoining land uses shall be stated.
 4. A statement from a qualified soil scientist, geologist, or engineer stating the expected severity of ground water and/or surface water pollution that will be generated shall be

required for sanitary landfill operations.

- B. A section of the plan shall be devoted to the reshaping, final grading and expected drainage pattern of the site when completely filled. This Section shall include a map showing final contours at intervals of **ten feet (10')** and spot elevations in places too flat to be adequately defined by contours.
- C. Final grading shall be implemented concurrently with landfill operations. The landfill plan shall designate which sections of the landfill parcel will be filled in and final graded to accomplish concurrent implementation of the final plan with ongoing landfill operations. Those sections final graded shall be immediately seeded with foliage and/or grasses capable of minimizing erosion and preventing the siltation of streams.
- D. The sanitary landfill site shall be completely fenced with a solid or wire mesh fence **not less than six feet (6')** in height and, if wire, with a wire mesh small enough to prevent windblown landfill materials from escaping the site.
- E. All topsoil shall be stored and retained on the site and respread during final grading of the site.
- F. The plan shall provide that the land can be readily used for urban and/or agricultural purposes after the landfill operation has ceased.
- G. A performance bond equal to the amount of the assessed valuation of the property for tax purposes shall be posted with the City to insure reshaping of the topography in conformance with the plan. If the sanitary landfill is to be conducted on only a portion of the total parcel at any **one (1)** time the portion to be used may be so designated on the plan and the performance bond posted for the part or parts to be so used.
- H. No sanitary landfill shall be operated within **one thousand linear feet (1,000 LF)** of any Residential District or any Business District with an eating establishment.

153.0168 SCHOOLS, PRIVATE AND PAROCHIAL.

In any district where private and/or parochial schools are permitted, each principal building shall be located at least **twenty-five feet (25')** from all property lines.

153.0169 SWIMMING POOLS.

A public or private swimming pool in any zone district shall not be located in any required front yard, nor **less than ten feet (10')** to a side lot line adjacent to a street. All swimming pools, which contain **twenty-four inches (24")** or more of water in depth at any point, shall erect and maintain an adequate enclosure, either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Removable ladders are accepted. Such enclosure, including gates therein, shall not be **less than four feet (4')** above the underlying ground. All gates shall be self-latching with latches placed **four feet (4')** above the underlying ground or otherwise made inaccessible from the outside to small children.

153.0170 TELECOMMUNICATION TOWERS.

In any district where telecommunication towers are provided, the towers shall be located, designed, and operated so that the public health, welfare, and safety of the surrounding area will be protected.

- A. Building Code Safety Standards and Zoning Compliance. To ensure the structural integrity of antenna support structures, the owner shall see that it is constructed and maintained in compliance with all standards contained in applicable state and local building codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required by this section, no telecommunication tower and/or facilities shall be erected prior to receipt of a Certificate of Zoning Compliance and the issuance of a Building Permit.
- B. Setbacks. The following setback requirements shall apply to all telecommunication towers and

facilities.

1. All towers shall be setback from adjoining lot line by a distance which is equal to **one hundred percent (100%)** of the height of the tower measured from finished grade from the base to the highest point of the tower, including antenna and/or lighting rod.
 2. The tower shall be setback from any residential zoned property line a **minimum distance of five hundred feet (500')**.
- C. Height Requirements. The following height requirement shall apply to all telecommunication towers and facilities. Maximum height shall be measured from finished grade of base to highest point of tower, including antenna and/or lighting rod, and shall not exceed **one hundred-fifty feet (150')** in all residential, commercial, and industrial districts and **two hundred feet (200')** in the agricultural district.
- D. Security Fencing. Telecommunication towers and facilities shall be enclosed by security fencing or walls **not less than eight feet (8')** in height and shall also be equipped with an acceptable anti-climbing devise or design; provided, however, that the City Council may waive such requirements, as they deem appropriate.
- E. Landscaping. Telecommunication towers and facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the facilities. The standard buffer shall consist of a landscaped strip at least **ten feet (10')** wide outside the perimeter of the facility and planted with **minimum six foot (6')** high evergreen trees. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- F. Telecommunication Tower Separation Distance. The site has a minimum spacing requirement distance of **one thousand feet (1,000')** from any other tower support structure greater than **one hundred and fifty feet (150')** in height.

153.0171 TRAILERS, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

The parking of not more than **two (2)** unoccupied trailers, travel trailers, or recreational vehicles, is permitted, provided that (i) none are located in any front yard or in a side yard adjacent to a street and (ii) no living quarters or businesses are maintained in said trailer, travel trailer, and/or recreational vehicle. It is further necessary that said trailer, travel trailer and/or recreational vehicle shall not project beyond the forward most point of said residence.

153.0172 UTILITIES.

Effective upon the approval of this Code, all new public utility services shall be located underground. On a case-by-case basis, all future extensions, upgrades, and replacement of existing aerial public utilities in all zoning districts of the City regardless if the area is subdivided or not, shall be considered a conditional use and requires a waiver to remain aerial, with a Conditional Use Permit approved by the City Council.

153.0173 DOG DAY CARE FACILITY AND BOARDING KENNEL.

In addition to the regulations imposed by the applicable zoning district regulations and other pertinent sections of this Code, Dog Day Care Facilities and Boarding Kennels shall be subject to the following regulations:

- A. No activities shall take place outdoors, except from the period commencing at 7:00 a.m. and ending at 8:00 p.m. of the same day;
- B. The building in which the facility or kennel is located must be a completely enclosed, soundproofed building so that no sounds may be heard from the building between the hours of 8:00 p.m. to 7:00 a.m.;

- C. Adequate safeguards (e.g., structural, mechanical, and locational) shall be provided to protect adjacent properties from the effects of noise or injurious substances, conditions, and operations;
- D. A privacy fence must be installed around the entire outdoor area where any animals will be located. The privacy fence must be at least six feet (6') tall and shall have a minimum side and rear setback of ten feet (10');
- E. Grooming, training, retail sales, veterinarian services, and similar uses shall be permitted accessory uses.

153.0174 RESERVED.

DIVISION II – PLANNED USE

153.0175 STATEMENT OF INTENT.

One of the principal objectives of the Zoning Code is to provide for a compatible arrangement of uses of land and buildings that is consistent with the requirements and welfare of the City. To accomplish this objective, most uses are classified as "permitted uses" or "conditional uses" in one or more of the districts established by the Zoning Code. However, it is recognized that there are certain uses that, because of their scope, location, or specific characteristics, require a more comprehensive consideration of their impact, both with regard to the neighboring land and the City in general. Such uses fall within the provisions of this Division and shall only be permitted if authorized as a planned use. It is the intent of this Division to authorize these "planned uses" only where the location and circumstances are appropriate to the use and a site plan is approved by the City Council. It is also the intent of this Division to increase the flexibility of development design through evaluation and approval of a site plan applying site-specific regulations.

153.0176 PROCEDURAL OVERVIEW.

A petition for a planned use shall be filed with the City in accordance with this Chapter. Applications for a planned use shall specify the intended land use, complete with a description of said use and the underlying zoning district or districts. The underlying conventional zoning district(s), use regulations or other regulatory provisions shall apply except as specifically adjusted for the particular development, such as, but not limited to, reduced lot sizes or setbacks.

Approval of a planned use and corresponding site plan shall be considered a legislative act of rezoning. The public hearing and public notice requirements for a planned use shall be the same as for any rezoning as provided by the regulations defined in this code. If the applicant submits a preliminary site plan for review by the Plan Commission, and the Plan Commission approves such preliminary site plan, no additional public hearing before the Plan Commission shall be required for the final site plan, unless there are material changes to the site plan. A governing ordinance for each planned use shall be established at the time of the rezoning. The governing ordinance shall approve a final site plan and may specifically set forth the specific uses, authorized density and/or building coverages, design requirements, public improvements, and other conditions or requirements of the approved site plan. The site plan and all development conditions shall be attached to the ordinance authorizing the planned use and be entitled "Attachment A."

153.0177 APPLICABILITY.

Planned use approval shall be required in the following instances:

- F. Any use listed as a planned use at Appendix B shall require a planned use application and all other planned use procedural requirements.
- G. Any new use or change in use, or application for construction of a building for any primary use within the **R4, CG, CN, IL, & IH Districts** where any of the following exists:

1. Two or more buildings are proposed on one lot;
2. A new structure of **20,000 square feet** or more is proposed.

153.0178 PRELIMINARY SITE PLANS: APPLICATION CONTENTS AND SUBMISSION REQUIREMENTS.

Except as provided in Final Development Plan section, a preliminary site plan shall be required for any use or circumstance identified in **Section 153.0090 APPLICABILITY**, requesting a planned use designation and shall include the elements set forth in these regulations, "Contents of a Site Plan", and including the following:

- A. **Preliminary Site Plan:** The preliminary site plan shall satisfy all application contents and submission requirements of this Chapter.
- B. **Submittal Requirements:** The number of copies of the preliminary site plan, as required by the City, shall be submitted in support of the application. The preliminary site plan shall be accompanied by all general application requirements and shall bear such professional certifications and seals as the City may require.
- C. **Exterior Building Sketches:** The application shall include preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
- D. **Schedules:** A schedule shall be included indicating total floor area, land area, parking spaces, land use intensity, hours of operation of the business, and other quantities specified in the appropriate zoning district regulations. Construction shall commence within **twelve (12) months** from the date of the planned use designation was authorized.
- E. **Phases of Development:** Phases of development must be shown on the preliminary site plan, if applicable. If the development will occur in phases, the applicant shall submit a site plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction. No building permit shall be issued for any phase of development until a final site plan for that phase is approved, in accordance with the provisions of this Chapter.
- F. **Statement of Need for Modification from Underlying Zoning District Regulations:** A narrative statement that explains the need for modification of the applicable underlying zoning district regulations, if requested, shall be submitted in support of the application for the preliminary site plan approval. The statement shall specifically address the precise modification requested, what compensating factors support the modification and how the criteria for approval herein are satisfied. Any site features or improvements intended to justify a modification in the underlying district regulations shall be clearly identified on the site plan.

153.0179 CONSIDERATION OF A PLANNED USE.

- A. **Procedure.** Except as established by this Division, the procedures and requirements for filing, review, and approval of a site plan for a planned use shall be the same as those set forth in this Chapter and all other requirements necessary for making amendments to a zoning district or boundaries.
- B. **Criteria for Approval.** The City Council shall use the applicable underlying zoning district regulations as a guide for review of the site plan. The City Council may permit modification from the underlying district regulations. Use regulations, however, shall not be modified so as to allow uses not otherwise permitted by this Chapter in the zoning district governing the property, or to which the applicant seeks rezoning. If the City Council imposes conditions or restrictions on a

preliminary site plan, it may designate specific requirements that must be met before an applicant may submit a final site plan application. In considering any site plan application, the Plan Commission and the City Council may give consideration to the criteria below; to the extent the criteria are pertinent to the particular application.

1. Satisfaction of the conditions and requirements applicable to the requested planned use, as set forth in this Chapter.
 2. The criteria governing the rezoning of the property, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law.
 3. Development is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 4. An identified community need exists for the proposed use.
 5. Development will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.
 6. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
 7. The capability of the site to accommodate the building, parking, and drives with appropriate open space and safe, easy ingress and egress.
 8. The degree of continuity between the architectural quality of the proposed building and the surrounding neighborhood.
 9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.
 10. Development reinforces and/or complies with the standards and principles of the Comprehensive Plan and all other adopted regulations.
- C. **Change of Underlying Zoning District.** A planned use application may be submitted with an application to change the underlying zoning district category. Any preliminary site plan approved for a planned use, concurrent with such application, shall become part of the ordinance that amends the zoning district category of the property.
- D. **Modification of Zoning Map.** Any approved planned use and preliminary site plan shall be reflected on the Zoning Map as an amendment to the underlying zoning district by designation of "P-" before the district abbreviation of the district in which the plan was approved.

153.0180 FINAL SITE PLAN.

- A. **Approval if Preliminary Site Plan Submitted.** Approval of a final site plan is required any time a preliminary site plan is submitted. No building permit shall be issued for any structure on the property until a final site plan is approved. Within twelve (12) months following passage of the City Council's approval of the Planned Use and preliminary site plan, the applicant shall submit a final site plan to the Chief Building and Zoning Official for his review and consideration to determine if said final site plan is in conformance with the approved preliminary site plan and with any imposed conditions of approval. If the final site plan does not materially differ from the preliminary site plan, no additional public hearing before the Plan Commission shall be required. The Chief Building and Zoning Official shall submit to the City Council a written advisory report recommending acceptance or rejection of the final site plan. If the Chief Building and Zoning Official determines that the final site plan materially differs from the approved preliminary site plan, the Chief Building and Zoning Official shall recommend to the City Council that a public hearing before the Plan Commission be conducted to review the final site plan. Unless the City Council sends the final site plan back to the Plan Commission, the City Council shall either accept the final site plan, by Ordinance, or reject the final site plan.

- B. **Approval if Preliminary Site Plan Not Submitted.** The applicant may, if it so elects, submit a final site plan for review without submitting a preliminary site plan. However, if the applicants elect to file only a final site plan, the final site plan shall contain all information required to be submitted on a preliminary site plan. If the applicant files only a final site plan, the Plan Commission shall consider such final site plan in the same manner that it considers preliminary site plans. No building permit shall be issued for any structure on the property until a final site plan is approved. The City Council shall either accept the final site plan, by Ordinance, or reject the final site plan.
- C. **Contents of Final Site Plan.** A final site plan shall include the elements set forth in these regulations, including the following:
1. **Application for Site Plan.** The final site plan shall satisfy all application contents and submission requirements of this Chapter.
 2. **Submittal Requirements.** The number of copies of the final site plan, as required by the City, shall be submitted in support of the application. The final site plan shall be accompanied by all general application requirements and shall bear such professional certifications and seals as the City may require.
 3. **Exterior Building Drawings.** The application shall include detailed drawings and perspectives depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate drawing shall be prepared for each type.
 4. **Schedules.** A schedule shall be included indicating total floor area, land area, parking spaces, land use intensity, hours of operation of the business, and other quantities specified in the appropriate zoning district regulations. Construction shall commence within twelve (12) months from the date of the planned use designation was authorized.
 5. **Phases of Development.** Phases of development must be shown on the final site plan, if applicable. If the development will occur in phases, the applicant shall submit a site plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction. No building permit shall be issued for any phase of development until a final site plan for that phase is approved, in accordance with the provisions of this Chapter.
 6. **Statement of Need for Modification from Underlying Zoning District Regulations.** A narrative statement that explains the need for modification of the applicable underlying zoning district regulations, if requested, shall be submitted in support of the application for the final site plan approval. The statement shall specifically address the precise modification requested, what compensating factors support the modification and how the criteria for approval herein are satisfied. Any site features or improvements intended to justify a modification in the underlying district regulations shall be clearly identified on the site plan.

153.0181 EXPIRATION OF AN APPROVED FINAL SITE PLAN.

Final site plan approval shall not be valid for a period longer than 12 months from the date of such approval, unless within such period a building permit is obtained, and substantial construction is commenced. The City Council may grant one extension of no more than 12 months upon written request of the original applicant. An application for extension of a final site plan may be granted, if the application is filed before the final site plan expires. Upon granting an extension, the City Council has the authority to attach new conditions to the final site plan as it deems appropriate. Substantial construction as used in this section shall mean completion of at least 10% of the construction in terms of the total expected cost of the project for which the permit was issued.

153.0182 RESERVED.**ARTICLE V - OFF-STREET PARKING AND LOADING DIVISION I - PARKING REQUIREMENTS****DIVISION I – GENERALLY****153.0183 PURPOSE.**

The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. For all buildings and structures erected and all land uses established after the effective date of this Code, accessory parking and loading facilities shall be provided as required by this Code. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Code shall be included as a part of an off-street parking or loading space similarly required for another building or use.

153.0184 COMPUTATION.

When determination of the number of off-street parking spaces required by this Code results in a requirement of a fractional space any fraction of **one-half (1/2)** or less may be disregarded, while a fraction of or in excess of **one-half (1/2)** shall be counted as **one (1) parking space.**

153.0185 DAMAGE OR DESTRUCTION.

For any conforming building or use which is in existence on the effective date of this Code which is damaged or destroyed by fire, explosion or other similar cause and which is reconstructed, reestablished, or repaired, additional off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

153.0186 DESIGN STANDARDS, ACCESS AISLE AND SPACE REQUIREMENTS.

Each off-street parking space shall not be less than **ten feet (10')** wide and **twenty feet (20')** long.

- A. **Aisles.** Interior parking aisles permitting two-way traffic should be a minimum of **twenty-two feet (22')** in width. One-way aisles in conjunction with **sixty (60) degree** parking shall be a minimum of **eighteen feet (18')** in width. Plans for other aisle widths with other angle parking shall be as approved.
- B. Access to off-street parking areas in all residential zone districts shall be a minimum of **ten feet (10')** wide except as follows:
 1. If a driveway is longer than **one hundred feet (100')** or serves more than the required parking for **four (4) dwelling units**, the minimum width shall be **twenty feet (20')**.
 2. **Two (2)** one-way driveways each **twelve feet (12')** wide may be provided instead of **one (1) twenty foot (20')** driveway.
- C. Access to off-street parking areas in all commercial and industrial zones shall be a minimum width of **twenty-four feet (24')** or **two (2)** separate driveways each **twelve feet (12')** wide.
- D. All handicap accessible parking shall comply with the requirements of the most current Illinois Accessibility Code.

153.0187 DESIGN STANDARDS, INGRESS AND EGRESS.

All parking areas in any multiple family, business, industrial, or similar zone district shall be designed

or arranged so that no vehicle can have direct access to or egress from any off-street parking space from a public right-of-way. In any instance stated in this Section ingress to and egress from a parking space shall be from an aisle, driveway, or similar arrangement by forward motion of the vehicle.

- A. No access way or lane shall be within **thirty feet (30')** of any corner formed by the intersection of the right-of-way of **two (2)** or more streets. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.
- B. The alignments of access ways shall be at right angles and offsets are not to exceed **twenty degrees (20°)**.
- C. Except in unusual circumstances no access way from a public street shall exceed **thirty-five feet (35')** in width.

153.0188 DESIGN STANDARDS. LOT LINES.

All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces and loading spaces shall be so arranged that no part of any vehicle overhangs the public right-of-way.

153.0189 DESIGN STANDARDS. SCREENING AND LANDSCAPING.

All open automobile parking lots serving a commercial, industrial, institutional, or similar use shall provide a landscaped screen, wall, or fence along those property boundaries abutting a residential district or use. Such landscaped screen, wall or fence shall be maintained by the owner or lessee. Plans for the landscaping, wall, or fence shall be as approved by the Chief Building and Zoning Official.

Additionally, any parking lot designed or intended to accommodate **five (5) cars** or more, and consisting of plants or vegetation in the landscaping, shall be landscaped in accordance with the following:

- A. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and irrigation characteristics for the planting materials they contain in ground irrigation systems may be required as determined by the City Council.
- B. All parking lots serving a commercial, industrial, institutional, or similar use containing more than **fifteen (15) parking spaces** shall be screened from public streets and sidewalks, public open spaces, and adjacent properties by complying with one of the following perimeter landscaping options.
 1. The outside perimeter of all parking areas and drive aisles shall include a landscaped area **seven feet (7')** in width. One tree shall be planted every **fifty feet (50')** on center within the landscape perimeter. When a parking lot tree planting strip abuts a public right-of-way containing an existing or proposed street tree planting area, the City may grant an exception on a case-by-case basis if it is determined that duplication may occur; **or**
 2. A minimum **five foot (5')** wide perimeter-landscaped area with ornamental fencing, masonry wall or opaque hedge and a street tree planted every **fifty feet (50')**. A **two foot (2')** car overhang area shall be provided in any planting area adjacent to parking stalls.

153.0190 SETBACK.

Where **two (2) lanes** of off-street parking are provided between any building and a street, in order to accommodate pedestrian and vehicular traffic, the building shall be set back at least **seventy-five feet (75')** from the lot line. A **six inch (6")** vertical curb shall be provided to separate such off-street parking areas from the public right-of-way. Similar parking in the rear of a building shall require a setback of at least **sixty-four feet (64')**.

153.0191 SURFACING AND CURBING.

All open off-street parking areas, lots and driveways shall be improved with a compacted stone base of

not less than **four inches (4")** thick, surfaced with **two inches (2")** of bituminous concrete or an approved material with comparable construction. Concrete parking areas and drive aisles shall be a minimum of **six inches (6")** in thickness.

Fire lanes around commercial and industrial buildings or institutions shall be improved with a compacted stone base of not less than **four inches (4")** thick, surfaced with **two inches (2")** of bituminous concrete or as approved by the Code Enforcement Officer.

In the Industrial Light District, the following alternative surface will be allowed in areas limited to vehicle, material, and equipment storage areas, except areas specifically used for loading and unloading: a **six inch (6")** rolled stone base, sealed with a bituminous seal. The sealer is to be covered with a dust-free chipped rock surface of sufficient depth to prevent pick-up of the sealer coat by vehicle tires, at least **3/8-inches** thick.

All vehicle parking areas and all access drives in the Downtown, Commercial General, Commercial Neighborhood, and Industrial Light Districts shall have a boundary constructed of vertical concrete curbing or an integral concrete sidewalk and curb with a vertical face.

153.0192 EXISTING PARKING/LOADING FACILITIES AND USES.

Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Code or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this Code for a similar new building or use.

153.0193 ALTERATION OF STRUCTURE.

Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required herein for such new use. However, if the said building or structure was erected prior to the effective date of this Code, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Code.

153.0194 INTENSITY OF USES CHANGED.

When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

153.0195 JOINT PARKING FACILITIES.

Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

153.0196 LOCATION OF OFF-STREET PARKING FACILITIES.

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances from the main entrance of the use served to the nearest point of the parking facility.

153.0197 FOR USES IN RESIDENCE DISTRICTS.

Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served and may be located in any yards except required front yards but shall be permitted in that portion of the front yard coterminous with the side yard wherein the driveway is located. Off-street parking facilities accessory to residential use and developed in any residential district shall be used solely for the parking of passenger automobiles or the vehicles owned or operated by the occupants of the dwelling structures. In no instance shall a commercial vehicle exceeding **one (1) ton** capacity be parked in a

residential area, except for normal loading, unloading or service, except by a conditional use permit. Commercial or related uses located in a residence district that cannot provide the required parking on the same zoning lot may provide parking on an adjacent lot or a lot across the street but not more than **two hundred (200) linear feet** from the commercial use served.

153.0198 FOR USES IN BUSINESS AND INDUSTRIAL DISTRICTS.

All required parking spaces shall be within one thousand feet (1,000') of the use served, except those spaces accessory to dwelling units (other than those located in a transient hotel) shall be within three hundred feet (300') of the use served. However, no parking spaces accessory to a use in a Business or Industrial District shall be located in a Residence District, except that private, free, off-street parking accessory to such uses, and municipal parking lots, may be allowed by conditional use permit within five hundred feet (500') of and adjacent to any Business or Industrial District.

153.0199 OFF-SITE PARKING FACILITIES.

When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no building permit or occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Chief Building and Zoning Official has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

153.0200 OTHER USES, PARKING.

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use.

153.0201 PARKING SPACES REQUIRED.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any **one (1) time**. When employee parking is required, it shall be provided on the basis of **one (1) space** for each **one and one-half (1 1/2) employees**. The required number of spaces for Residence Districts can be met through the use of a garage. The required number of stacking spaces for drive-thru establishments shall include the automobile already located at the window, teller, bay, or other applicable drive-thru structure.

Use	Parking Spaces Required
<p>A. <u>Residential, Civic, Educational, Institutional Uses:</u></p> <p>Bed and Breakfast Establishment</p> <p>Churches, Auditoriums, Theaters, and other places of assembly</p>	<p>One (1) per guest room; two (2) for the owner or manager. Employee parking required.</p> <p>One (1) per 2.5 seats for the largest seating area. If seating is horizontal, as with a pew, one seat is measured as thirty (30) horizontal inches OR one (1) per 3-person capacity based on ICC occupant load, whichever combination is greatest.</p>

Elementary and Junior High Schools	Two (2) per classroom , plus one (1) per employee, OR one (1) per two (2) seats in the gym, or as measured on horizontal benches at 30", whichever is greater.
Senior High Schools	Six (6) per classroom , plus one (1) per employee.
Colleges	Ten (10) per classroom.
Libraries and Museums	One (1) per (500) square feet of floor area.
Municipal Buildings	One (1) per (300) square feet of floor area.
Multi-Family Dwellings	Two (2) per dwelling unit plus one (1) per two (2) dwelling units for visitors.
One-Family Dwelling, attached and detached; and Two-Family Dwellings	Two (2) per dwelling unit .
Group Quarters: Group homes, retirement	One (1) per room . Employee parking and nursing home facilities required.

B. Retail and Service Uses:

Automobile Car Wash, Service Station, Repair Shop, Convenience Store	Three (3) per service bay , plus one (1) per fueling position , plus four (4) per 1,000 square feet of floor area of retail space, plus five (5) stacking spaces per automatic car wash bay, plus four (4) stacking spaces per self-service car wash bay.
Bowling Alleys	Four (4) per alley , plus such additional spaces as may be required herein for affiliated uses-bars, restaurants, and the like.
Restaurants Restaurants, Sit-down	Nine (9) per 1,000 square feet of floor area, including outside seating.
Restaurants, Drive-in or Carry-out	One (1) per 50 square feet of floor area.
Restaurants, Fast-food	One (1) per 50 square feet of floor area, plus eight (8) stacking spaces for drive-thru window.
Furniture and Appliance Stores, Household Equipment or Furniture Repair Stores	Three (3) per 1,000 square feet of showroom space, plus two (2) per three (3) employees.

Home Occupations	Two (2) per 200 square feet of floor space utilized in addition to the parking requirements of the dwelling unit.
Motor Vehicle Sales and Machinery Sales	One (1) per 300 square feet of floor area, plus one (1) per 2,500 square feet of outdoor display, plus three (3) per service bay.
Municipal or Privately Owned Recreation Community Centers floor area	Four (4) per 1,000 square feet of Building or OR one (1) per 4-person capacity based on ICC occupant load, whichever is greater.
Supermarket	One (1) per 250 square feet of floor area.
Retail Stores, not listed above	One (1) per 200 square feet of floor area.
Banks	One (1) per 250 square feet of floor area, plus four (4) stacking spaces per bank teller drive-thru window or ATM machine.
Funeral Home	Thirty (30) per viewing room , OR one (1) per four (4) seats, whichever is greater.
Hotels and Motels - Convention hotel with restaurant/ lounge	1.5 per guest room , plus two (2) for every three (3) employees.
- Nonconvention hotel with no restaurant	One (1) per guest room , plus two (2) for every three (3) employees.
Day Care Center	One (1) per 400 square feet of floor area, OR two (2) per employee , OR one (1) for each six (6) children, whichever is greater.
Tavern/ Bar/ Nightclub	Ten (10) per 1,000 square feet of floor area, OR one (1) per 3-person capacity based on ICC occupant load, whichever is greater, plus two (2) for each three (3) employees.
Amusement Parlor, Recreational, Attraction, Roller Skating or Ice Skating Rink	Ten (10) per 1,000 square feet of floor area

Golf Course, Driving Range or Country Club

Two (2) per **hole or tee**, plus **one (1)** space per **two (2) employees**.

Health Club or Fitness Center

4.5 per **1,000 square feet** of floor area.

C. Office Uses:

Business, Professional and Governmental Offices

One (1) per **300 square feet** of floor area plus one **(1)** per company or business vehicle.

Medical and Dental Offices

One (1) per **200 square feet** of floor area, **OR four (4)** per **examination room**, whichever is greater.

D. Industrial Uses:

Industrial Uses of All Types, Except Warehousing and Transportation Terminals, Less Than 250,000 Square Feet of Gross Floor Area

Employee Parking

One (1) parking space per **one and one-half (1 1/2)** employees on maximum shift or not less than **one**

(1) parking space for each **five hundred (500) square feet** of gross floor area; when more than **one (1)** shift is employed, parking for both shifts shall be provided, unless sufficient time is allowed between shifts to provide for the maximum use of the required parking.

Visitor Parking

One (1) parking space for each **twenty-five (25) employees** on the main shift, with a minimum of **two (2)** parking spaces and a maximum of **twenty (20)** required visitor spaces.

Company Vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises.

Industrial Use of All Types, Except Warehousing and Transportation Terminals, More Than 250,000 Square

Feet of Gross Floor Area

Employee Parking

One (1) parking space per one and one-half (1 1/2) employees on site at maximum shift, or not less than **one (1)** for each five hundred (500) square feet; then one (1) parking space for each one thousand (1,000) square feet of floor area.

Visitor Parking

One (1) parking space for each **twenty-five (25) employees** on main shifts, with a minimum of **two (2)** parking spaces and a maximum of **twenty (20)** required visitor parking spaces.

Company Vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises.

E. Warehousing:

Employee Parking

One (1) parking space per one thousand (1,000) square feet of gross floor area or **one (1) parking space** for each **one and one-half (1 1/2) employees**, whichever is greater; whenever all or any portion of a warehouse area, facility or building is proposed to be converted, remodeled, or changed to a non-warehouse use, the number of parking spaces required by this Section for the intended use shall be secured and provided for prior to conversion to use or remodeling of the warehouse facility or building.

Company Vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises.

F. Transportation or Trucking Yard Terminals:

Employee Parking

One (1) parking space for each **one thousand (1,000) square feet** of area and **one (1) parking space** for each driver of a company vehicle which is dispatched from said terminal.

Company Vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises.

153.0202 RESERVED.

DIVISION II - LOADING ZONES

153.0203 OFF-STREET, LOADING, ADDITIONAL REGULATIONS.

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Such access way shall be at least **twelve feet (12')** in width.

153.0204 BELOW MINIMUM FLOOR AREA.

Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities.

153.0205 RESIDENTIAL AREA.

Loading space for vehicles over **two (2) ton** capacity shall not be closer than **fifty feet (50')** to any property in a Residence District unless completely enclosed by building walls, a solid fence, wall, or foliage buffer not less than **ten feet (10')** in height and width.

153.0206 LOCATION.

All permitted or required loading space shall be located on the same zoning lot as the use served, shall not be located within **fifty feet (50')** of the intersection of any **two (2) streets**, and shall not be located within required front yards.

153.0207 NOT FOR PARKING.

Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

153.0208 SIZE.

Unless otherwise specified, a required loading space shall be at least **ten feet (10')** in width by at least **twenty-five feet (25')** in length and shall have a vertical clearance of at least **fourteen feet (14')**, or a greater distance as needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way shall be provided. Reasonably adequate turning and maneuvering space shall be provided in addition to said minimum size loading berth requirements.

153.0209 REPAIR AND SERVICE.

No motor vehicle repair work or service or any kind shall be permitted in conjunction with loading facilities provided in any "SR" Residence District.

153.0210 SURFACING.

All open off-street loading space shall be improved with a compacted stone base, not less than **six inches (6")** thick, surfaced with not less than **two inches (2")** of bituminous concrete or some comparable material with comparable construction.

153.0211 LOADING SPACES REQUIRED.

For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

Total Square Feet of Gross <u>Floor Area Per Building</u>	Loading Spaces <u>Required</u>
<u>Commercial Office and Industrial Uses</u>	

To 2,999	None
Up to 19,999	1
20,000 to 49,999	2
50,000 to 100,000	3
Above 100,000	4

Hospitals, Institutions and Similar Uses

Up to 9,999	None
10,000 to 49,999	1
50,000 to 100,000	2
Above 100,000	3

ARTICLE VI - ZONING PROCEDURES

DIVISION I - ZONING HEARING OFFICER, VARIANCES

153.0212 ESTABLISHMENT OF OFFICE OF BOARD OF ADJUSTMENT.

In accordance with **65 ILCS 5/11-13-14.1** and other applicable authority. The Board of Adjustment shall be appointed by the Mayor with the approval of the City Council.

153.0213 POWERS AND DUTIES.

The Board of Adjustment shall have all the powers and duties prescribed by law and by this Article, including the following:

- A. Appeals. Upon an appeal from a decision by any administrative official, including but not limited to the Board of Adjustments to decide any question involving the interpretation of any provision or term of the City Zoning Code ("Code"), including the determination of the exact location of any district boundary if there is uncertainty with respect thereto, or other claimed error in the decision or determination made by an administrative official in the enforcement of the Code; provided that such decision shall be bound by and consistent with the language of the ordinance or regulation at issue.
- B. Variances. The Board of Adjustments may vary the application of the requirements of the Code, except for use variances, as provided in this Article. The Corporate Authorities may reserve, by ordinance, any class of variance for approval only by the Corporate Authorities. In such cases where the City Council has reserved decision making authority, the Board of Adjustments shall still conduct a hearing and provide notice in compliance with **65 ILCS 5/11-13-6**. Any variance granted by the Board of Adjustments, not exercised within **twelve (12) months** from the date of approval, shall be deemed expired and may be revoked by the Hearing Officer.
- C. Use Variances. To hold public hearings for applications for use variances and to forward a written report containing findings of fact and a separate conclusion recommendation thereon to the City Council, consistent with **65 ILCS 5/11-13-14.1.C(1)**, which Council may by ordinance without further public hearing adopt any proposed use variance, or the Council may refer it back to the Board of Adjustments for further consideration or deny the use variance request as a final action.

For purposes of this Section, "use variances" shall be any variation that authorizes any use or classification of use to continue or commence in a zoning district in which that use is not a permitted use by right. No variance shall be granted that shall authorize a use that may be granted by conditional use or planned use procedures. Use variances are not favored and shall be granted only when failure to authorize the use denies all economically viable use of the property or similar extreme hardship is demonstrated by the evidence presented.

- D. Other Authority. To hear and decide all other matters referred to the City Council or upon which it is required to pass under applicable ordinance.

153.0214 APPEALS.

An appeal may be taken to the Board of Adjustments by any person, firm or corporation aggrieved by a determination or decision of any administrative official charged with the enforcement of any provision of or regulation adopted pursuant to the Code, or by any officer, department, Council, or bureau of the City relating to such decision. The appeal shall be taken within **forty-five (45) days** of the action complained of by filing, with the City Clerk, a notice of appeal, specifying the grounds thereof. The City Clerk shall thereupon transmit to the Hearing Officer and the official for whom the appeal is taken all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the official appealed from certifies to the Hearing Officer after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustments or by a Court of Record on application, or notice to the official appealed from and on due cause shown. The Board of Adjustments may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board of Adjustments may decide to be fitting and proper to the premises. No challenge to any decision subject to this Section shall be filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the applicant as provided for in this Article so as to establish a final appealable decision.

153.0215 VARIANCES.

A variance may be sought by filing a written application and payment of applicable fee to the City Clerk specifying the specific provision to be varied, the extent of the variation, and the basis therefore and including such requirements as are set forth in the Code. The Board of Adjustments may grant a variance only if it is in harmony with the general purpose and intent of the Code and in accordance with general or specific rules adopted hereto and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of the Code relating to the use, construction, alteration of buildings, or structures or the use of land, but in no other case. No variance may be granted to any condition or term of a conditional use permit or planned use zoning procedure. The Board of Adjustments may impose such conditions, safeguards, and restrictions upon the premises, benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. A request for a variance, other than a use variance, may be granted, upon a finding and determination on the record of the Board of Adjustments that the requirements of this Section are met and that all three of the following conditions are satisfied or upon such conditions as may the Board of Adjustments establishes as will meet such conditions:

- A. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations;
- B. The plight of the owner is due to unique circumstances; and
- C. The variance, if granted, will not alter the essential character of the locality.

153.0216 **PROCEDURE.**

- A. General. The Board of Adjustments Officer shall act in accordance with the procedure specified by law and by the Code. All appeals and applications to the Board of Adjustments shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth the interpretation that is claimed, the use for which the variance is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The City may appear by any designated official of the City Council and be heard as a party in interest in any hearing before the Board of Adjustments, and the City may appeal any decision of the Board of Adjustments to a court of competent jurisdiction.
- B. Notice of Hearing. No action of the Board of Adjustments shall be taken on any petition for variance until after notice has been given of the hearing. Notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing at least **one (1) notice** thereof in a newspaper of general circulation in the City, such publication to be made at least **fifteen (15) days** before the public hearings but not more than **thirty (30) days** before the hearing. Notice of the hearing concerning the variance shall also be sent by first class mail, by the applicant, to property owners or persons residing on land adjacent to the property in question, and the owners of the property in question at the time the public notice is published. The Board of Adjustments shall fix a reasonable time for the hearing of the appeal or application and shall give due notice thereof to the parties and decide the matter within a reasonable time.
- C. Hearings Procedure. All hearings conducted by the Hearing Officer shall be open to the public, held at the call of the Board of Adjustments and at such times as he or she may determine. At hearings conducted by the Board of Adjustments, the Chief Building and Zoning Official, or his or her designee, shall provide the Board of Adjustments with the factual background of the application, the request sought by the applicant, and the relevant sections of the Code. At hearings conducted by the Board of Adjustments, any interested person may appear in person or by a duly authorized agent or attorney. All testimony before the Board of Adjustments shall be given under oath. The Board of Adjustments shall administer oaths and may compel attendance of witnesses. The Board of Adjustments shall keep minutes of his or her proceedings and other official actions. The Board of Adjustments shall adopt his or her own rules and procedures, not in conflict with this Article or applicable Illinois Statutes.
- D. Decision and Findings of Fact. Every variation decision shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Board of Adjustments. The findings of facts shall specify the reason or reasons for making the variation. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Property for which relief has been granted shall not be used in violation of the specific terms of the findings of fact, as the case may be, unless its authorized use is changed by subsequent variance or ordinance. Every rule, regulation, decision or determination of the City Council shall immediately be filed with the City Clerk and shall be public record.
- E. Expiration of Variance Approval. Any construction or use authorized by a variance approval shall substantially commence not later than **six (6) months** after the date of the decision granting the variance, or such other time as may be specified in the variance approval.
- F. Cost. For any application to the Board of Adjustments, a fee shall be charged by the City for processing, plus the cost of advertising of public notice in an amount as established by the City Council.

153.0217 **CITY COUNCIL POWER OF ADMINISTRATIVE REVIEW.**

Immediately following the filing of the written recommendation of the Board of Adjustments on any appeal or variance request under this Section, the City Clerk shall file a report with the City Council ("Council") concerning such action. Within **twenty-one (21) days** after the Hearing Officer's decision, the Council, upon majority vote, may exercise the power of administrative review of any Board of Adjustments decision on an application for an appeal or variance.

Upon adoption of the motion to exercise the power of review, the Council may act on the matter directly or first refer the matter to committee. Before acting on the variance or appeal, the Council may set the matter for hearing before the committee or the City Council. The Council will give written notice of any such hearing to the applicant and all other persons who appeared and spoke at the public hearing before the Board of Adjustments. In addition, the Council may, in its discretion, notify and allow to be heard at the hearing any other person who the Council believes may be aggrieved by any decision or action concerning the application.

Following its review, the Council may affirm, reverse, or modify, in whole or in part, any determination of the Board of Adjustments. An affirmative majority vote of the Council shall be required to overturn or modify a decision by the Board of Adjustments. The decision of the Council shall be made within **forty-five (45) days** of the Council's vote to review the decision of the Board of Adjustments, unless extended for specified cause by a majority vote of the Council, or the Board of Adjustments decision shall become final. In making any decision, the Council may adopt and rely on the record of the Board of Adjustments or may hold a new hearing to establish a record for final decision.

Unless the Council exercises its power of review of administrative review, the decision of the Board of Adjustments shall become effective after **twenty-one (21) days** following its decision.

153.0218 JUDICIAL REVIEW OF FINAL DECISION.

Any officer, department, Council or bureau of the City or any person whose legal rights, duties, or privileges have been affected by any final decision of the Board of Adjustments, or any party affected by the decision of the Council where such decision has been reserved or appealed to the Council, may present to the Circuit Court having jurisdiction in the county, a complaint, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and otherwise proceeding pursuant to the Administrative Review Law, Section 735 ILCS 5/3-101, et seq. which shall govern such appeals including as authorized in **65 ILCS 5/11-13-14.1**. Such complaint shall be presented to the court within **thirty-five (35) days** after the filing of the final decision. The costs of preparing and certifying the record of proceedings for filing with the Circuit Court in an administrative review proceeding shall be paid to the City by the appellant prior to the filing of such records with the Court. To the full extent permitted by law, unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision.

153.0219 RESERVED.

DIVISION II – CONDITIONAL USE PERMIT, AMENDMENTS TO ZONING REGULATIONS AND DISTRICT BOUNDARIES

153.0220 CONDITIONAL USE PERMIT AMENDMENTS TO ZONING REGULATIONS AND DISTRICT BOUNDARIES.

The Plan Commission shall conduct all public hearings concerning conditional use permits and amendments to zoning regulations or district boundaries and shall issue an advisory report to the City Council concerning each application.

- A. All advisory reports for **conditional use permits** shall consider at least the following:

1. The effect the conditional use would have on the City's Comprehensive or Land Use Plan;
 2. The effect the conditional use would have on the health, welfare, safety, morals and comfort of the surrounding area;
 3. The effect the conditional use would have on schools, traffic, streets, shopping, public utilities and adjacent properties;
 4. Is the conditional use necessary for the public convenience at that location;
 5. Is the conditional use so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
 6. Will the conditional use cause injury to the value of other property in the neighborhood in which it is located;
 7. Will the conditional use be detrimental to the essential character of the district in which it is located.
- B. All advisory reports for **amendments to zoning regulations** shall consider at the least the following:
1. Whether such change is consistent with the intent and purpose of the City's zoning regulations;
 2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
 3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.
- C. All advisory reports for **amendments to zoning district boundaries** shall consider at the least the following:
1. Character of the neighborhood.
 2. Whether the proposed district classification promotes the health, safety, quality of life, comfort and general welfare of the City and its planning area.
 3. Consistency with the City's Comprehensive or Land Use Plan.
 4. Adequacy of public utilities and other needed public services.
 5. Suitability of the uses to which the property has been restricted under its existing zoning.
 6. Compatibility of the proposed district classification with nearby properties.
 7. The extent to which the proposed district classification may detrimentally affect nearby property.
 8. Whether the proposed district classification provides a disproportionately great loss to the individual landowners nearby relative to the public gain.
- D. Public Hearing Notice. Before giving an advisory report or an initial recommendation on any proposed amendment to zoning regulations, district boundaries or conditional use permit, the Plan Commission shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Plan Commission at any regular or special meeting. Notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing at least **one (1) notice** thereof in a newspaper of general circulation in the City, such publication to be made at least **fifteen (15) days** before the public hearings but not more than **thirty (30) days** before the hearing.
- E. Notice of the hearing concerning conditional use permit and amendments to zoning regulations or district boundaries shall be sent by first class mail, by the applicant, to property owners or

persons residing on land adjacent to the property in question, and the owners of the property in question at the time the public notice is published. In the event that the applicant is not the owner of the property that is the subject of the conditional use or proposed amendment, the applicant must also send the notice to the owner of the subject property.

- F. Hearing on Application. The Plan Commission shall hear the application (or any modified application) in accordance with its usual procedure. The Commission may:
1. recommend the application without conditions;
 2. recommend the application with conditions, applicable only to conditional use permits;
 3. recommend denial of the application; or
 4. refer the application back to the applicant for modification.
- If a conditional use application is recommended with conditions, the application in final form shall clearly note all stipulated conditions.
- G. A record of the proceedings shall be preserved in such manner as the Plan Commission shall rule. Within **fifteen (15) working days** following the hearing, the Plan Commission shall file a report of the hearing and its advisory report with the City Council.
- H. If the application is referred back for modification by the City Council, the applicant may resubmit the application in accordance with the directions of the Plan Commission, if any, otherwise in time for the next regular meeting of the Plan Commission.

153.0221 WRITTEN PROTEST OF AMENDMENTS TO ZONING REGULATIONS OR DISTRICT BOUNDARIES.

In case of a written protest against any proposed amendments of the zoning regulations or districts, signed and acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, if filed with the City Clerk, the amendment shall not be passed except by a favorable vote of at least **two-thirds (2/3)** of the City Council.

153.0222 CITY COUNCIL PROCEDURE.

Upon receipt of the Plan Commission’s advisory report, the City Council shall act according to its legislative procedure. Every conditional use permit or amendment to zoning regulations or district boundaries granted by the City Council shall be accompanied by a finding of fact specifying the reason for making such conditional use permit or amendment.

153.0223 CONDITIONAL USE EXPANSION.

Any expansion of a conditional use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedures set forth in this Article.

153.0224 CONDITIONAL USE PERMIT REVOCATION - EXPIRATION.

The City Council may revoke a conditional use permit issued under this Article if:

- A. The proposal for which a conditional use permit has been issued is not carried out pursuant to an approved final site plan, if required; or
- B. If any condition or requirement included in the conditional use permit is not complied with; or

153.0225 PROCEDURE FOR REVOCATION OF CONDITIONAL USE PERMIT.

The City Council may initiate revocation proceedings for a conditional use permit.

- A. Unless the permit holder and the landowner agree in writing that the permit may be revoked, the City Council shall hold a public hearing to consider the revocation of the conditional use permit.

- B. The City shall give the permit holder and landowner notice of the scheduled revocation hearing at least fifteen days prior to the date scheduled for such hearing by certified mail, return receipt requested. If such notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in a newspaper of general circulation or by posting a notice of hearing on the property at least fifteen days prior to the date scheduled for the hearing.
- C. The public hearing shall be conducted in accordance with rules of procedures established by the City Council. At the conclusion of the public hearing, the City Council may render its decision or take the matter under advisement.
- D. No conditional use permit shall be revoked unless a majority of the City Council is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a conditional use permit shall clearly state the grounds for revocation.

ARTICLE IX ENFORCEMENT, PROSECUTION, PENALTIES

153.0226 CHIEF BUILDING AND ZONING OFFICIAL.

The enforcement of this Zoning Code is hereby vested in the Chief Building and Zoning Official of the City.

153.0227 POWERS AND DUTIES.

The Chief Building and Zoning Official shall administer and enforce this Zoning Code, and in addition thereto and in furtherance of said authority, shall review and approve all applications and issue permits and certificates authorized under the terms of this Code, only when all provisions of this Code have been complied with. The Chief Building and Zoning Official shall also:

- A. Forward for action to the appropriate review body all conditional use, variances, amendments, and other applications with all pertinent documentation required.
- B. Conduct or have conducted such inspections conducted as are necessary to determine compliance with the terms of this Code.
- C. Maintain permanent and current records of all the above including maps and amendments to this Code.

153.0228 COMPLIANCE REQUIRED.

In no instance shall an appointed or public official allow any public improvements to be made or building permits to be issued until all the requirements of this Code have been fully complied with.

153.0229 STOP ORDER.

Whenever any building work is being done, or uses established, altered or otherwise changed in a manner contrary to the provisions of this Code, the Chief Building and Zoning Official or other City Official may order the work stopped by notice in writing served on any person engaged in doing so causing such work to be done and any such person shall forthwith stop such work until authorized by the Chief Building and Zoning Official to proceed.

153.0230 PROSECUTION.

Whenever a violation of this Code occurs, the City Attorney in addition to and not by way of limitations of other remedies available, may file a complaint in the court of competent jurisdiction. The City Attorney may also issue and/or serve a summons, citation, or other process issued by the court of competent jurisdiction for any such violation and may prosecute the violator therefore in said court.

153.0231 PENALTIES.

A violation, by any person, corporation or otherwise, whether as principal agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor, shall be upon conviction fined not

more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense; or imprisonment for a period not to exceed **three hundred sixty- four (364) days**, or both, and a separate offense shall be deemed committed on each day during, or on which a violation occurs or continues.

153.0232 RESERVED.



APPENDIX A
USE MATRIX TABLE



Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
AGRICULTURE, FORESTRY, FISHING AND HUNTING										Structure	8000
Apiary and other related structures	-	-	-	-	-	P	P	P	P	Structure	8700
Crop production	-	-	-	-	-	P	P	P	P	Function	9100
Fishing, hunting and trapping, including game preserves and retreats	-	-	-	-	-	P	P	P	-	Function	9400
Grain silos and other storage structures for grains and agricultural products	-	-	-	-	-	P	P	P	P	Structure	8100
Greenhouses/nurseries	-	-	-	-	-	-	-	-	C	Structure	9140
Kennels and other canine-related facilities	-	-	-	-	-	C	C	C	C	Structure	8600
Stables and other equine-related facilities	-	-	-	-	-	-	-	-	P	Structure	8500
Support functions for agriculture and forestry	-	-	-	-	-	P	P	P	P	Function	9500
COMMERCIAL BUILDINGS										Structure	2000
Automobile repair and service structures	-	-	-	-	-	P	-	P	P	Structure	2280
Bars and taverns	-	-	-	-	P	P	P	-	-	Structure	2540
Beer, wine and liquor store (off premises consumption of alcohol)	-	-	-	-	-	C	C	-	-	Function	2155
Bicycle, motorcycle, all-terrain vehicle dealers	-	-	-	-	P	P	-	P	P	Function	2113
Boat or marine craft dealer	-	-	-	-	-	P	-	P	P	Function	2114
Bus, truck, mobile home or large vehicle dealers	-	-	-	-	-	-	-	P	P	Function	2112
Camps, camping and related establishments	-	-	-	-	-	P	-	-	-	Function	5400
Car care center	-	-	-	-	-	P	-	P	P	Structure	2593
Car dealer	-	-	-	-	-	P	-	P	P	Function	2111
Car rental and leasing	-	-	-	-	-	-	-	P	P	Function	2331
Car washes	-	-	-	-	-	P	-	P	P	NAICS	811,192
Commercial center	-	-	-	-	P	P	P	P	P	Structure	2200
Convenience stores or centers	-	-	-	-	C	P	P	P	P	Structure	2591
Department store building	-	-	-	-	P	P	P	P	P	Structure	2240
Gasoline service	-	-	-	-	-	C	C	P	P	Function	2116
Gasoline station	-	-	-	-	-	C	C	P	P	Structure	2270
Leasing trucks, trailers, recreation vehicles and the like	-	-	-	-	-	-	-	P	P	Function	2332
Lumberyard and building materials	-	-	-	-	C	P	-	P	P	Function	2126
Market shops, including open markets	-	-	-	-	P	P	P	P	-	Structure	2260
Office building (with drive-through facility)	-	-	-	-	P	P	-	P	P	Structure	2110
Office building over storefronts	-	-	-	-	P	P	P	P	P	Structure	2400
Office or bank building, stand-alone (without drive-through facility)	-	-	-	-	P	P	P	P	P	Structure	2100
Office or store building with residence on top	-	-	-	-	P	P	P	P	P	Structure	2300
Outdoor resale business	-	-	-	-	P	P	-	P	P	Function	2145
Parts, accessories or tires	-	-	-	-	P	P	C	P	P	Function	2115
Pawnshops	-	-	-	-	-	C	-	C	C	NAICS	5222 98
Research-and-development services (scientific, medical and technology)	-	-	-	-	C	C	C	C	C	Function	2416
Restaurant, with incidental consumption of alcoholic beverages	-	-	-	-	P	P	-	P	P	Structure	2220
Restaurant, with no consumption of alcoholic beverages permitted	-	-	-	-	P	P	P	P	P	Structure	2220
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking and crating)	-	-	-	-	P	P	-	P	P	Function	2450
Shop or store building with drive-through facility	-	-	-	-	P	P	-	P	P	Structure	2210

Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
Shopping center	-	-	-	-	P	P	P	P	P	Structure	2510-2580
Stand-alone store or shop building	-	-	-	-	P	P	P	P	P	Structure	2230
Tattoo parlors	-	-	-	-	P	P	-	-	-		
Warehouse discount store/superstore	-	-	-	-	P	P	-	P	P	Structure	2250
										Function	2124
HOTELS, MOTELS OR OTHER ACCOMMODATION SERVICES										Function	1300
Bed-and-breakfast inn	C	C	C	C	P	P	P	P	P	Function	1310
Hotel, motel or tourist court	-	-	-	-	P	P	P	P	P	Function	1330
Rooming and boarding house	C	C	C	C	P	C	P	-	-	Function	1320
INDUSTRIAL BUILDINGS AND STRUCTURES										Structure	2600
Assembly and construction-type plants	-	-	-	-	-	-	-	P	P	Structure	2621
										Function	3000
Construction-related businesses	-	-	-	-	-	-	-	P	P	Function	7000
Demolition business (Not Vehicular)	-	-	-	-	-	-	-	-	C		
Industrial parks	-	-	-	-	-	P	-	P	P	Structure	2614
Laboratory or specialized industrial facility	-	-	-	-	P	P	-	P	P	Structure	2615
Light industrial structure and facilities (not enumerated in Codes 2611-2615)	-	-	-	-	-	C	-	P	P	Structure	2610
Loft building	-	-	-	-	P	P	-	C	C	Structure	2611
Manufacturing plants	-	-	-	-	-	-	-	P	P	Structure	2613
Mill-type factory structure	-	-	-	-	-	-	-	C	C	Structure	2612
Recycling business	-	-	-	-	-	-	-	C	C		
PUBLIC ASSEMBLY STRUCTURES										Structure	3000
Active open space/athletic fields/golf courses	-	-	-	-	P	P	P	P	P	Function	6340
										Site Development	6100, 6200
Amphitheater	-	-	-	-	P	P	P	C	C	Structure	3130
Amusement or theme park	-	-	-	-	-	P	-	-	-	Function	5310
Amusement, sports or recreation establishment (not specifically enumerated)	-	-	-	-	P	P	P	-	-	Function	5300
Arcade	-	-	-	-	P	P	P	-	-	Function	5320
Bowling, billiards, pool and the like	-	-	-	-	C	P	P	P	P	Function	5380
Churches, temples, synagogues, mosques and other religious facilities	P	P	P	P	P	P	P	P	P	Structure	3500
Covered or partially covered atriums and public enclosures	-	-	-	-	P	P	P	P	P	Structure	3700
Drive-in theaters	-	-	-	-	P	P	P	C	C	Structure	3140
Exhibition, convention or conference structure	-	-	-	-	P	P	P	P	P	Structure	3400
Fitness, recreational sports, gym or athletic club	-	-	-	-	C	P	P	P	P	Function	5370
Indoor games facility	-	-	-	-	P	P	P	P	P	Structure	3200
Miniature golf establishment	-	-	-	-	C	P	C	P	P	Function	5040
Movie theater	-	-	-	-	P	P	P	P	P	Structure	3120
Passive open space	-	-	-	-	P	P	P	P	P	Function	6340
										Site Development	6100, 6200
Performance theater	-	-	-	-	P	P	P	P	P	Structure	3110

Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
Skating rinks	-	-	-	-	P	P	P		-	Function	5390
Sports stadium or arena	-	-	-	-	P	P		C	C	Structure	3300
Tobacco or tobacconist establishment	-	-	-	-	-	C	C	P	-		
INSTITUTIONAL OR COMMUNITY FACILITIES										Structure	4000
Animal hospitals	-	-	-	-	P	P	P	P	-	Function	6730
Aquarium	-	-	-	-	P	P	P	-	-	Structure	4430
Cemetery, monument, tombstone or mausoleum	-	-	-	-	C	C	C	-	-	Structure	4700
Child and youth services	-	-	-	-	P	P	P	-	-	Function	6561
Child care institution (basic)	-	-	-	-	P	P	P	P	P	Function	6562
Child care institution (specialized)	-	-	-	-	P	P	P	P	P	Function	6562
Clubs or lodges	-	-	-	-	P	C		P	P	Function	6830
College or university facility (privately owned)	-	-	-	-	P	P	P	-	-	Structure	4220
Community food services	-	-	-	-	P	P	C	-	-	Function	6563
Correctional or rehabilitation facility	-	-	-	-	-	-	-	-	P	Structure	4600
Day care center	C	C	C	C	P	P	P	P	P	Function	6562
Emergency and relief services	-	-	-	-	P	P	C	-	-	Function	6564
Emergency operation center	-	-	-	-	P	P	P	-	-	Structure	4530
Exhibitions and art galleries	-	-	-	-	P	P	P	P	P	Structure	4410
Fire and rescue station	-	-	-	-	P	P	P	-	-	Structure	4510
Funeral homes	-	-	-	-	P	P	C	P	P	Structure	4800
Grade school (privately owned)	-	-	-	-	P	P	P	-	-	Structure	4210
Hospital building	-	-	-	-	P	P	-	-	-	Structure	4110
Library building	C	C	C	C	P	P	P	-	-	Structure	4300
Medical clinic building	-	-	-	-	P	P	P	P	P	Structure	4120
Museum, exhibition or similar facility	C	C	C	C	P	P	P	P	P	Structure	4400
Other family services	-	-	-	-	P	P	C	-	-	Function	6565
Outdoor facility, no major structure	-	-	-	-	P	P	-	-	-	Structure	4440
Planetarium	-	-	-	-	P	P	P	-	-	Structure	4420
Police station	-	-	-	-	P	P	P	P	P	Structure	4520
Post offices	-	-	-	-	P	P	P	P	P	Structure	6310
Public administration	-	-	-	-	P	P	P	P	P	Structure	6200
Public safety-related facility	-	-	-	-	P	P	P	P	P	Structure	4500
School or university buildings (privately owned)	-	-	-	-	P	P	C	-	-	Structure	4200
Services for elderly and disabled	C	C	C	C	P	P	P	-	-	Function	6566
Social assistance, welfare and charitable services (not otherwise enumerated)	-	-	-	-	P	P	P	-	-	Function	6560
Space research and technology	-	-	-	-	P	P	-	P	P	Function	6330
Trade or specialty school facility (privately owned)	-	-	-	-	P	P	-	P	P	Structure	4230
Zoological parks	-	-	-	-	P	P	-	-	-	Structure	4450
RESIDENTIAL BUILDINGS										Structure	1000
Accessory Apartments/Accessory Dwelling Units	C	P	P	P	P	-	P	-	-	Structure	1130
Assisted living services	P	P	P	P	P	C	-	-	-	Function	1230
College fraternities	-	-	-	-	P	-	-	-	-	Structure	1320

Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
Community home	P	P	P	P	P	-	P	-	-	NAICS	623,210
Congregate living services	-	-	-	-	P	-	-	-	-	Function	1220
Dormitories	-	-	P	P	P	P	-	-	-	Structure	1320
Duplex structures	-	P	P	P	P	-	-	-	-	Structure	1121
Life care or continuing care services	P	P	P	P	P	-	-	-	-	Function	1240
Manufactured housing, residential design	P	P	P	P	-	C	-	-	-	Structure	1150
Multifamily dwellings (Apartments)	-	P	P	P	C	-	C	-	-	Structure	1202 -99
Other structurally converted buildings	-	P	P	P	P	-	-	-	-	Structure	1360
Retirement housing services	P	P	P	P	P	-	-	-	-	Function	1210
Single-family attached dwellings	P	P	P	P	P	C	-	-	-	Structure	1120
Single-family detached dwellings	P	P	P	P	P	C	-	C	-	Structure	1110
Single-room occupancy units	-	-	-	-	P	-	-	-	-	Structure	1340
Skilled nursing services	-	-	-	-	P	-	-	-	-	Function	1250
Temporary structures, tents and the like, for shelter (Nonrecreational)	-	-	-	-	P	C	-	-	-	Structure	1350
Townhouses	P	P	P	P	P	-	-	-	-	Structure	1140
Zero lot line or row houses	P	P	P	P	P	-	-	-	-	Structure	1122
TRANSPORTATION AND RELATED FACILITIES										Structure	5000
Automobile parking facilities	-	-	-	-	P	-	-	P	P	Structure	5200
Bus or truck maintenance facility	-	-	-	-	-	-	-	P	P	Structure	5400
Courier and messenger services	-	-	-	-	P	P	P	P	P	Function	4190
Postal transportation services	-	-	-	-	P	P	-	C	C	Function	4180
School and employee bus transportation	-	-	-	-	P	P	P	C	C	Function	4156
Surface parking, covered	-	-	-	-	C	C	C	P	P	Structure	5220
Surface parking, open	P	P	P	P	P	C	-	P	P	Structure	5210
Taxi and limousine service	-	-	-	-	P	P	P	C	C	Function	4155
Towing and other road services	-	-	-	-	P	P	-	C	C	Function	4157
Truck and freight transportation services	-	-	-	-	-	-	-	C	C	Function	4140
UTILITY AND OTHER NONBUILDING STRUCTURES										Structure	6000
Communication towers	-	-	-	-	-	P	-	C	C	Structure	6500
Environmental monitoring station (air, soil and the like)	-	-	-	-	-	-	-	-	C	Structure	6600
Fountain, sculpture or other aesthetic structure	P	P	P	P	P	P	P	C	C	Structure	6950
Gas or electric power generation facility	-	-	-	-	-	C	-	-	C	Structure	6400
Irrigation facilities	P	P	P	P	P	P	P	C	C	Structure	6290
Kiosks	-	-	-	-	P	P	P	C	C	Structure	6930
Outdoor stage, bandstand or similar structure	-	-	-	-	P	P	C	C	C	Structure	6960
Commercial playground equipment for public use	-	-	-	-	P	P	P	C	C	Structure	6940
Roadside stand, pushcarts and the like.	P	P	P	P	P	P	P	C	C	Structure	6920
Septic tank and related services	-	-	-	-	-	-	-	C	C	Function	4347
Sewer treatment plant	-	-	-	-	-	-	-	C	C	Structure	6350
Sign, free-standing (must comply with Ch. 152 of the City of Greenville Code)	-	-	-	-	A	A	A	P	P	Structure	6700
Utility structures on right-of-way	-	-	-	-	P	P	P	C	C	Structure	6100
Wastewater storage or pumping station facility; lift stations	-	-	-	-	-	-	-	C	C	Structure	6310

Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
Water reservoir	-	-	-	-	-	P	-	C	C	Structure	6280
Water supply pump station	-	-	-	-	P	P	P	C	C	Structure	6210
Water supply-related facility	-	-	-	-	-	-	-	C	C	Structure	6200
Water tank (elevated, at grade, underground)	-	-	-	-	P	P	P	C	C	Structure	6250
Water treatment and purification facility	-	-	-	-	-	P	-	C	C	Structure	6270
Weather stations or transmitters (nonresidential)	-	-	-	-	-	C	-	C	C	Structure	6520
Wells	-	-	-	-	P	P	P	C	C	Structure	6260
WAREHOUSE OR STORAGE FACILITY										Structure	2700
Large area distribution or transit warehouse	-	-	-	-	-	-	-	P	P	Structure	3600
Mini-warehouse	-	-	-	-	C	C	C	P	P	Structure	3600
Produce warehouse	-	-	-	-	-	-	-	P	P	Structure	3600
Refrigerated warehouse or cold storage	-	-	-	-	-	-	-	P	P	Structure	3600
Warehouse and storage services	-	-	-	-	-	-	-	P	P	Structure	3600
Warehouse structure	-	-	-	-	-	-	-	P	P	Structure	3600
Wholesale trade-durable goods	-	-	-	-	-	-	-	P	P	Function	3510
Wholesale trade-nondurable goods	-	-	-	-	-	-	-	P	P	Function	3520
OTHER											
Home occupations	P	P	P	P	-	-	-	P	P	Function	1300
Temporary Buildings and uses for construction <1 year	-	-	-	-	-	-	-	P	P	Function	236
Planned developments	-	P	P	P	-	-	-	P	P	Function	
Public or private park	P	P	P	P	P	-	-	-	-	Structure	5500
Mobile home parks	-	-	-	C	-	-	-	-	-	Structure	

R-1 = Single Family Residential;
 R-2 = Multiple Family Low Density;
 R-3 = Multiple Family High Density;
 R-4 = Residential District;
 D = Downtown;
 CG = Commercial General;
 CN = Commercial Neighborhood;
 IL = Industrial Light;
 IH = Industrial Heavy;
 P = permitted uses;
 C = conditional uses, and;
 NAICS = North American Industry Classification System.
 A dash ("-") indicates prohibited uses.

(B) Uses not mentioned. A use not specifically mentioned or described by category in the Use Matrix Table is prohibited. Evaluation of these uses shall be as set forth in subsection (D)(1) below.

(C) Uses preempted by state statute. Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Use Matrix Table.

(D) Interpretation.

(1) Materially similar uses.

(a) The Code Enforcement Officer shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city upon recommendation by the Planning Commission at a regularly scheduled meeting. It is the intent of this chapter to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a CUP. Uses not listed as a permitted use or CUP are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix Table, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Code Enforcement Officer shall determine whether a materially similar use exists in this section.

Use Matrix Table

Use/Activity	R-1	R-2	R-3	R-4	D	CG	CN	IL	IH	Variable	Code
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(b) Should the Code Enforcement Officer determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Code Enforcement Officer's decision shall be recorded in writing. Should the Code Enforcement Officer determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for consideration for amendment to the Zoning Code to establish a specific listing for the use in question. Unless an appeal is timely filed per the code, the Code Enforcement Officer's decision is valid. If, when seeking periodic ratification of interpretations, the Code Enforcement Officer's interpretation is reversed, then decisions made in reliance on the Code Enforcement Officer's interpretation are in violation of the Zoning Code.

(2) Rules of construction. The Code Enforcement Officer may determine that a use is materially similar if:

(a) The use is listed as within the same structure or function classification as the use specifically enumerated in the Use Matrix Table, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). The Code Enforcement Officer shall refer to the following documents in making this determination, which documents are incorporated by reference and are maintained on file in the office of the Planning Department:

1. LBCS Structure Dimension with Detail Descriptions (9-13-1999);
2. LBCS Function Dimension with Detail Descriptions (9-13-1999); and
3. LBCS Tables (9-13-1999). The use shall be considered materially similar if it falls within the same LBCS classification.

(b) if the use cannot be located within one of the APA's LBCS classifications pursuant to subsection (D) (2)(a) above, the Code Enforcement Officer shall refer to the 1997 NAICS Manual. The use shall be considered materially similar if it falls within the same industry classification of the 1997 NAICS Manual.

(3) In order to assist in interpretation of the Use Matrix Table, the LBCS and North American Industry Classification System (NAICS) numbers follow each use in the use matrix. In interpreting the use matrix, the following rules of construction apply.

(a) If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS or NAICS code number. The numbers increase as the classifications get more specific.

(b) Some uses are listed separately but fall within the same LBCS or NAICS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification. For example, NAICS 5413 ("Architectural Engineering, and Related Services") is coded under "Office, General". Assume that the Use Matrix Table sets out a classification for "Laboratories, Testing," which is NAICS 54138 ("Testing Laboratories", a subheading of 54183). The latter five-digit number (i.e., 54183) is more specific than the four-digit code (i.e., 5413). Accordingly, "Testing Laboratories" is not included within the same classification as "General Offices". However, if "Testing Laboratories" had not been separately listed, it would be permitted in all districts where "General Offices" is permitted.

SUBDIVISION CODE – 153.0300

**City of Greenville Code of
Ordinances**

Adopted:

SUBDIVISION CODE**ARTICLE X - GENERAL PROVISIONS****153.0300 INTENT AND PURPOSE.**

This chapter, herein referred to as the "Subdivision Code", or "Code", in accordance with Illinois State law (**65 ILCS 5/11-12-4 et seq.**) and the City Comprehensive Plan and Official Map, regulates the subdivision and development of land lying within the corporate limits of the City and within **one and one-half (1½) miles** of the corporate limits of the City. Specific objectives of this Code are:

- A. To preserve, protect, and promote the public health, safety, and welfare;
- B. To provide a pleasant living environment by furthering the orderly layout and use of land;
- C. To avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- D. To conserve and increase the value of land, improvements, and buildings throughout the City;
- E. To preserve the natural beauty and topography of the City to the maximum feasible extent;
- F. To provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- G. To protect against injury or damage caused by fire, pollution, flooding, stormwater runoff, or erosion and sedimentation;
- H. To provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- I. To facilitate the functionality of City infrastructure.

153.0301 JURISDICTION.

This Code shall apply to all developments of land and construction of improvements upon land, whether a subdivision platting process is required, or a traditional subdivision exists. This Code also extends to development on tracts previously subdivided. This Code, in conjunction with the City Zoning Code, shall govern the construction improvements on such tracts insofar as these impact the City and adjoining properties, as deemed such solely by the City. The term "development" is used throughout the Code to refer to not only subdivisions but also non-subdivision developments. For said developments that are not subdivisions, the City reserves the right to request, not limited to, topographical surveys, legal survey information, drainage calculations, improvement plans, fees, and permits similar to that required for subdivisions. All planning, engineering, surveying, permitting, fees, infrastructure costs, and all other costs required to effect requirements of this

Code shall be paid by the developer of the subdivision or development unless noted otherwise. The City reserves the right to withhold approvals and permits in the event that the City determines that any subdivision or development is in violation of this Code. No final plat or other instrument of conveyance shall be considered valid until the provisions of this Code have been met, as determined solely by the City.

Subdivision plats shall be required in accordance with the State of Illinois Plat Act. Said Act refers to "subdivision plat", interpreted to be final plat, as defined herein. The final plat is the final instrument of

the approval process for a subdivision or development as defined by this Code, the approval process being required to conform to this City Code.

153.0302 INTERPRETATION.

Every provision of this Code shall be construed liberally in favor of the City, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

153.0303 MORE RESTRICTIVE REQUIREMENTS APPLY.

Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulations, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law (**65 ILCS 5/11-12 11**), whenever this Code imposes higher standards than the Bond County subdivision codes, said higher standards shall supersede the Bond County regulations.

153.0304 DISCLAIMER OF LIABILITY.

- A. Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the City shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this Code. (**745 ILCS 10/1-101 et seq.**)
- B. Any suit brought against any officer, council member, agent, or employee of the City, as a result of any act required or permitted in the discharge of their duties under this Code, shall be defended by the City Attorney until the final determination of the legal proceedings.

153.0305 FORMS.

The City Council has approved the following forms for use with this Subdivision Code (**see Appendix A**). NOTE: Certificate of Zoning Compliance, Building and Occupancy Permits, and other zoning requirements are detailed in Chapter 40.

- A. Subdivision Form 1, Preliminary Plat Application and Checklist.
- B. Subdivision Form 2, Application for Subdivision Improvement Plan Examination and Checklist.
- C. Subdivision Form 3, Final Plat Application and Checklist.
- D. Subdivision Form 4, Petition for Subdivision Code Variance.
- E. Subdivision Form 5, Petition for Subdivision Code Amendment.

153.0306 SEPARABILITY.

If any part or provision of this Code or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The City Council hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section, or application.

153.0307 RESERVED.

ARTICLE II - DEFINITIONS

153.0308 CONSTRUCTION OF TERMS.

In construing the intended meaning of terminology used in this Code, the following rules shall be

observed:

- A. Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 153.0239**; terms not defined in **Section 153.0239** shall have the meanings respectively ascribed to them in the City's Zoning Code; if any term is not defined either in **Section 153.0239** or in the City's Zoning Code, said term shall have its standard English dictionary meaning.
- B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- C. Words used in the present tense shall include the future tense.
- D. Words used in the singular number shall include the plural number, and vice versa.
- E. The word "shall" is mandatory; the word "may" is discretionary.
- F. The term "City" (when used alone or in conjunction with another word or words) shall mean the City of Greenville.
- G. All distances shall be measured to the nearest integral foot, **six inches (6")**.
- H. or more shall be deemed **one foot (1')**.
- I. Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- J. References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- K. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

153.0309 SELECTED DEFINITIONS.

ADA. Americans with Disabilities Act. Note that the City has adopted the document entitled "The Illinois Accessibility Code", by the Illinois Capital Development Board, as the governing document for construction of public facilities, buildings or otherwise, within City jurisdiction.

Alley. A public right-of-way, which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

Amendment. A change in the provisions of this Code, properly effected in accordance with State law and the procedures set forth herein.

Area, Gross. The entire area within the lot lines of the property proposed for subdivision/ development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Arterial Street. A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Block. An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision) unless exterior boundary is a street, highway, or way, or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Catch Basin. An inlet (see definition) which retains debris and other matter in a settling area located below the flowline elevation of the outlet pipe.

Centerline.

- A. The centerline of any right-of-way having a uniform width;
- B. The original centerline, where a right-of-way has been widened irregularly;
- C. The new centerline, whenever a road has been relocated.

Centerline Offset. The distance between the centerlines of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Chief Building and Zoning Official. The person or persons designated by the City to enforce and administer the provisions of this Code.

Collector Street. A street which carries or is expected to eventually carry intermediate volumes of traffic from marginal and/or local streets to arterial streets. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by serving more than **one hundred fifty (150) dwelling units**.

Comprehensive Plan. The plan or any portion thereof adopted by the City Council to guide and coordinate the physical and economic development of the City. The City's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Cross Slope. The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Curb and Gutter, Integral. The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.

Cul de Sac. A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Dedicate. To transfer the ownership of a right-of-way, parcel of land, or improvement to the City or other appropriate government entity without compensation.

Develop. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Developer. An owner or agent of an owner of property undertaking improvements in the form of a subdivision or other development of land.

Development. A subdivision of, or improvements to, a tract of land.

Dimensions. Refers to both lot depth and lot width.

District, Zoning. A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the City's Zoning Code.

Easement. A right to use a portion of another person's real property for certain limited purposes.

Engineer. An Illinois Registered Professional Engineer.

Escrow Deposit. A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Frontage. The lineal extent of the front (street-side) of a lot.

Frontage Road. A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade. The degree of inclination of the site right-of-way, expressed as a percentage. Synonym for "slope".

IDOT. Illinois Department of Transportation.

Improvements. Any street, curb and gutter, sidewalk, drainage ditch, sewer, inlet (or catch basin), newly planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

Improvement Plans. The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.

Inlet. A receptacle located where a street curb/gutter opens into a storm sewer, which readily allows the passage of water while retaining any large debris at street level through the use of appropriate grating.

Intersection. The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Local Street. A street serving limited amounts of residential traffic and:

- A. Is used primarily for access to abutting properties and marginal streets;
- B. Has more than **one (1)** outlet;
- C. Is not typically a through route;

D. Serves less than **one hundred fifty (150) dwelling units**.

Lot. A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record".

Lot, Corner. A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot, Through. A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

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

Lot of Record. An area of land designated as a lot on a plat of subdivision recorded with the Bond County Recorder of Deeds in accordance with State law.

Maintenance Bond. A surety bond, posted by the developer and approved by the City, guaranteeing the satisfactory condition of installed improvements for the **two (2)** year period following their dedication.

Marginal Street. A street serving minimal amounts of residential traffic at low speeds and:

- A. Is used for access to abutting properties;
- B. Is a permanently dead-end street;
- C. Terminates in a cul-de-sac of the required dimensions;
- D. Serves no more than **twenty-five (25) dwelling units**.

Official Map. A graphic statement of the capital improvements planned by the City which require the acquisition of land such as streets, drainage systems, parks, etc.

Owner. A property owner.

Performance Bond. A surety bond posted by the developer and approved by the City, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Plan Commission. An advisory body to the City Council on all present/future plans and planning. Members are appointed by the City Mayor and approved by the City Council Members.

Plat, Final. The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the Bond County Recorder of Deeds.

Plat, Preliminary. Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of subdivision.

Reserve. To set aside a parcel of land in anticipation of its acquisition by the City or other appropriate government entity for public purposes.

Reserve Strip. A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Reverse Curve. A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S shape.

Right of way, Public. A strip of land which the owner/subdivider has dedicated to the City or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as R.O.W.

Setback, Front. The horizontal distance between the lot line and the building line. Minimum setback requirements are set forth in the City Zoning Code.

Sewerage System, Private. A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Sidewalks. A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Stop Order. An order used by the Chief Building and Zoning Official or other City Official to halt work-in-progress that is in violation of this Code.

Street. A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, land, place, drive, court, and

similar designations, but excludes an alley or a way for pedestrian use only.

Structure. Anything constructed or erected on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

Stub Street. A street that is temporarily terminated, but that is planned for future continuation.

Subdivider. Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing, or proposing to divide land in a manner that constitutes a subdivision as defined in this Code.

Subdivision. Any division of land into **two (2)** or more lots, except as set forth in the Plats Act, (**765 ILCS 205/1 et seq.**).

Subdivision, Minor. A division of land into **two (2)** but not more than **four (4) lots**, all of which front upon an existing street, and not involving any new streets, other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Substantial Completion. The time at which the improvements (or a specified part thereof) has progressed to the point where, in the opinion of the Code Enforcer and/or Public Works Supervisor, the improvements (or a specified part thereof) is sufficiently complete, in accordance with the improvement plans, so that the improvements (or a specified part thereof) can be utilized for the purpose for which it is intended. The terms "substantially complete" and "substantially completed" as applied to all or part of the improvements refer to Substantial Completion thereof.

Surveyor. A registered Illinois Professional Land Surveyor.

Topography. The relief features or surface configuration of an area of land.

Vacate. To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the Bond County Recorder of Deeds.

Variance, Subdivision. A relaxation in the strict application of the design and improvement standards set forth in this Code.

Zoning Hearing Officer. An appellate, interpretive, and advisory hearing officer designated to assist in the administration of zoning provisions.

ARTICLE III - DESIGN AND IMPROVEMENT STANDARDS

153.0310 APPLICABILITY OF ARTICLE.

No land within the subdivision jurisdiction of the City, other than land that is specifically exempted from the requirements of the **Illinois Plat Act (765 ILCS 205/1 et seq.)**, shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. (**See 65 ILCS 5/11-12-8 and 765 ILCS 205/1 et seq.**) No lot in any Commercial, Industrial, or Residential subdivision shall be conveyed or offered for conveyance until:

- A. The final plat of said subdivision has been approved by the City Council and recorded in the office of the Bond County Recorder of Deeds; and
- B. The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Chief Building and Zoning Official shall not issue a Certificate of Zoning Compliance for any lot conveyed in violation of this Section; nor shall the Chief Building and Zoning Official issue a Building Permit for such lot until said Certificate has been issued following correction of violation.

153.0311 SUITABILITY FOR SUBDIVISION GENERALLY.

Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless

the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

153.0312 LOT REQUIREMENTS.

All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; watercourses or land reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

153.0313 ACCESS AND RELATIONSHIP TO STREET.

Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 153.0246**. All side lot lines shall be at straight right angles to street right-of-way lines, or radial to curved street right-of-way lines, except where a deviation from this rule will provide a better street and lot design.

153.0314 REFERENCE MONUMENTS.

Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. (**765 ILCS 205/1 et seq.**). All lot corners shall be marked by **one-half inch (1/2")** iron pins not less than **twenty-four inches (24")** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one and one-half inches (1 1/2")**.

153.0315 DOCUMENTS GOVERNING PLANNING, DESIGN, AND CONSTRUCTION.

All studies, traffic studies, geometrics, drainage calculations, structural designs, pavement designs, construction details, material types, and construction inspection testing requirements shall be in general accordance with the most current of the following, except as modified by this Code:

- A. Illinois Department of Transportation (IDOT):
 1. Bureau of Local Roads and Streets Manual,
 2. Drainage Manual and Appendix,
 3. Standard Specifications for Road and Bridge Construction,
 4. Supplemental Specifications and Recurring Special Provisions,
 5. Culvert Manual,
 6. Bridge Manual,
 7. Construction Manual,
 8. Project Procedures Guide,
 9. Highway Standards,
 10. Other IDOT references deemed applicable by the City on a case-by-case basis;
- B. Standard Specifications for Water & Sewer Main Construction in Illinois;
- C. United States Geological Survey - Estimating Flood-Peak Discharge Magnitudes and Frequencies for Rural Streams in Illinois;
- D. Illinois Environmental Protection Agency (IEPA):
 1. Title 35, Subtitle C, Chapter II, Part 370, Illinois Recommended Standards for Sewage Works;
 2. Title 35, Subtitle F, Chapter II, Part 652, Permits;
 3. Title 35, Subtitle F, Chapter II, Part 653, Design, Operation and Maintenance Criteria;

E. Illinois Department of Public Health:

1. Illinois Plumbing Code;

F. City of Greenville Municipal Standard Details as referenced in the Appendix of this code.

The City reserves the right to require the developer to utilize design, detailing, and construction criteria from other references other than those listed above as the City deems necessary. The City reserves the right to establish construction sampling and testing frequencies greater than those prescribed in the IDOT Project Procedures Guide.

153.0316 STREET DESIGN STANDARDS.

All streets shall be properly integrated with the existing and proposed street system indicated in the City Comprehensive Plan and shall meet the specifications set forth in the tabular form below.

TABLE OF STREET DESIGN SPECIFICATIONS

Type of Street	Required Pavement Width (1)	Permitted On-Street Parking	Required Sidewalks	Total Required R.O.W.	Maximum/Minimum Grades
Residential Marginal Access	28 ft.	One Side	4 ft. Both Sides	50 ft.	Max.: 8% Min.: 0.4%
Residential Local	34 ft.	Both Sides	4 ft. Both Sides	50 ft.	Max.: 8% Min.: 0.4%
Residential Collector	38 ft.	Both Sides	4 ft. Both Sides	60 ft.	Max.: 5% Min.: 0.4%
Residential Arterial	28 ft.	None	5 ft. Both Sides	50 ft.	Max.: 4% Min.: 0.4%
Commercial/Industrial Local	28 ft.	None	5 ft. Both Sides	60 ft.	Max.: 4% Min.: 0.4%
Commercial/Industrial Major Arterial	37 ft.	None	5 ft. Both Sides	60 ft.	Max.: 4% Min.: 0.4%

1. Required pavement widths are actual widths of the paved surface including the abutting gutter and curb and gutter. For additional requirements see Typical Section Figures.
2. Upon review of any development and upon its determination by the Code Enforcement Officer and Public Works Supervisor, that a traffic safety or service level concern or any other such infrastructure service or public safety concern may reasonably exist relating to the construction or development to be permitted by the City, the City may subsequently require the developer, at developer's cost, to submit a traffic study or such other study as may be needed to address the identified concern. The City may accept such studies as presented by

the developer; however, the City may require additional studies to be prepared as necessary to ensure the standards herein are conformed to and that the public safety and welfare is protected.

The City may, at its discretion, direct the conduct of such studies and may require such studies to be paid for by the developer/subdivider.

- A. **Topographical Considerations.** Grades of streets shall conform as closely as possible to the natural topography but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.
- B. **Through Traffic Discouraged.** Local streets may be laid out to discourage use by through traffic. A rectangular gridiron street pattern is the preferred layout pattern; however, the use of curvilinear streets, cul-de-sacs, or U-shaped streets from time to time is encouraged to effect a more desirable street layout. When designing local streets, subdividers/developers shall be mindful of emergency service vehicles movement requirements and restrictions, and ease of access to underground public utilities by City Public Works personnel.
- C. **Limited Access to Arterials.** Where a subdivision abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the City Council that access to said arterial be limited by **one (1)** of the following means:
 1. The subdivision of lots so that they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access restricting) strip along the rear lot lines of such lots;
 2. A series of cul-de-sacs, U shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial; or
 3. A frontage road separated from the arterial street by a planting strip but having access thereto at suitable points.
- D. **Dead End Streets.**
 1. Temporary Stub Streets. Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire, medical and police protection, and efficient provision of utilities, and where such continuation comports with the City's Comprehensive Plan. If the adjacent property is undeveloped and the street must dead end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout either circular or Y-shaped shall be provided at the terminus of any temporary dead-end street.
 2. Permanent Dead-End Streets. For greater convenience to traffic and more effective police, medical and fire protection, permanent dead-end streets shall be limited to **five hundred feet (500')** in length. The terminus of a permanent dead-end street shall not be closer than **fifty feet (50')** to the boundary of an adjacent tract. A cul-de-sac turn-around shall be provided at the end of every permanent dead-end street as shown in **Detail R-5**.
- E. **Alleys.** Alleys shall generally be prohibited in the Residential District but may be required. Alleys are required in all Business and Industrial Districts unless other adequate provisions for service access are made. When required or provided, alleys shall be at least **twenty feet (20')** wide and shall be paved in accordance with **Section 153.0247**. Alleys normally shall not intersect with one another nor change sharply in alignment. Adequate vehicular turnaround space shall be provided at the terminus of any dead-end alley.

F. Intersections.

1. **Only Two (2) Streets.** Not more than **two (2) streets** shall intersect at any one point.
 2. **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five degrees (75°)**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred feet (100')** therefrom.
 3. **Proper Alignment.** Proposed new intersections along **one (1) side** of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred fifty feet (150')** shall not be permitted except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred feet (800')** apart.
 4. **Curb Radii.** To permit safe vehicular movement at corners, the minimum curb radius at the intersection of **two (2) streets** shall be **twenty feet (20')**.
 5. **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **two percent (2%)** slope for a distance of **sixty feet (60')** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.
 6. **Maximum Cross Slope.** The cross slopes on all streets, including intersections, shall not exceed **three percent (3%)**.
 7. **Adequate Sight Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area of land bounded by the intersecting street lines and a line joining the **two (2) points** along those street lines that are each **thirty feet (30')** from the point of intersection, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.
- G. **Reverse Curves.** A tangent (i.e., straight section) at least one hundred feet (100') long shall be introduced between reverse curves on collector streets for better alignment and improved visibility.
- H. **Improvements to Existing Streets.** Whenever any subdivision abuts an existing street or street easement that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side of the subdivision to permit compliance with those standards. The developer shall be responsible for improving one-half (1/2) said street to the standards imposed by the City's current street requirements of this code. The developer shall also pay IDOT, the City or Township (where applicable) for one-half (1/2) the cost, or costs determined by said agencies, for required improvements to existing street/easement under their control, as a result of building the subdivision.
- I. **When Excess Right-of-Way Required.** Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:
1. Due to topography, additional width is necessary to provide adequate earth slopes; or
 2. Due to the location of railroad tracks, additional width is needed to construct overpasses and approaches thereto.
- J. **Center Turn Lanes.** are prohibited in all residential districts, or in other business districts that have residences co-mingled. Center turn lanes shall be constructed as specified in current IDOT standards. The City reserves the right to approve or not approve all construction, location, and

design.

- K. **Parking.** On-street parking requirements are detailed in the Table of Street Design Specifications. Off-street parking requirements are contained in the City Zoning Code.

153.0317 STREET IMPROVEMENTS STANDARDS.

All new streets shall be graded, curbed, and surfaced in accordance with the standards of the Illinois Department of Transportation and the provisions of the subsections below.

- A. **Curb and Gutter.** All streets shall be bounded by a type of curb a gutter as indicated on the Transverse Street Sections (**See Detail R-1**) for the particular classification of the street. Standards for the various types of curb and gutter are in **Details R-2 and R-3**. Furthermore, when the proposed improvements abut an existing street not having the same type of curb and gutter or no gutter at all, the new improvements shall be transitioned into the existing gutters or ditches.

- B. **Earth Subbase.** The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend **two feet (2')** beyond the width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with the current edition of the Illinois Department of Transportation's "**Standard Specifications for Road and Bridge Construction**". The results of the soil analysis shall be filed with the Code Enforcement Officer and Public Works Supervisor.

Compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred lineal feet (500LF)** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's engineer, shall be filed with the Code Enforcement Officer and Public Works Supervisor.

- C. **Pavement.** All street and alleys shall be paved as shown in **Detail R-1**; with the Code Enforcement Officer and/or Public Works Supervisor reserving the right to select the most appropriate option; likewise, equivalents to the standards may be approved by the Code Enforcement Officer and/or Public Works Supervisor depending on engineering and traffic volume considerations.

Materials and construction techniques must be in accordance with the applicable sections of the latest edition of the "**Standard Specifications for Road and Bridge Construction**" as published by the Illinois Department of Transportation.

153.0318 BLOCKS.

- A. **Block Width.** Blocks shall be sufficiently wide to accommodate **two (2)** tiers of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.
- B. **Block Length.** No block shall be longer than **one thousand two hundred feet (1,200')** nor shorter than **two hundred fifty feet (250')**. Wherever practicable, blocks along collector streets shall be not less than **one thousand feet (1,000')** in length.
- C. **Crosswalks.** Crosswalks, not less than **ten feet (10')** wide, may be required through the center of blocks more than **eight hundred feet (800')** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

153.0319 SIDEWALKS.

- A. **Sidewalks shall be required:**

1. on both sides of a local street, when residential density is **two (2)** or more dwelling units per net acre; and,
2. along both sides of streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Plan Commission advises the City Council that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

B. **Construction Standards.**

1. **Relationship to Curb.** Sidewalks shall be located as shown on the corresponding street classification detail.
2. **Width.** Sidewalk width shall be that as shown on the corresponding street classification detail.
3. **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four inches (4")** thick, except that across driveways, the thickness shall be increased to **six inches (6")** and number **six (6)** reinforcing mesh shall be used.
4. **Grade.** No sidewalk shall be constructed at a grade steeper than **ten percent (10%)**.
5. **Ramps at Intersections.** Curbs shall be cut, and sidewalks shall be ramped at all intersections to enhance the mobility of handicapped individuals and comply with the Americans with Disabilities Act (ADA).
6. **Cross Slope.** The maximum cross slope on sidewalks shall be **two percent (2%) (one-fourth inch per foot, (1/4"/ft))** to comply with ADA. This cross slope shall be maintained through all driveways.

153.0320 LANDSCAPING.

- A. **Planting Requirements.** All planting strips within the public right-of-way shall be graded and landscaped in such a manner as to meet the approval of the City Council. In general, such landscaping shall include the use of various tree species, including American or English Elm, American or European Linden, Hard Maple, Pin Oak, Red Oak, Sycamore, or other species as approved by the City Council. Such trees shall be spaced not more than one hundred feet (100') apart, no closer than thirty feet (30') from a street intersection, and shall be placed an adequate distance from sidewalks, curb and guttering, and streets to eliminate the possibility of root damage.
- B. **Landscape Berms.** Whenever the back or side yards of a residential development face non-subdivision streets, a landscape berm is required. A landscape plan for the required berm shall be submitted for review and approval by the Chief Building and Zoning Official.
 1. **Required Berms.** A minimum thirty foot (30') wide natural landscape buffer, a minimum of four feet (4') in height with a maximum slope of 3:1 (to include a berm that will provide visual protection to the property owner from the roadway) is required whenever the back or side yards of a residential development face non-subdivision streets or whenever a landscape berm is otherwise required on the plat.
 2. **Location.** Areas consisting of berms, evergreens, and other landscaping, which act as a buffer between the development and major thoroughfares, shall be located in a landscaping easement that will be maintained by the adjacent property owner, or on outlots to be maintained by a Homeowner's Association. Berms shall not be placed over utilities. Fences will not be allowed in landscape easements.
 3. **Maintenance.** Required landscape berms shall be placed in common ground for permanent maintenance, or if otherwise approved by the City Council, may be part of any lot, the buffer shall be subject to a permanent maintenance easement acceptable to the City and shall not be counted in the calculation of minimum lot size required by the applicable zoning. Such easements shall be deed restricted to prevent adjacent property owners from constructing any facilities or structures (including fences) on a berm or easement.

153.0321 STREETLIGHTS.

- A. **Required Locations.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than **one (1) streetlight per four hundred feet (400')** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling developments, lighting shall be provided within parking areas at a minimum rate of **one (1) light per twenty-five (25) parking spaces** or any fraction thereof.
- B. **Streetlight System Standards.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Plan Commission, Code Enforcement Officer, Public Works Supervisor, and the appropriate electric utility company. The lighting intensity of each streetlight shall be equivalent, at a minimum, to a 175-watt lamp or 6800 mercury luminaire lamp. Each streetlight standard (post) shall be at least **sixteen feet (16')** high.

153.0322 STREET NAME SIGNS.

Street name signs of the size, height, and type approved by the City Council shall be purchased by the City and placed at all intersections within or abutting any subdivision with the developer reimbursing the City for all expenses incurred. Street names shall be sufficiently different in sound and spelling from other street names in the City so as to avoid confusion. A street which is planned as a continuation of an existing street shall bear the same name. The City Council reserves the right to approve and/or disapprove all street names.

153.0323 UTILITIES.

All utility lines shall be located underground throughout all subdivisions in all zoning districts, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one foot (1')** below the finished grade, while water and sewer utility lines shall be a minimum of **three feet (3')**. In addition, any support equipment required to be above ground (e.g. transformer boxes, vaults, wiring pedestals, etc.) shall be located in a safe and sightly manner.

To enhance the appearance of a lot for a homeowner, support equipment shall wherever possible be located on the rear (back yard) lot lines provided easement and access for the utility maintainer is provided. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one foot (1')** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that, on the recommendation of the City Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

- A. **Utility Easements.** Easements shall be provided for public and private utilities. Front yard easements for City water and sewer placement are preferred and shall be **twenty feet (20')** wide. Rear and side yard easements are permitted depending on conditions and shall be **twenty feet (20')** wide and centered on abutting lot lines. Subdividers/developers shall be mindful that placement of driveways, sidewalks, parking lots, etc., over City provided utilities, even with written easements, requires owners or future owners to bear the cost of all replacement (similar or like) surface material in the event of repair or replacement. Full determination of precise location and minimum width shall be made by the Code Enforcement Officer or Public Works Supervisor.
- B. **Excavation Backfill.** The trench width for installation of all water and sewer lines shall be a maximum of **one and one-half foot (1½')** greater than the outside diameter of the pipe being placed. Pipe shall be placed on bedding material free of stones, frozen clods, or other materials

likely to cause damage to the pipe material. The initial lift of backfill shall be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed such that uniform support of the pipe haunches is obtained and to a depth of one-half diameter of the pipe. The next lift of backfill material shall again be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed for a minimum compacted depth of **six inches (6")** above the top of the pipe. The remaining backfill shall be placed in compacted layers of approximately **six inch (6")** lifts.

Water or sewer lines which fall within the area bounded by an imaginary vertical plan located **one foot (1')** outside the curb and gutter lines, shall be backfilled with sand placed in **six inch (6")** compacted lifts to a depth of **eighteen inches (18")** below the finished grade. Should the line cross beneath the curb and gutter or fall in the roadway, the least **eighteen inches (18")** of backfill shall consist of CA-6 or CA-7 gradation crushed stone in accordance with the current edition of the Illinois Department of Transportation's "**Standard Specifications for Road and Bridge Construction**". Other areas may be backfilled with select earthen material. Water and sewer lines consisting of non-ferrous pipe materials shall require placing detector wires or tape such that the location of the line may be found using available metal detecting equipment.

153.0324 WATER FACILITIES.

An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations.

- A. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line.
- B. If the public water system is not within **two thousand feet (2,000')** of the development, individual wells may be used or a private central water system may be developed, provided the Code Enforcement Officer and Public Works Supervisor approve such facilities. All water distribution lines shall be at least **six inches (6")** in diameter, larger size may be required as determined by the Code Enforcement Officer and Public Works Supervisor; also, valves shall be so located that not more than **eight hundred feet (800')** of water main shall be put out of service at any time.
- C. **Fire Hydrants.** Fire hydrants of the type approved by the City Fire Chief and Commissioner of Public Works shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five inch (5")** barrel, be equipped with **two (2)** connections for **two and one-half inch (2½")** hose and **one four inch (4")** fire truck/pumper connection and have a separate shut-off valve and box of at least **six inches (6")** in nominal size. Fire hydrants shall be installed throughout the subdivision at intervals of **four hundred feet (400')** or less.

153.0325 SANITARY SEWERS.

All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency and must be approved by the Code Enforcement Officer and Public Works Supervisor. Sanitary sewers shall be televised prior to any private lateral connection and being accepted by the City. Videos of televised inspection will be provided to the City for their records.

- A. **When Public System Available.** Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision and shall provide each lot with a connection thereto. Sewers shall be installed at reasonable depths. Basements shall not be served by gravity; individual sewage ejector pumps shall be used to provide sanitary sewer service to basements. Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the City. Occasionally the City may require the subdivider

to install a system with a capacity greater than the needs of the individual subdivision. In these instances, the City may participate in the additional costs involved with increasing the capacity of the system.

- B. **When Public System Unavailable.** Land within the subdivision jurisdiction of the City where the public sanitary sewerage system is not reasonably accessible, the developer shall provide sanitary sewers in accordance with such plans and temporarily cap them. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed or, in the case of subdivisions containing not more than **ten (10) lots**, individual sewage disposal systems may be used.
- C. **Individual Disposal Systems.** Individual sewage disposal facilities, such as septic tanks, shall not be installed in any subdivision containing more than **ten (10) lots** as shown on the final plat or as subsequently developed. Where individual disposal facilities are permitted, the Plan Commission in coordination with the Commissioner of Public Works,

The City's Code Enforcement Officer and Public Works Supervisor may require that the minimum lot size be increased as necessary, above usual zoning district requirements. Evidence of the approval of the proposed individual system by the Illinois Department of Public Health or satisfactory test reports for the particular system shall be furnished to the Chief Building and Zoning Official upon request.

153.0326 DRAINAGE AND STORM SEWERS.

The City Plan Commission shall not recommend the approval of any plat unless, after consultation with the Code Enforcement Officer and Public Works Supervisor, they determine that the proposed provisions for stormwater drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated City system. Stormwater detention shall be required and shall be separate and independent of the sanitary sewer system.

The plans and specifications for the disposing of stormwater and the construction thereof shall be subject to the approval of the Commissioner of Public Works and the City's Code Enforcement Officer and Public Works Supervisor. The design of the entire stormwater drainage system shall be in accordance with most current IDOT "**Bureau of Local Road and Streets Administrative Policies**" and the IDOT "**Drainage Manual**".

Pipe culverts and other systems to convey flow for ditches, streams, etc., shall be designed for at least the **twenty-five (25) year** storm. Pavement drainage systems shall be designed for at least the **ten (10) year** storm. The entire subdivision shall be analyzed for the effects of the **one hundred (100) year** storm to assure that buildings are properly elevated above the floods occurring beyond the design capabilities of the stormwater structures.

- A. **Sump Pump Drainage.** Subdividers/developers shall design and install a central drainage backbone of sufficient size, and shall provide and install at each building, at least a **three inch (3")** access to the central drainage backbone for basement sump pump. The central backbone shall be connected into the storm sewer at necessary intervals throughout the subdivision to handle all water flow.
- B. **Inlets and Catch Basins.** Inlets, where required, shall be constructed to Illinois Department of Transportation specifications unless otherwise approved by the City Council, so that surface water is not carried across or around any intersection, nor for a distance of more than **four hundred feet (400')** in the gutter. The use of catch basins shall be permitted/required by the Code Enforcement Officer and Public Works Supervisor in locations where the slope of the stormwater drainage system is deemed inadequate in terms of generating a flow velocity capable of transporting debris and other matter through the system.
- C. **Accommodation of Upstream Drainage Areas.** A culvert or drainage facility large enough

to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with the City's Code Enforcement Officer and/or Public Works Supervisor's specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted under the zoning district regulations.

- D. **Effect on Downstream Areas.** The Code Enforcement Officer and Public Works Supervisor shall also consider the effect of any proposed subdivision or downstream areas. Where it is anticipated that the additional runoff incident to development of the subdivision will overload an existing downstream drainage facility, the City Council shall require the developer to install additional drainage improvements to alleviate the overload problem.
- E. **Partial Compensation for Oversize Improvements.** The City Council, with the assistance of the City Attorney, may make satisfactory arrangements to compensate the developer for any portion of the cost of oversize drainage improvements that is not attributable solely to the subdivision in question.
- F. **Areas Subject to Flooding.** Whenever a plat is submitted for an area that is subject to flooding, the City Council may require appropriate protective measures, including the filling of the flood prone area to a level above the regulatory flood elevation.
- G. **Drainage Easements.** Adequate easements for stormwater drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of stormwater from streets, alleys, and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the Code Enforcement Officer and Public Works Supervisor.

153.0327 TEMPORARY EROSION AND SEDIMENTATION CONTROL.

No subdivision or development disturbing land of more than **five thousand square feet (5,000 sf)**, shall be approved by the City without a written Erosion & Sediment Control Plan (text) and a graphical depiction of erosion control measures for the activity being undertaken. Both of the aforementioned shall be inserted as sheets in the improvement plans. The City is applying typical NPDES requirements for **one (1) acre** area to said **five thousand square feet (5,000 sf)** areas (minimum) and larger areas. The Erosion & Sediment Control Plan shall include example text described in the Municipal Standard Details, including the NPDES Permit Number and Certification by the developer's engineer directly on the plans or utilize current IDOT verbiage directly on the plans as opposed to separate documents to facilitate review in the field.

The developer shall initiate and complete improvements such that the smallest increments of disturbed earth result. Temporary seeding and mulch shall be used in accordance with IDOT requirements. The **IDOT Bureau of Design and Environment Manual** which references the **Illinois Urban Manual**, provides guidelines for the number of temporary ditch checks, inlet and pipe protection, and other temporary erosion and sediment controls.

- A. Temporary vegetation or, where appropriate, mulching, or other non-viable cover shall be used to protect areas exposed during development.
- B. Adequate provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions both during and after development. Appropriate devices, such as sediment basins, debris basins, desilting basins, or silt traps, shall be installed and maintained to remove sediment from surface waters leaving the development.
- C. No development shall be occupied until:
 - 1. Grading has been completed in accordance with the approved final plat and plans; and
 - 2. At least **four inches (4")** of topsoil equal in quality to the soil that was on site prior to

development has been spread over each residential lot.

153.0328 DEDICATIONS FOR PUBLIC USE.

The City Council may require the developer to dedicate (i.e., transfer without compensation) to the City or other appropriate governmental entity suitable parcel(s) of land within the subdivision for parks, playgrounds, schools, bikeways, access ways to these facilities, or other public purposes provided the need for such facilities is uniquely and specifically attributable to said subdivision and the requirement is in conformance with the City Comprehensive Plan. Any such dedicated area shall be shown on the final plat.

If a parcel of land suitable for such purposes is not available within the subdivision, the City Council may require that, as a condition for final plat approval, the developer deposit funds with the City to acquire or improve recreational or educational facilities that are/will be located in the vicinity of the subdivision and available and beneficial to the residents thereof.

The amount of the required deposit shall not exceed that portion of the cost of such acquisition/improvement which is uniquely and specifically attributable to the subdivision.

- A. **Access.** Access and connections to parks, playgrounds, schools, bikeways, or other public facilities are to be provided by way of open access ways between private land and/or from public right-of-way. The access ways should be a minimum of **thirty feet (30')**.

153.0329 RESERVATIONS FOR PUBLIC USE.

At the sole discretion of the City Council, instead of requiring the developer to dedicate parcels, the City Council may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the City's Comprehensive Plan. Since public acquisition of reserved land requires compensation, it is not essential that the need for such land be uniquely and specifically attributable to the subdivision. **(65 ILCS 5/11-12-8)**

The City or other appropriate governmental entity must take action to purchase or condemn any land reserved for public purposes within **twelve (12) months** from the date of final plat approval. Failure to initiate such action within the prescribed time limit shall result in removal of the reservation and the consequent freeing of the property for other permitted development.

153.0330 PHASED DEVELOPMENT.

When a developer is undertaking phased development of a tract or multiple tracts, the entire tract(s) must be depicted via the preliminary plat and improvement plans with all required calculations and submittals for all proposed improvements for the entire tract. This is to ensure that the proposed infrastructure is planned comprehensively for as large an area as possible, i.e. sanitary sewer mains and lift stations, detention systems, etc. The preliminary plat and improvement plans shall have that section being constructed, coinciding with the section shown on the final plat, clearly delineated.

The final plat, or plats, shall coincide with the phase of the improvement plans being constructed and shall not show, as part of the platted boundary, future lots and development associated with future improvements within the entire tract.

Special attention is called to drainage systems, including detention and retention facilities. The area of the detention or retention facility associated with the improvements for the entire tract(s) and not just those being platted shall be included in the platted boundary of review. The detention or retention facility outlet systems shall be designed to detain only the pre- development discharges associated with the areas being platted though the reservation of surface area and volume shall be designed for the entire tract(s). No improvements shall begin until the detention or retention facility associated with those improvements is constructed.

Approved preliminary plat and improvement plans which show information for the entire tract(s) will expire within **five (5) years** of approval of improvement plans for the initial phase, though action on

approved preliminary plats initiates earlier than **five (5) years** as noted in other sections of this Code. Improvement plans associated with each initial and subsequent final plat boundaries desired for recording shall be submitted, and these shall depict constructed improvements (record drawings). Within said time period, final plats associated with other sections of the approved preliminary plat and improvement plans for the entire tract may be submitted.

153.0331 IMPROVEMENTS BEYOND PLATTED BOUNDARY.

All improvements beyond the platted boundary including, but not limited to, potable water mains, sanitary sewer systems, utilities, drainage systems including those on the surface and underground conduits, and detention or retention facilities, shall be included in permanent easements or right-of-way dedicated to the City and platted via separate documents including a plat of easement and easement agreement or other approved instruments.

Additionally, when there are proposed infrastructure improvements beyond the platted boundary such as sanitary sewer main extensions, detention systems, etc., being dedicated by separate documents, said improvements shall be included as part of the improvement plans and shall be designed in conformance with requirements of this Code for such improvements. This extends, for example, to the sizing of sanitary sewer systems as gravity-fed systems to intercept **one thousand feet (1,000')** beyond the platted boundary.

153.0332 RESERVED.

ARTICLE IV - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

153.0333 FILING OF PLAT.

Except as specifically provided otherwise, every person who proposes to subdivide any land located within the subdivision/zoning jurisdiction of the City shall file with the City Clerk, **four (4) copies** of the preliminary plat of said subdivision along with a completed "**Preliminary Plat Application & Checklist.**" (See **Subdivision Form 1**)

Each subdivider/developer/builder (whenever appropriate) shall also file **one (1) copy** of the preliminary plat and supporting data with the Bond County Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the City Plan Commission for City Council review and approval. (**70 ILCS 405/22-02a**)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a preliminary plat of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **65 ILCS 5/11 12-8**, and the provisions of the subsection below. **EXCEPTION:** The provision of this Section shall not apply to:

- A. Minor subdivisions as defined herein; or
- B. Land that is specifically exempted from the Illinois Plat Act as now or hereafter amended. (**765 ILCS 205/1**)

153.0334 INFORMATION REQUIRED.

Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor generally at the scale of **one hundred feet (100')** to **one inch**; provided, however, that if the resultant plat would be less than **eight and one-half inches (8½")** by **fourteen inches (14")** or larger than **thirty inches (30")** by **thirty-six inches (36")**, a scale as recommended by the City's Code Enforcement Officer

shall be used. Said preliminary plat, together with the supporting data, shall provide the following information on the tract to be subdivided:

- A. Name, address, and telephone number of the owner, the subdivider (if not the owner), the surveyor, and the engineer;
- B. Proposed name and type of subdivision;
- C. Zoning district classification(s) of the tract and that of the surrounding properties;
- D. North arrow, graphic scale, date of map, and "Preliminary Plat Not for Record" statement;
- E. Legal description, dimensions, and gross area of the tract;
- F. Topography of the tract as indicated by **two foot (2')** contour data for land having **zero to four percent (0-4%)** slopes, **five foot (5')** contour data for land having **four to twelve percent (4-12%)** slopes, and **ten foot (10')** contour data for land having **twelve percent (>12%)** or greater slopes;
- G. Location and description of significant natural and manmade features existing on the site;
- H. Location, and right-of-way width of all existing and proposed streets (include name), alleys, sidewalks, planting strips, trails, and crosswalks;
- I. Location, width, and purpose of all existing and proposed easements;
- J. Description of all existing and proposed deed restrictions and covenants;
- K. Location, type, and approximate size of all existing and proposed utilities;
- L. Location, dimensions, area, and description of all parcels to be reserved or dedicated for public purposes;
- M. Location, dimensions, area, and use of all proposed or existing lots within the subdivision; and
- N. Location and description of all existing and proposed off-street parking space and loading berth areas, with the exception of lots for single-family residences; and
- O. FEMA Flood Map information.

In addition, the subdivider shall furnish the City Council with a sample sales contract that reflects both restrictive covenants and local development ordinances, which the property will be subject to.

153.0335 ACTION BY THE PLAN COMMISSION.

- A. Upon receipt of a preliminary plat and its application, the City Plan Commission shall review the plat to ensure it meets the requirements of **Section 153.0300** and that it is compatible with the City's Comprehensive Plan. The Plan Commission shall either recommend approval or disapproval of the application for preliminary plat within **thirty (30) days** from the date of said application or the filing of the last item of required supporting data.
- B. The Plan Commission shall promptly file an advisory report with the City Council of its recommendations. If the recommendation is for disapproval, the advisory report shall include a written statement specifying the aspects in which the proposed plat fails to conform to this Code, the Official Map, or the City's Comprehensive Plan.

153.0336 ACTION BY THE CITY COUNCIL.

- A. After receipt of the preliminary plat, its application and advisory report from the Plan Commission, the Code Enforcement Officer, and the Public Works Supervisor shall review all documents and provide the City Council their recommendations. The City Council, by vote, shall either accept or reject said plat within **thirty (30) days** at their next regularly scheduled meeting following the Plan Commission's action.
- B. If the City Council rejects the preliminary plat, the official meeting minutes shall specify the aspects in which the plat fails to comply with this Code, the Official Map, or the City's

Comprehensive Community Plan. The City's Code Enforcement Officer on behalf of the City Council, shall notify the subdivider/developer in writing the improvements that will remove the disapproval.

- C. Upon approval of the preliminary plat by the City Council (City Council approval shall not qualify a Preliminary Plat for recording), the Code Enforcement Officer shall instruct the subdivider/developer to proceed with the requirements of **Section 153.0338**.

153.0337 RESERVED.

DIVISION II - IMPROVEMENT PLANS

153.0338 SUBMISSION OF IMPROVEMENT PLANS.

After the City Council has approved the preliminary plat, but prior to submission of the final plat, the subdivider shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision, along with a completed "Application for Subdivision Improvement Plan Examination and Checklist" (**See Subdivision Form 2**), to the City Clerk for evaluation by the Plan Commission, Code Enforcement Officer, Public Works Supervisor, and other City Officials as necessary. This application, along with the included plans and specifications, shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the Code Enforcement Officer and Public Works Supervisor certify in writing that the proposed improvements conform to generally accepted engineering practices and to the standards imposed in this Code:

- A. The Chief Building and Zoning Official shall not issue any building permit to allow construction of said improvements; and
- B. The City Council shall not act upon the application for final plat approval.

153.0339 INFORMATION REQUIRED.

Improvements plans shall consist of black or blue line prints not larger than **thirty-six inches (36") square** and at a minimum horizontal scale of **one hundred feet (100')** to **one inch (1")** or minimum vertical scale of **five feet (5')** to **one inch (1")**. These plans and the related specifications shall provide all of the following information:

- A. Topography of the tract, both before and after development at the same scale as required in the preliminary plat;
- B. Existing and proposed elevations along the center lines of all streets, with said elevations referred to a permanent benchmark in or near the subdivision (elevations shall be based on the sea level datum);
- C. Radii of all curves and lengths of tangents on all streets;
- D. Locations and typical cross section of street pavements including curbs/gutters and inlets (or catch basins);
- E. Locations and typical cross-sections of alleys, sidewalks, and driveway
- F. Locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- G. Locations and sizes of all water, gas, electric, and other utilities;
- H. Locations of street lighting standards and street signs;
- I. Locations of existing and proposed reference monuments and corner pins;
- J. Locations of all trees, shrubs, and vegetation lines;

- K. All proposed measures to control erosion and sedimentation;
- L. High water elevations of all lakes/streams adjoining or within the tract and FEMA Flood Map information;
- M. Such other information as the Code Enforcement Officer and Public Works Supervisor may reasonably require to perform their duties under this Section (e.g., design calculations, etc.).
- N. Plans to be signed and sealed by an Illinois Registered Engineer;
- O. Estimate of quantities and costs to construct infrastructure that is to be dedicated to the City (streets, waterlines, sanitary sewer, storm drainage, etc.); and
- P. Stormwater detention facilities and supporting calculations.

153.0340 CITY ACCEPTANCE OF IMPROVEMENT PLANS.

Upon favorable recommendations of the Code Enforcement Officer and Public Works Supervisor that the proposed improvements conform to generally accepted engineering practices and to the standards imposed in this Code, the Code Enforcement Officer on behalf of the City, shall instruct the subdivider/developer to submit the final plat and its application (**Subdivision Form 3**) for review and/or approval by the City Council. (**See Sections for Final Plat processing.**)

153.0341 INSPECTIONS REQUIRED.

The subdivider/developer shall notify the City Clerk by written letter, with courtesy copies to the Code Enforcement Officer and Public Works Supervisor of both the start and completion of all major components of the approved improvements (i.e., water and sewer lines, storm sewer, curb and gutter, street, etc.) Any proposed changes in the approved construction plans or specifications must be approved in writing by the Code Enforcement Officer and Public Works Supervisor before their incorporation in the improvements.

- A. The Code Enforcement Officer and Public Works Supervisor shall inspect said improvements while they are under construction. Any utility, which is to be dedicated to the City, **shall not be backfilled** until such improvement has been inspected and approved by the Code Enforcement Officer and Public Works Supervisor. If it is determined that the improvements are being built in violation of this Code, the Code Enforcement Officer and Public Works Supervisor shall promptly issue a verbal stop order, with a written stop order delivered to the developer within **one (1) workday** and notify the Chief Building and Zoning Official of the details of the violation(s).

The subdivider/developer shall not continue until the Chief Building and Zoning Official resolves the issue(s) and provides a written order to proceed.

- B. The Code Enforcement Officer and Public Works Supervisor shall also inspect all improvements upon their completion. The City shall not accept any completed improvement until the Code Enforcement Officer and Public Works Supervisor has certified that the improvements comply with this Code.

153.0342 FILING "AS BUILT" RECORDS.

Upon the completion of approved improvements, the subdivider/developer shall file with the City Clerk, a set of plans signed by the subdivider/developer and his/her engineer, and a compact disk (CD) of the improvements and final plat in an AutoCAD file (*.dwg) or MicroStation file (*.dgn) showing the as-built details and any deviations from the approved plans. All "As Built" records, both electronic and paper copies, shall immediately become the property of the City and shall be on file at the City Hall.

The electric CAD files shall have the final plat with all utilities dedicated to the City shown on separate levels. All text shall be on levels separate from line work.

153.0343 RESERVED.

DIVISION III**ASSURANCES FOR COMPLETION OF REQUIRED IMPROVEMENTS****153.0344 COMPLETION GUARANTEE APPROVAL.**

The City Council shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

- A. All improvements required in the approved improvements plan have been completed by the subdivider/developer at his expense, inspected by the Code Enforcement Officer and Public Works Supervisor, and dedicated to the City or other appropriate governmental entity; or
- B. In accordance with the subsections below, the subdivider/developer has provided the City with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

153.0345 FORMS OF ASSURANCE.

At the option of the City Council, the required legal assurance may be either a performance bond, letter of credit, or an escrow deposit. Every performance bond and letter of credit shall be reviewed by the City Attorney and posted with the City Clerk. Any funds to be held in escrow shall be deposited with the City Treasurer.

153.0346 AMOUNT OF BOND OR DEPOSIT.

The amount of the performance bond or escrow deposit shall be equal to **one hundred ten percent (110%)** of the City Code Enforcement Officer's estimate of the costs of constructing the uncompleted portion of the required improvements plus all required inspection fees or costs. Any escrow deposit may be in the form of:

- A. Cash;
- B. An irrevocable letter of credit or commitment from a lending institution guaranteeing to the City the availability of the escrow funds from time to time upon demand; or
- C. Certificates of deposit, Treasury Bills, or other readily negotiable instruments approved by the City Treasurer and made payable to the City.

153.0347 ELIGIBLE SURETIES.

No person shall be eligible to act as surety unless they have been approved by the City Treasurer. The City Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within the City's jurisdiction.

153.0348 TERM OF ASSURANCE, EXTENSION.

The initial term of any performance bond, letter of credit, or escrow agreement shall be **two (2) years**. If all the required improvements have not been completed by the end of the **two (2) year** period, the City Council may either extend said bond/escrow agreement for **one (1) year** only or may proceed as per **Section 34-4-15**.

153.0349 RELEASE OF BOND/ESCROW DEPOSIT.

- A. The City Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written recommendation from the Code Enforcement Officer and Public Works Supervisor, and approval of the City Council upon substantial completion of the required improvements. The amount which the Code Enforcement Officer and Public Works Supervisor authorize to be released, shall be equal to the value of improvements actually

completed in accordance with approved plans. Requests for release of bond or escrow deposit shall be limited to one-time per site, per phase, or per addition. Multiple requests for releases for the same site, same phase, or same addition shall not be authorized.

- B. The balance of the amount of the performance bond/escrow deposit shall not be released until:
1. The Code Enforcement Officer and Public Works Supervisor have certified to the City Council in writing, that all required improvements have been satisfactorily completed; and
 2. Said improvements have been accepted by and dedicated to the City or other appropriate governmental entity.

153.0350 FAILURE TO COMPLETE IMPROVEMENTS.

If all the required improvements have not been completed by the end of the **two (2) year** period (or **three (3) year** period, in the case of an extension), the City Council, with the assistance of the City Attorney, may:

- A. Require the surety to perform on the bond, and to pay the City an equal amount to the cost of completing the required improvements (as estimated by the Code Enforcement Officer and Public Works Supervisor) or the amount of the bond not theretofore released, whichever is less; or
- B. Order the City Treasurer to retain all escrowed funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or
- C. Require the subdivider/developer to submit a new performance bond, escrow deposit, or cash sum sufficient to guarantee the completion of the improvements indicated on the approved improvement plans after recalculation in order to allow for any inflated costs of constructing the required improvements.

153.0351 OTHER REMEDIES FOR DEFAULT.

If the developer or surety fails to comply with the requirements for payment as described above or fails to complete the improvements as required, and there is risk that development will continue in the subdivision without timely prior completion of improvements, the City Council may, in addition or alternatively to other remedies:

- A. Suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purposes of this Subsection, the "undeveloped portion" of the subdivision means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The Commissioner of Public Works ("Commissioner"), at the direction of the City Council, shall give the developer **ten (10) days'** written notice of an order under this Subsection, with copies to all sureties, as appropriate, who may have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the Recorder of Deeds. If, within the **ten (10) day** period after notice is given, the City Council is not convinced by compelling evidence that completion of the improvements is adequately assured, as provided herein, the Commissioner shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the surety as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the Commissioner at the subdivisions or lots subject to said order. The notice shall contain the following minimum language, which may be supplemented at the direction of the Commissioner.

1. If said notice is for a subdivision:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF GREENVILLE CITY COUNCIL. NO DEVELOPMENT, CONSTRUCTION, OR BUILDING IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME

AS THE CITY OF GREENVILLE CITY COUNCIL REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, OR BUILDING IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CITY OF GREENVILLE REVISED ORDINANCES.

2. If said notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF GREENVILLE CITY COUNCIL. NO DEVELOPMENT, CONSTRUCTION, OR BUILDING IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF GREENVILLE CITY COUNCIL REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, OR BUILDING IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CITY OF GREENVILLE REVISED ORDINANCES.

The suspension shall be rescinded in whole or in part only: (1) when the Commissioner is convinced that completion of the improvements is adequately assured; or (2) by action of the City Council.

- B. Suspend the rights of the developer, or any related entity, to construct structures in any development platted after the effective date of such suspension throughout the City of Greenville and such incorporated or unincorporated areas as are under the City of Greenville jurisdiction. The Commissioner, at the direction of the City Council, shall give the developer **ten (10) days'** written notice of an order under this clause, with a copy to sureties known to the Commissioner to have obligations outstanding on behalf of the developer or related entities and shall record an affidavit of such notice with the Recorder of Deeds. If, within the **ten (10) day** period after notice is given, the City Council is not convinced by compelling evidence that completion of the improvements is adequately assured, as provided herein, the Commissioner shall order construction suspended. The order shall be served upon the developer, with a copy to the surety as appropriate, and a copy recorded with the Recorder of Deeds. The suspension shall be rescinded in whole or in part only: (1) when the Commissioner is convinced that completion of the improvements is adequately assured; or (2) by action of the City Council.

For purposes of this Section, a developer is a "related entity" of another person if: (1) Either has a principal or controlling interest in the other; or (2) Any person, firm, corporation, association, partnership, or other entity with a controlling interest in one has a principal or controlling interest in the other.

- C. In addition, if any party fails to comply with any obligation of this Section, the City Council may recommend that the City Attorney take appropriate legal action and may also withhold any building, or occupancy permits to this developer or related entities until such compliance is cured. The City shall also have the right to partially or wholly remedy a developer's deficiencies or breached obligations under this Code by set-off of any funds or assets otherwise held by the City of Greenville to the maximum extent permitted by law. Such set-off shall occur upon written notice of such event by the City Council to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every final plat approval under this Code that the developer shall pay the City's costs, including reasonable attorney's fees, of enforcement of any provision herein.

153.0352 RESERVED.

DIVISION IV - FINAL PLATS**153.0353 APPROVAL OF FINAL PLAT.**

The Bond County Recorder of Deeds will not record any final plat of a subdivision located within the jurisdiction of the City until said final plat has been approved by the City Council. The City Council shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

153.0354 FILING, TIME LIMITS.

The subdivider of every subdivision who desires final plat approval shall file with the City Clerk, **four (4) copies** of the final plat, **one (1) CAD file** and supporting data along with a completed "Final Plat Application and Checklist" (**See Subdivision Form 3**), not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the City Council, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive **one (1) year** periods.

153.0355 INFORMATION REQUIRED.

Every final plat shall be prepared by an Illinois Registered Land Surveyor on new linen tracing cloth or polyester base film with waterproof black ink generally at the scale of **one hundred feet (100')** to **one inch (1")**; provided, however, that if the resultant plat would be less than **eight and one-half inches (8 1/2")** by **fourteen inches (14")** or larger than **thirty inches (30")** by **thirty-six inches (36")**, a scale as recommended by the City Code Enforcement Officer shall be used. The final plat and supporting data shall provide all of the following information:

- A. Name, address, and telephone number of the owner, subdivider, surveyor, and engineer;
- B. Name and type of proposed subdivision;
- C. North arrow, graphic scale, date of map, and "Final Plat - For Record" statement;
- D. Accurate metes and bounds or other adequate legal description of the tract;
- E. Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error closure of not more than **one foot (1')** in **ten thousand feet (10,000')**;
- F. Reference to recorded plats of adjoining platted land by record name, plat book, and page number;
- G. Accurate locations of all existing streets intersecting the boundaries of the subdivision;
- H. Right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs, or chords, points of tangency, and central angles;
- I. Name and right-of-way width of all existing and proposed streets;
- J. Purpose of any existing or proposed easement;
- K. Number of each lot, lot dimension, lot areas, and 9-1-1 addresses;
- L. Location of reference monuments, corner pins, and benchmarks (include elevation);
- M. Purpose(s) for which sites, other than private lots, are dedicated or reserved;
- N. Building or setback lines with accurate dimensions; and
- O. Restrictions of all types which will run with the land and become covenants in the deeds of lots.

In addition, the subdivider shall furnish the City Council with a sample sales contract which reflects both restrictive covenants and local development ordinances, which the property will be subject to.

153.0356 CERTIFICATES REQUIRED.

As required by State law (**765 ILCS 205/2 and 65 ILCS 5/11 12 8**), the following certificates shall be executed on the final plat:

J. **Owner's Certificate**

We,_____, the Owners of _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon and hereby dedicated to the use of the public forever including release and waiver of the homestead under the Homestead Exemption laws of the State of Illinois.

To the best of our knowledge, the school district wherein this plat lies is _____. Dated this ____ day of _____, 20__.

K. **Notary Public's Certificate**

State of Illinois)
) ss.
County of _____)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

L. **Surveyor's Certificate**

I, _____, a Professional Land Surveyor, registered in the State of Illinois, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Land Surveyor

Illinois Registration Number

Date

M. **County Clerk's Certificate**

I, _____, County Clerk of Bond County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

N. **Certificate of City Council**

I, _____, Mayor of the City of Greenville, do hereby certify that the plat shown hereon was duly presented to the City Council and approved at a meeting of same held on _____, 20__.

Mayor

Attest: City Clerk

O. **Flood Hazard Certificate**

We, the undersigned, do hereby certify that no part of this plat to be recorded is situated within five hundred feet (500') of any surface drain or watercourse serving a tributary area of six hundred forty (640) acres or more. If this plat is within five hundred feet (500') of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the Bond County Recorder of Deeds.

By: _____
Owner(s)

By: _____
Professional Land Surveyor

Illinois Registration Number

Date

P. **Illinois Department of Transportation**

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to **765 ILCS 205/2**. However, a highway permit for access is required by the owner of the property. A plan that meets requirements contained in the Department's "Policy on Permits for Access Driveways to State Highways" will be required by the Department.

District Engineer

OR

Local Highway Authority

This plat has been approved by _____, the local highway authority, with respect to roadway access pursuant to 765 ILCS 205/2.

Local Highway Authority

Q. **Local Health Department**

This plat has been approved by _____, the local health department, because all or part of the platted land will not be served by a public sewer system.

Local Health Department

R. **Surface Water Drainage Certificate**

To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of this subdivision or any part thereof.

By: _____
Owner(s)

By: _____
Professional Engineer

Illinois Registration Number

Date

OR

Surface Water Drainage Certificate

The surface water drainage will be changed by the construction of this subdivision or some part thereof, but reasonable provisions have been made for the collection and diversion of such surface waters into public areas, or into drains which the subdivider has a right to use, and such surface waters (have been) (will be) planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

By: _____
Owner(s)

By: _____
Professional Engineer

Illinois Registration Number

Date

153.0357 FINAL PLAT REVIEW, ADVISORY REPORT.

Within **thirty (30) days** from the date of application for final plat approval, the Code Enforcement Officer and Public Works Supervisor shall review said final plat (and supporting data) and shall jointly advise the City Council in writing whether it substantially conforms to the approved preliminary plat. A courtesy copy of their advisory report shall be forwarded to the Plan Commission.

153.0358 ACTION BY THE CITY COUNCIL.

The City Council shall either approve by ordinance, or disapprove by reason(s) stated in official minutes, the application for final plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the City Council and the subdivider mutually agree to extend this time limit. **(65 ILCS 5/11 12 8.)** The City Council shall not approve any final plat unless:

- A. The final plat substantially conforms to the approved preliminary plat; and
- B. The final plat manifests substantial compliance with the design and improvements standards of this Code and the Official Map; and
- C. To the City Council's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- D. Either of the following has been met:
 - 1. All required improvements have been completed, inspected, accepted, and dedicated; or
 - 2. The subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements; and

- E. The City Council has approved any restrictive covenants required by
- F. **Section 153.0294** of this Code; and
- G. To the extent required by **Section 153.0295** of this Code, the subdivider/developer has created a Special Service Area (SSA) to provide for the maintenance of any common areas in the subdivision.

The City Clerk shall attach a copy of the City Council's ordinance of approval, or a copy of the official minutes disapproving the action to the final plat. A courtesy copy will be provided to the Chief Building and Zoning Official, and **one (1) copy** provided to the developer/subdivider.

153.0359 CHANGES IN APPROVED FINAL PLATS.

Once a final plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the City Clerk, reviewed and concurred by the Code Enforcement Officer and Public Works Supervisor. Major changes require the filing of a new final plat and complete review.

153.0360 RESERVED.

DIVISION V - GENERAL

153.0361 MAINTENANCE OF IMPROVEMENTS.

- A. The subdivider/developer shall maintain all the improvements and parcels for public use in the subdivision until they have been accepted by and dedicated to the City or other appropriate governmental entity.
- B. Before dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney. Said bond shall be in the amount determined by the Code Enforcement Officer and Public Works Supervisor to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have been created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems as described above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon them by the City, the City shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released.

153.0362 VACATED PLATS.

In accordance with State law (**765 ILCS 205/6, 7, 8**) any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other appropriate governmental entity or public utility owning such facilities, the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacated plat document shall be approved by the City Council in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, Township Highway Commissioner, District Engineer of the Illinois Department of Transportation, and all public utilities involved. In the case of platted tracts wherein any lots have been sold, the vacated plat

document must also be signed by all the owners of lots in said tract.

153.0363 BUILDING PERMITS.

The City will not issue a building permit for any of the lots in the development until all infrastructures for the current phase is complete and accepted by the City, AND a copy of the recorded subdivision plat and restrictive covenants, if applicable, displaying the County's recording stamp, is supplied to the City for its files.

153.0364 RESTRICTIVE COVENANTS.

If the subdivider/developer desires to create a homeowner association (HOA) for the subdivision, the subdivider/developer shall be required to prepare and submit to the City restrictive covenants governing the formation and operation of the HOA. If the subdivider/developer does not desire to create a HOA for the subdivision, but still desires to establish restrictive covenants for the subdivision, the subdivider/developer shall submit the restrictive covenants to the City for approval. No final plat shall be approved by the City until the restrictive covenants have been approved by the City Council.

153.0365 SPECIAL SERVICE AREA FOR COMMON GROUND.

If any subdivision contains any parcels or infrastructure improvements that are reserved for private ownership as common ground or property, including without limitation, detention/retention ponds, outlots, private streets, water lines, sewer lines, streetlights, monuments, entrances, recreation areas, or green space, the subdivider/developer shall be required to establish, prior to, or at the time of, approval of the final plat, a special service area (SSA). The SSA shall authorize the City to levy a tax or assessment in the SSA to provide for maintenance of the parcels or infrastructure improvements in the event the subdivider/developer or a designated homeowner association (HOA) fails to adequately maintain such parcels or improvements.

153.0366 RESERVED.

DIVISION VI - PLATS FOR MINOR SUBDIVISIONS

153.0367 APPLICABILITY OF DIVISION.

This Division VI shall apply to any subdivisions that meet the criteria of a "Subdivision, Minor" (a/k/a Minor Subdivision) as specified in **Section 153.0239** of this Code. If a subdivision does not meet every requirement of a "Subdivision, Minor", the subdivision must be platted in accordance with Divisions I - V of Article IV of this Code.

153.0368 FILING OF A PLAT.

Every person, company, corporation, or other entity who proposes to subdivide any land located within the subdivision/zoning jurisdiction of the City shall file with the City Clerk, **four (4) copies** of the plat of the minor subdivision along with a completed Minor Subdivision Plat Application & Checklist. The subdivider shall also, when required by law, file **one (1) copy** of the plat and supporting data with the Bond County Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the City Plan Commission for City Council review and approval. **(70 ILCS 405/22.02a)**

153.0369 INFORMATION REQUIRED.

Every minor subdivision plat shall be prepared by an Illinois Registered Land Surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink generally at the scale of **one hundred feet (100')** to **one inch (1")**; provided, however, that if the resultant plat would be less than **eight and one-half inches (8½")** by **fourteen inches (14")** or larger than **thirty inches (30")** by **thirty-six inches (36")**, a scale as recommended by the City Code Enforcement Officer shall be used. The final plat and supporting data shall provide all of the following information:

- A. Name, address and telephone number of the owner, subdivider, surveyor, and engineer;
- B. Name and type of proposed subdivision;
- C. Zoning district classification(s) of the tract and that of the surrounding properties;
- D. North arrow, graphic scale, date of map and "Final Plat - For Record" statement;
- E. Accurate metes and bounds or other adequate legal description of the tract;
- F. Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error closure of not more than **one foot (1')** in **ten thousand feet (10,000')**;
- G. Reference to recorded plats of adjoining platted land by record name, plat book and page number;
- H. Accurate locations of all existing streets intersecting the boundaries of the subdivision;
- I. Locations of existing easements and lot lines with accurate dimensions, angles or bearings and curve data, including radii, arcs, or chords, points of tangency, and central angles;
- J. Purpose of any existing easement;
- K. Number of each lot, lot dimension and, in a separate list, lot areas;
- L. Location of reference monuments, corner pins, and benchmarks (include elevation);
- M. Building or setback lines with accurate dimensions; and
- N. Restrictions of all types which will run with the land and become covenants in the deeds of the lots.

153.0370 CERTIFICATES REQUIRED.

Each minor subdivision plat shall contain the fully executed certificates listed in **Section 153.0285.**

153.0371 ACTION BY THE PLAN COMMISSION.

- A. Upon receipt of Official Map, or the City's Comprehensive Plan.

153.0372 ADMINISTRATIVE REVIEW.

Within **thirty (30) days** after the receipt of a minor subdivision plat, the Code Enforcement Officer and Public Works Supervisor shall review said plat (and supporting data), and shall jointly advise the City Council in writing whether it substantially conforms to this Code, the Official Map and the City's Comprehensive Plan.

153.0373 ACTION BY THE CITY COUNCIL.

The City Council shall either approve by ordinance, or disapprove by reason(s) stated in the official minutes, the application for final plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever is later, unless the City Council and the subdivider mutually agree to extend this time limit. **(65 ILCS 5/11-12-8)** The City Council shall not approve any minor subdivision plat unless:

- A. The plat manifests substantial compliance with the design and improvement standards of this Code and of the Official Map; and
- B. To the City Council's knowledge and belief, the plat complies with all pertinent requirements of state law.

The City Clerk shall attach a copy of the City Council's Ordinance of approval or copy of the official minutes disapproving the action to the final plat.

153.0374 CHANGES IN APPROVED PLAT.

Once a minor subdivision plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the City Clerk,

reviewed and concurred by the Code Enforcement Officer and Public Works Supervisor.

153.0375 RESERVED.

ARTICLE V - OTHER ADMINISTRATIVE MATTERS

153.0376 DUTIES OF THE CHIEF BUILDING AND ZONING OFFICIAL.

The Chief Building and Zoning Official is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- A. To review and coordinate further review of all preliminary plats with the Code Enforcement Officer and Public Works Supervisor, and as necessary, the City Council.
- B. To transmit and/or coordinate all improvement plans changes in writing to the subdivider/developer from the Code Enforcement Officer and Public Works Supervisor.
- C. To review and coordinate the review of all final plats before City Council review/approval.
- D. To issue stop orders as necessary and manage those stop orders issued by the Code Enforcement Officer and Public Works Supervisor or other City Officials when they have determined that approved improvements are being constructed in violation of this Code.
- E. To assist the City Attorney in pursuing authorized actions when a subdivider/developer fails to complete required improvements.
- F. To evaluate and coordinate the review of all proposed changes in approved final plats.
- G. To review and forward comments for subdivision variances to the Plan Commission.
- H. To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Plan Commission as necessary.
- I. To maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as built records of completed improvements, final plats, variances, and amendments.
- J. To provide information to subdividers/developers and to the general public on matters related to this Code.

153.0377 SUBDIVISION VARIANCES.

Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the City Clerk at the same time that the preliminary plat is filed. The application shall fully explain the grounds for the variance request and specify the section(s) of this Code, which, if strictly applied, would cause great practical difficulties or hardship. The Chief Building and Zoning Official shall review the request and determine if the variance application is a platting or planning issue for the Plan Commission for review as outlined below, or a post-improvement plan issue for the Zoning Hearing Officer to be processed as detailed herein., then appropriately forward for action.

A. Action by the Plan Commission.

1. After review of the application, the Plan Commission shall hold a public hearing on every variance request within a reasonable time after said request is submitted to them. Notice indicating the time, date and place of the hearing, and the nature of the variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the City. Said notice shall also be sent by first class mail to the applicant, and owners of property adjacent to the property in question at the time the public notice is published. At the hearing, any interested party may appear and testify, either in person or by a duly authorized agent or attorney.

2. Within **fifteen (15) days** after the hearing, the Plan Commission shall submit an advisory report of their recommendation(s), along with their recommendation on preliminary plat approval. Before the actions in **Section 153.0306(B)**, the Code Enforcement Officer and Public Works Supervisor shall add their comments to the advisory report as necessary.
 3. All actions of the Plan Commission shall be documented in official minutes.
- B. **Action by the City Council. Variance Standards.** Preferably, at the same meeting at which the Council takes action on the application for preliminary plat approval, the City Council shall consider the recommendations of all reviewers of the application and shall determine by vote whether to grant or deny the requested variance. A copy of the Council decision clearly stating the reasons therefor, and the exact terms of any variance granted, shall be attached to both the preliminary and final plat. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:
1. The proposed variance is consistent with the general purposes of this Code. (**See Section 153.0230**);
 2. Strict application of the subdivision requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience;
 3. The proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/ hardship;
 4. The plight of the applicant is due to peculiar circumstances not of their own making;
 5. The peculiar circumstances engendering the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than an ordinance amendment;
 6. The variance, if granted, will not materially frustrate implementation of the Comprehensive Plan including the Official Map.

153.0378 AMENDMENTS.

The City Council may from time to time on its own motion, or on petition, amend, supplement, or repeal this regulation and provisions of this Code.

- A. **Proposals for Amendments.** Amendments to this Code may be proposed by the Chief Building and Zoning Official, Plan Commission, any party of interest, or as directed by the City Council. Every amendment proposal, other than those directed by the City Council, shall be submitted on the prescribed form (**See Subdivision Form 5**) in the City Clerk's office. The City Clerk shall promptly transmit each proposal to the Plan Commission for review and for a public hearing.
- B. **Public Hearing. Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the City. All actions of the Plan Commission shall be documented in official minutes.
- C. **Advisory Report. Action by the City Council.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the City Council may by vote, accept or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

153.0379 SCHEDULE OF FEES.

All fees indicated below shall be paid to the City Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Review preliminary plat	\$100.00 plus \$5.00 per lot
Review improvement plans and improvement inspection	2% of the total opinion of probable cost for all improvements as determined by the City Code Enforcement Officer or total of all certified contracts for all improvements
Final plat and all applicable ordinances	Prevailing fee as assessed by Bond County and \$50.00 to City if no variation from preliminary plat, otherwise \$50.00 + \$5.00 per lot
Review variance request	\$100.00
Review amendment proposal	\$150.00
Review of Minor Subdivision Plat	\$150.00 plus \$5.00 per lot

In addition to the fees above, the City, either by the City Administrator or the City Council, may require an advance deposit, or reimbursement at the time of and as a condition of plat approval or other decision herein, of such additional costs estimated or actually incurred by the City for technical or professional support by a third party professional or consultant in reviewing and deciding the application, including but not limited to fees and costs for expert analysis, legal review, technical studies, or other costs or professional fees reasonably incurred by the City to review the application and to ensure such application or decision is in compliance with the City, state, and other applicable laws, statutes, regulations, and specifications. No deposit or reimbursement shall be required for review by City employees. Any amount of the deposit in excess of the actually incurred costs (including any administrative or other fairly proportioned costs relating to the application) shall be refunded to the applicant upon written application after the decision. Any such costs incurred by the City which are in excess of the deposit or fees paid by applicant shall be paid by the applicant prior to effectiveness of any final plat or other approval herein.

153.0380 PENALTIES.

- A. Any person who is convicted of a violation of this Chapter shall be fined not less than **seventy-five dollars (\$75.00)** nor more than **seven hundred fifty dollars (\$750.00)** plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.
- B. Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Chapter.

ARTICLE VI - STORMWATER DETENTION

153.0381 GENERAL PURPOSE.

Stormwater runoff and velocity of discharge are increased through development and growth of the City.

Prior to the development of land, highly permeable surfaces absorb most rainfall and the stormwater that runs off does so very slowly. With the construction of streets, homes, buildings, etc., both the percentage of runoff and the velocity of runoff increase significantly. These increases can cause damaging effects on both private properties and public facilities with substantial costs to individuals and taxpayers.

To minimize these effects these stormwater detention requirements have been established to:

- A. Prevent additional harm due to periodic flooding including bodily injury,
- B. Property damage, and threats to public health, safety, and welfare.
- C. Assure that new development does not increase flood and drainage hazards to others or create unstable conditions susceptible to erosion.
- D. Create no new financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations.
- E. Protect, conserve, and promote the orderly development of land and water resources.
- F. Protect buildings and improvements to buildings from flood damage to the greatest extent possible.
- G. Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of flood prone areas, Regulatory Floodplains, and wetlands.
- H. Prevent additional disruption of the economy and governmental services due to stormwater and flood damage.

153.0382 WHEN STORMWATER DETENTION IS REQUIRED.

Stormwater detention will be required for all public and private developments that meet all of the following criteria:

- A. Has a gross area in excess of **one (1) acre**. If the area to be developed is **one (1) acre** or less, and either the property owner or developer has any legal rights (subject to the interpretation of the City Attorney) to contiguous land, the area of that contiguous land is to be included in the "gross area".
- B. Where the post development runoff for the immediate area to be developed is increased by more than **twenty percent (20%)** over the predevelopment runoff using a **fifty (50) year** design frequency and ultimate development of the immediate area. The **twenty percent (20%)** figure is only the criteria to determine the need for stormwater detention and has nothing to do with the volume to be detained.

153.0383 EXCEPTIONS.

Stormwater facilities shall not be required if:

- A. All requirements for detention are not met.
- B. If **two (2)** or more property owners and/or developers within the same drainage basin propose to build **one (1)** stormwater detention facility to reduce the number of on- site detention facilities that might be required. A written agreement would have to be reached with the City to guarantee construction of the detention facility.
- C. If the owner and/or developer pays a fee to the City in lieu of building the detention facilities, the amount of the fee would be based on a registered professional engineer's estimate of the cost to build on site detention facilities plus the cost of engineering and the required land. This exception would be subject to approval and possible special conditions by the City. This type of agreement would allow the City to coordinate construction of central detention facilities that would serve more than **one (1)** development within the same drainage basin.
- D. If it can be shown by detailed stormwater calculations, including hydrographs, that a detention

facility is not warranted. Such an analysis would have to show that the increased runoff from a proposed development would have no detrimental effect on upstream facilities, the proposed development, existing downstream facilities, or future downstream developments, including those outside the jurisdiction of the City.

153.0384 DESIGN CRITERIA.

- A. The design of stormwater detention facilities shall be based on the procedures outlined in the **Drainage Manual of the Illinois Department of Transportation**. If there is any conflict with City provisions, the City provisions shall take precedence.
- B. The detention facilities shall be designed to accommodate the existing and potential runoff from the proposed development and all upstream areas that drain through the development. Runoff shall be calculated on the basis of ultimate development of the entire watershed in accordance with present land use trends. See possible "Exceptions" in the above section.
- C. The stormwater detention facility will be required to detain the runoff from both a **ten (10) year** and a **fifty (50) year** storm frequency. The maximum discharge flows are to be no greater than the pre-development flows for the **ten (10)** and **fifty (50) year** storms.
- D. For earthen detention basins the maximum side slopes shall not exceed **one foot (1')** vertical to **three feet (3')** horizontal (**3:1**). A **three foot (3')** concrete swale shall be constructed in the flow line to facilitate future maintenance.

The entire reservoir area shall be sloped to drain to the outlet so that water will not stand during no flow periods. The entire area shall be seeded, fertilized, and mulched, or sodded, or paved.

The developer shall conform to all provisions of the **Standard Specifications for Soil Erosion and Sediment Control**, as published by the Illinois Environmental Protection Agency, and shall detail all provisions to be utilized to prevent soil erosion and accomplish sediment control during construction.

Each outlet not intercepted by an existing closed system with flow velocities greater than **four feet (4')** per second, as calculated at the appropriate design frequency, shall be a concrete or rip-rapped area downstream of the outlet, the length in feet being **3 x** (times) the outlet velocity in feet per second and the width equal to that of the outlet and extending up the ditch backslopes to a point **one foot (1')** above the water surface and surrounding the outlet structure.

An overflow spillway will be provided at the elevation of the maximum water surface for the **fifty (50) year** storm frequency. The berms shall be constructed at least **one-half foot (½')** above the spillway elevation.

The minimum design requirements of this Section shall not be construed to relieve the subdivider of any legal responsibilities for downstream/upstream stormwater damages inflicted by runoff or backup from the developer.

153.0385 EASEMENTS.

All stormwater detention facilities, including inlet and outlet ditches and structures, shall be encompassed by permanent easements that extend to at least **ten feet (10')** outside of the inside top of berm. A **Ten foot (10')** minimum easements shall also be provided for access between the detention facility and a public roadway.

153.0386 SUBMITTALS.

The developer shall be responsible for providing the following information to the City for review and approval:

- A. Plans showing all existing and proposed elevations and grades for culverts, ditches, inlets, etc. Any existing topography of adjoining properties which will affect or be affected by the development shall also be identified on the plan documents.
- B. All design calculations utilized in sizing the stormwater facilities including the hydraulic grade line

elevation at all structures.

- C. Detention calculations detailing total drainage area and breakdown of land usages, time of concentration, existing peak discharges for each design storm, existing and proposed runoff coefficients, and total required detention volume.
- D. Location of proposed detention facilities detailing limits of ponding for each design storm and total available volume, and details of outlet structure(s).
- E. Calculations indicating the effects of a **one hundred (100) year** storm frequency on the development and adjoining developments. The developer may be required to provide emergency flood control devices to insure the safety of the existing and proposed structures.
- F. Outlet flows and velocities at the appropriate storm frequencies shall be clearly noted either in calculations or on the plans to facilitate determination of detention storage and/or erosion control requirements.
- G. Pre- and post-development runoff at **fifty (50) year** and **ten (10) year** storm frequencies for the entire development area shall be noted either in calculations or on the plans.

The City, on a case-by-case basis, shall have the authority to require additional information for a proper review, require more stringent standards than these detailed in this Section, and to grant variations from those requirements in this Section which may not apply.

153.0387 MAINTENANCE.

Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structures in order to maintain full storage capacity.

The responsibility for maintenance of the detention facilities in development projects shall remain with the owner until such time as the City makes a final inspection of the entire development and officially approves all of the construction in writing, and the detention area/facilities are dedicated to the City and accepted by the City Council.

153.0388 RESERVED.

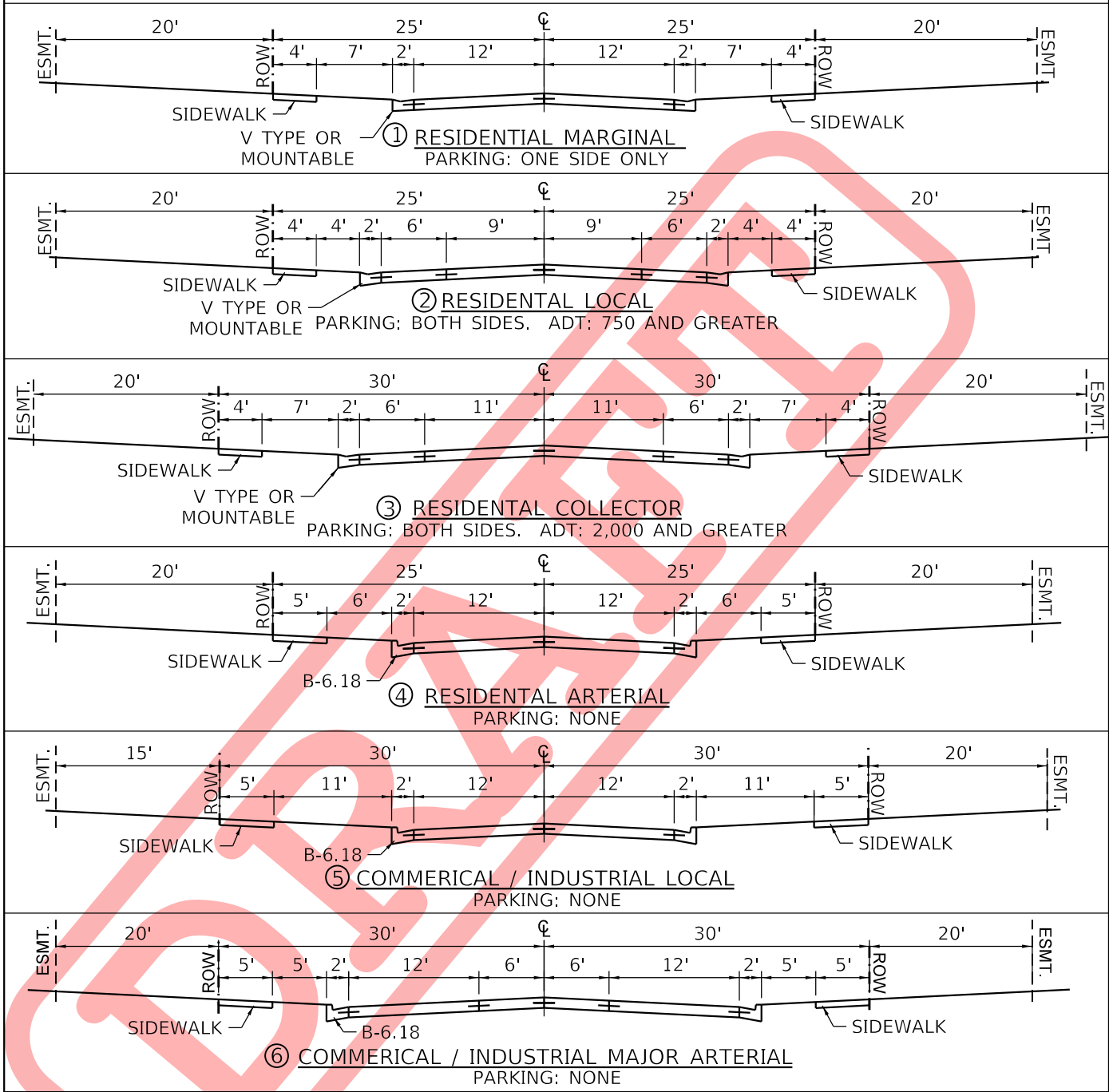
APPENDIX B

Construction Details:



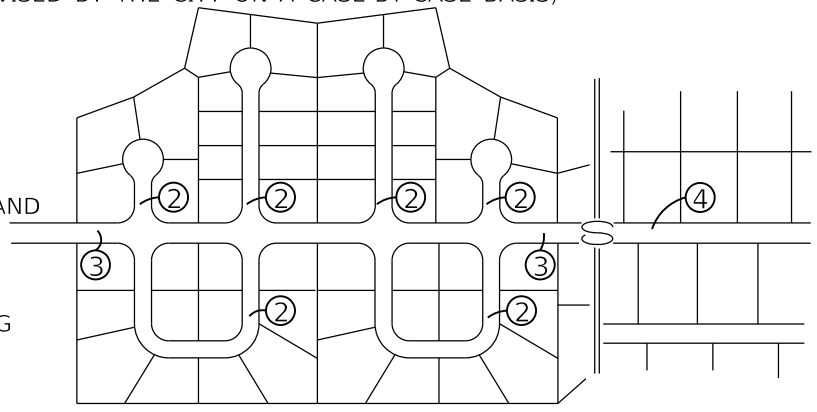
CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS



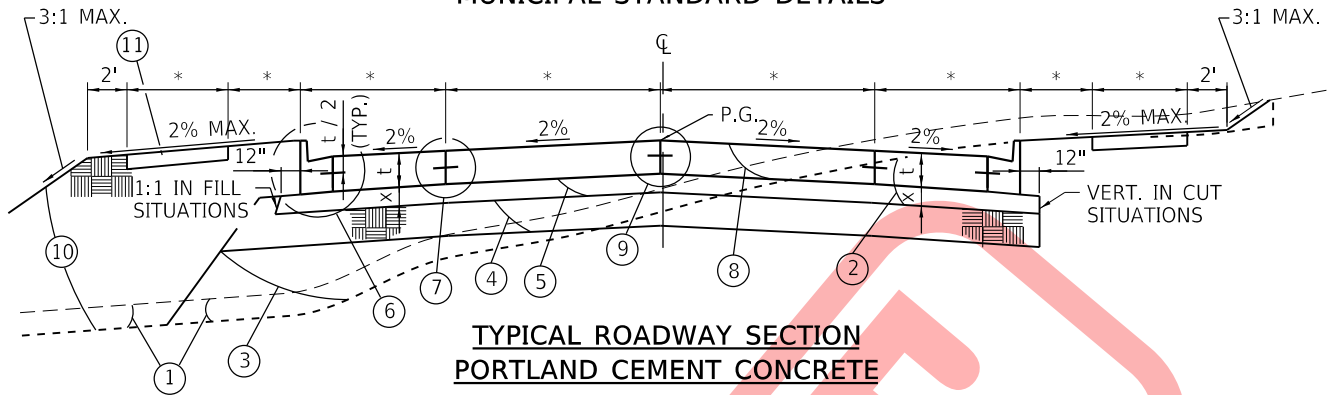
GUIDELINES FOR ESTABLISHING STREET CLASSIFICATIONS
(THESE MAY BE REVISED BY THE CITY ON A CASE-BY-CASE BASIS)

MINIMUM TRIP GENERATION RATES TO BE APPLIED IN LIEU OF TRAFFIC STUDY (TRIP END DEFINED AS A TRIP GENERATED AT AND ATTRACTED TO EQUIV. TO ADT).
 SINGLE FAMILY DETACHED = 10 TRIP ENDS/DAY/DWELLING UNIT.
 APARTMENT = 7 TRIP ENDS/DAY/DWELLING UNIT.
 CONDO (DUPLEX) = 7 TRIP ENDS/DAY/DWELLING UNIT



CITY OF GREENVILLE

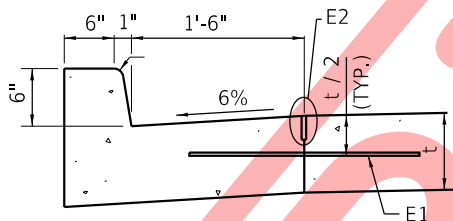
MUNICIPAL STANDARD DETAILS



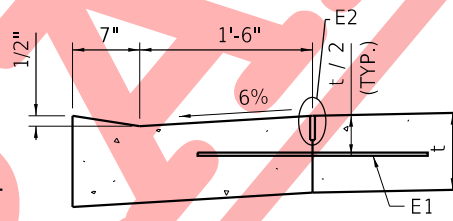
*SEE CODE TEXT AND ADDITIONAL FIGURES FOR STREET CLASSIFICATION AND DIMENSIONS.

LEGEND

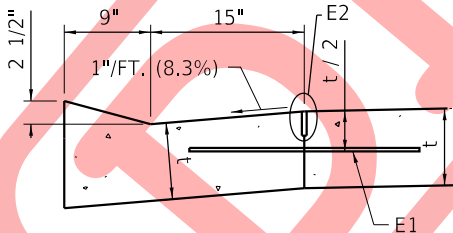
- ① TOPSOIL REMOVAL (DEPTH AS REQUIRED BY SOILS INVESTIGATION)
- ② EARTH EXCAVATION (CAN BE USED FOR STRUCTURAL EARTH FILL OR EMBANKMENT)
- ③ COMPACTED STRUCTURAL EARTH FILL (MATERIAL REQUIREMENTS PER SOILS INVESTIGATION)
- ④ LIME MODIFIED SOIL, 6" (MIN.)
- ⑤ AGGREGATE BASE COURSE, TYPE B, 4" (MIN.)
- ⑥ TYPICAL CURB DETAILS:



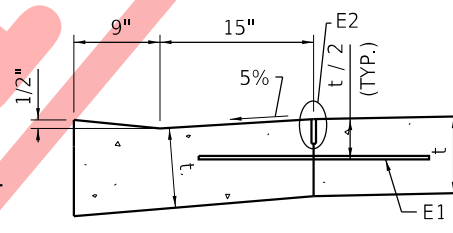
B-6.18 TYPE
(PER IDOT STD. 606001)



B-6.18 TYPE:
DEPRESSED FOR ADA RAMP
(MODIFIED IDOT STD. 606001)



V TYPE



V TYPE: DEPRESSED FOR ADA RAMP

E1 = NO. 6 TIE BARS, 24" LONG AT 24" CTS. PER IDOT STD. 606001 (NO. 6 BARS SHALL NOT BE BENT), OR NO. 5 BARS, 24", AT 15" CTS. (NO. 5 BARS MAY BE BENT)

E2 = CURB SHALL BE POURED SEPARATE FROM ADJOINING LANE, SAWCUT AND SEALANT NOT REQUIRED BUT EDGER MUST BE USED. THE CITY MAY APPROVE CURB POURED WITH PAVEMENT, WITH "E1" AND "E2" EQUAL TO THAT FOR SAWED LONGIT. JNT.

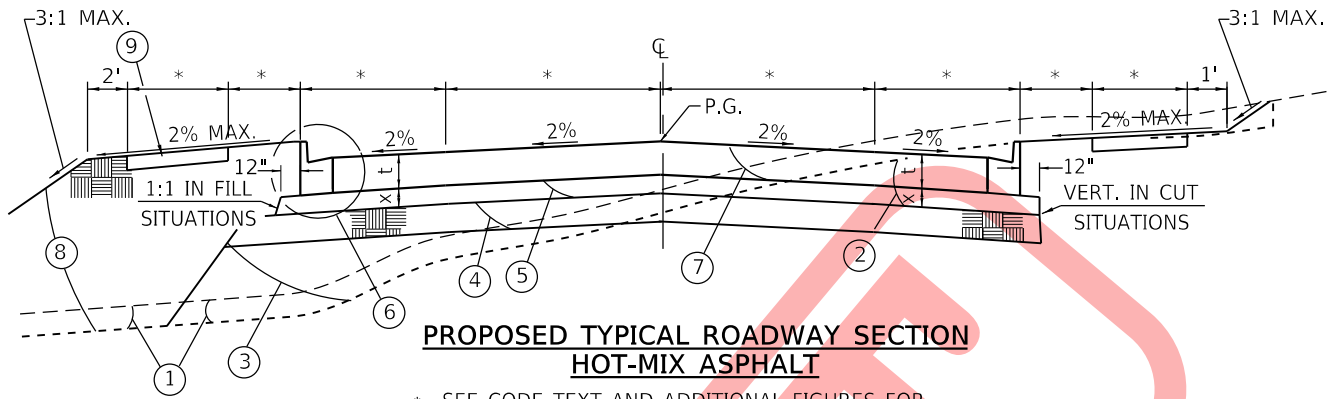
t = THICKNESS OF PAVEMENT, 6" (MIN.)
CURB SHALL BE CLASS "SI" CONCRETE WHEN SEPARATE FROM PAVEMENT.

CURB, WHEN POURED SEPARTELY, SHALL BE CLASS "SI" CONCRETE

- ⑦ SAWED LONGITUDINAL JOINT
- ⑧ PORTLAND CEMENT CONCRETE PAVEMENT, 6" (MINIMUM). NOTE THAT FOR LOCAL COLLECTORS, 7" SHALL BE USED & FOR MAJOR COLLECTORS & BUSINESS OR INDUSTRIAL, 8" (MINIMUM) SHALL BE USED. FOR MAJOR COLLECTORS, BUSINESS, OR INDUSTRIAL, DOWELLED TRANSV. CONTRACTION JOINTS SHALL BE USED. ALL TRANSVERSE JOINTS SHALL BE AT 15' MAX. CLASS "PV" CONCRETE, BROOM FINISHED. ALL PAVEMENT BETWEEN CURB ANC CENTERLINE, LEFT OR RIGHT, SHALL BE POURED SEPARATELY FROM THAT OPPOSITE CENTERLINE OR BY OTHER METHODS APPROVED BY THE VILLAGE DURING IMPROVEMENT PLAN REVIEW.
- ⑨ SAWED LONGITUDINAL JOINT (SEE "SAWED LONGITUDINAL JOINT" DETAIL REGARDING BAR PLACEMENT. PAVT. EITHER SIDE OF JOINT MUST BE POURED SEPARATELY & SAWCUT/SEALANT IS NOT REQUIRED)
- ⑩ EMBANKMENT (CAN BE TOPSOIL REMOVAL OR EARTH EXCAVATION MATERIAL)
- ⑪ PORTLAND CEMENT CONCRETE SIDEWALK, 4" (MIN.), CLASS "SI" CONCRETE PER STD. SPECS. (SHOWING SIDEWALK FOR FILL OR CUT SITUATIONS)

CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS

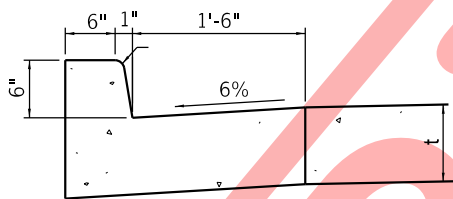


PROPOSED TYPICAL ROADWAY SECTION HOT-MIX ASPHALT

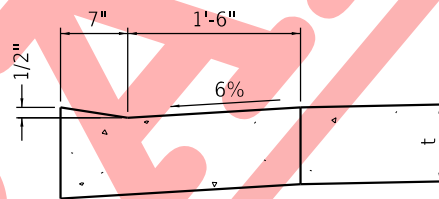
* SEE CODE TEXT AND ADDITIONAL FIGURES FOR STREET CLASSIFICATION AND DIMENSIONS.

LEGEND

- ① TOPSOIL REMOVAL
(DEPTH AS REQUIRED BY SOILS INVESTIGATION)
- ② EARTH EXCAVATION
(CAN BE USED FOR STRUCTURAL EARTH FILL OR EMBANKMENT)
- ③ COMPACTED STRUCTURAL EARTH FILL (MATERIAL REQUIREMENTS PER SOILS INVESTIGATION)
- ④ LIME MODIFIED SOIL, 6" (MIN.)
- ⑤ AGGREGATE BASE COURSE, TYPE B, 8" (MIN.)
- ⑥ TYPICAL CURB DETAILS:

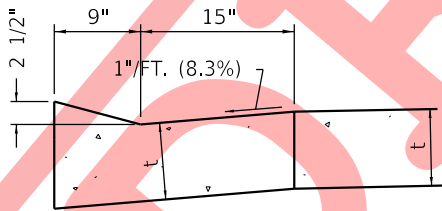


B-6.18 TYPE
(PER IDOT STD. 606001)

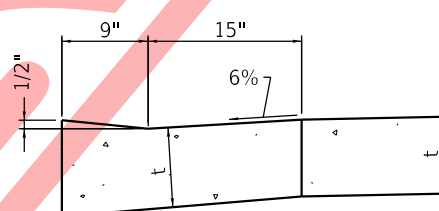


B-6.18 TYPE: DEPRESSED FOR ADA RAMP
(MODIFIED IDOT STD. 606001)

t = THICKNESS OF PAVEMENT,
6" (MIN.), FOR LOCAL
COLLECTORS, 8" (MIN.).
FOR MAJOR COLLECTORS,
10" (MIN.)



V TYPE



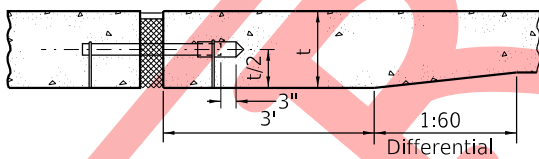
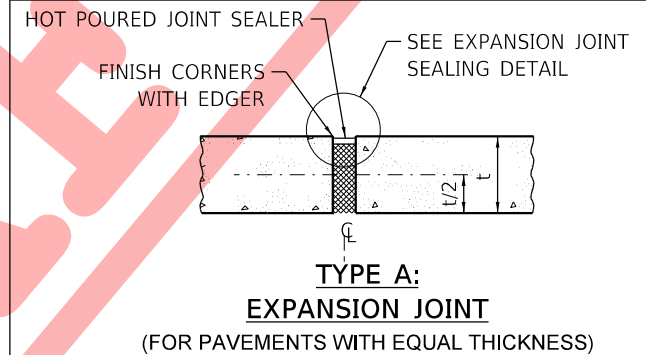
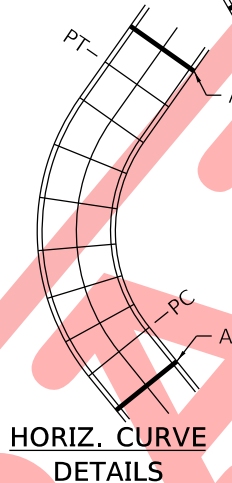
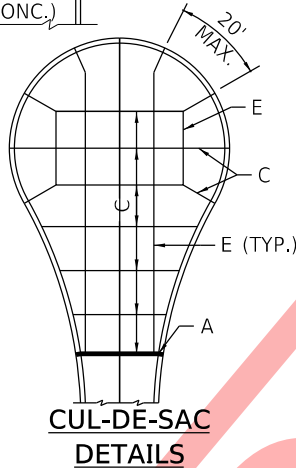
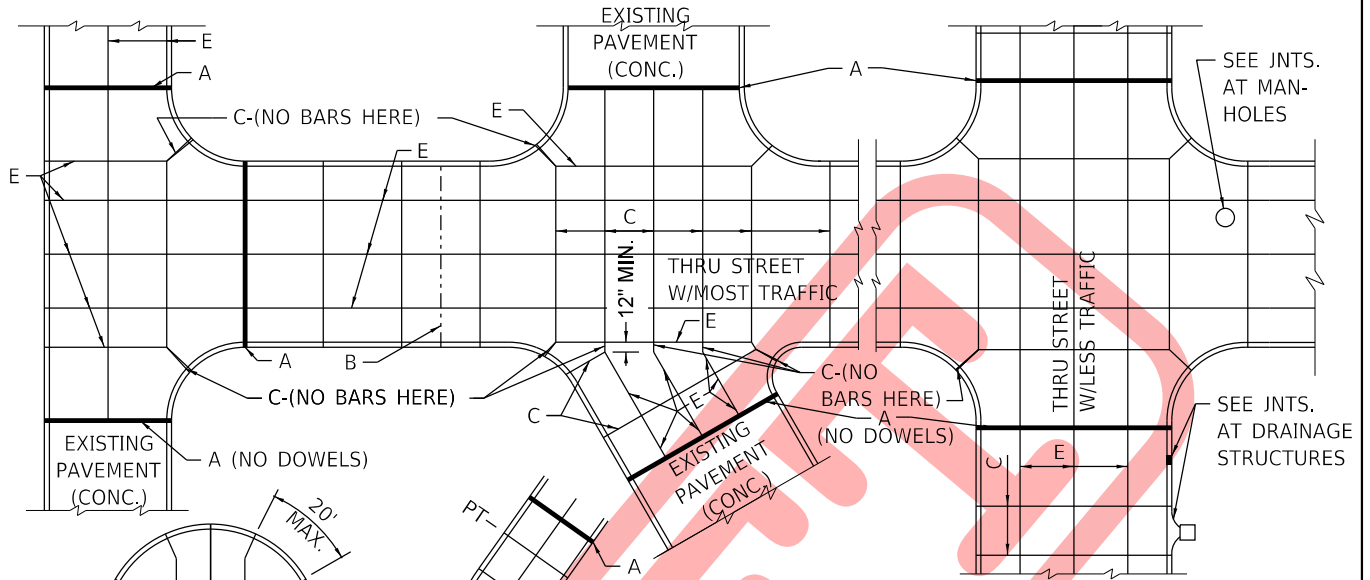
V TYPE: DEPRESSED FOR ADA RAMP

CURB SHALL BE CLASS "SI"
CONCRETE

- ⑦ HOT MIX ASPHALT (HMA) SURFACE COURSE, MIX "C", N50, 1 1/2" (MIN.), OVER HMA BINDER COURSE, IL-19.0, N50, 1 1/2" (MIN.), OVER HMA BASE COURSE, 3" (MIN.). NOTE FOR LOCAL COLLECTORS, HMA BASE COURSE SHALL BE 5" (MIN.) AND FOR MAJOR COLLECTORS, THE SURFACE AND BINDER SHALL BE 2" (MIN.) AND THE HMA BASE SHALL BE 6" (MIN.). ALL HMA SHALL BE PER CURRENT IDOT STANDARD SPECIFICATIONS.
- ⑧ EMBANKMENT (CAN BE TOPSOIL REMOVAL OR EARTH EXCAVATION MATERIAL)
- ⑨ PORTLAND CEMENT CONCRETE SIDEWALK, 4" (MIN.), CLASS "SI" CONCRETE PER STD. SPECS. (SHOWING SIDEWALK FOR FILL OR CUT SITUATIONS)

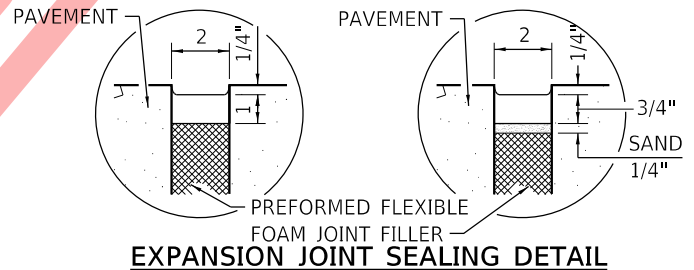
CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS

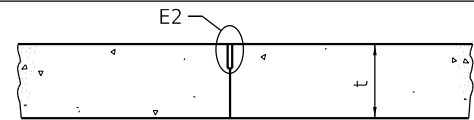


**TYPE A:
EXPANSION JOINT
(FOR PAVEMENTS WITH
UNEQUAL THICKNESS
SEE EXPAN. JOINT SEALING DETAIL)**

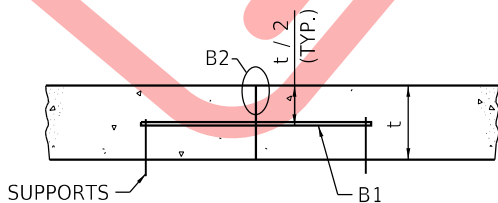
CONCRETE THICKNESS	DOWEL BAR DIAMETER
8" or greater	1 1/2"
7" thru 8"	1 1/4"
Less than 7"	1"



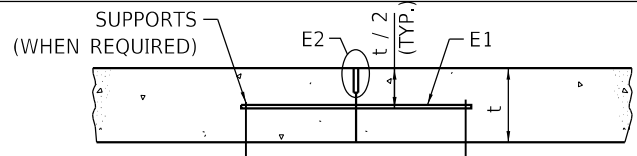
EXPANSION JOINT SEALING DETAIL



**TYPE C: SAWED TRANSVERSE JOINT
MAXIMUM 15' SPACING BETWEEN SAWED TRANS. JNTS.**



**TYPE B:
TRANVERSE CONSTRUCTION JOINT**
B1 = NO. 6 TIE BAR, 30" LONG (MIN.) AT 30" CENTERS (SHALL NOT BE BENT, MAY BE MECHANICALLY PLACED)
B2 = USE EDGER



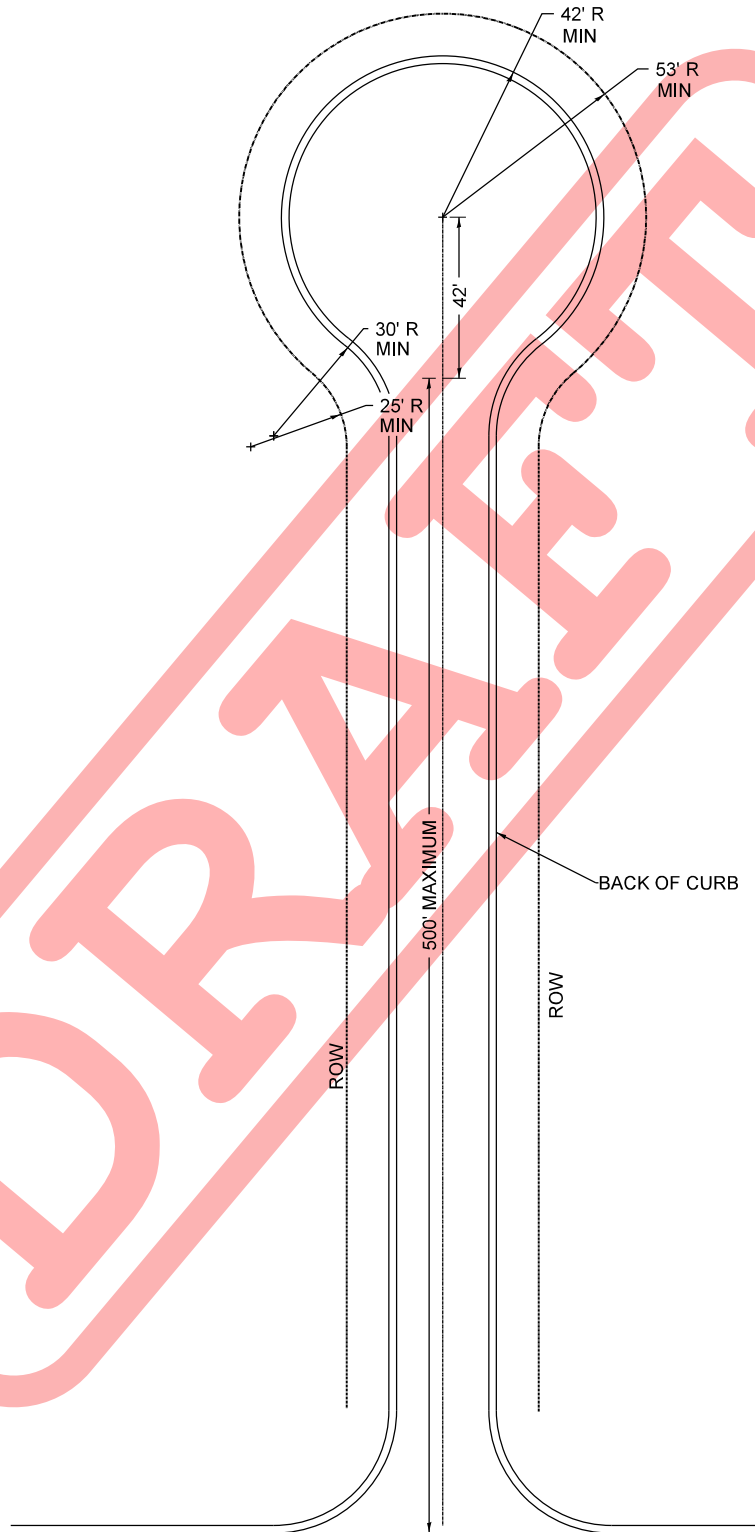
**TYPE E
SAWED LONGITUDINAL JOINT**

E1 = NO. 6 TIE BARS, 30" LONG AT 30" CTS. PER IDOT STD. 606001 (NO. 6 BARS SHALL NOT BE BENT), OR NO. 5 BARS, 30", AT 20" CTS. (NO. 5 BARS MAY BE BENT)

E2 = 1/8" MIN. WIDE SAWCUT, t/3 DEEP, FILL WITH HOT POURED JOINT SEALANT PER 050.02 OF STD. SPECS. OR APPROVED EQUAL.

CITY OF GREENVILLE

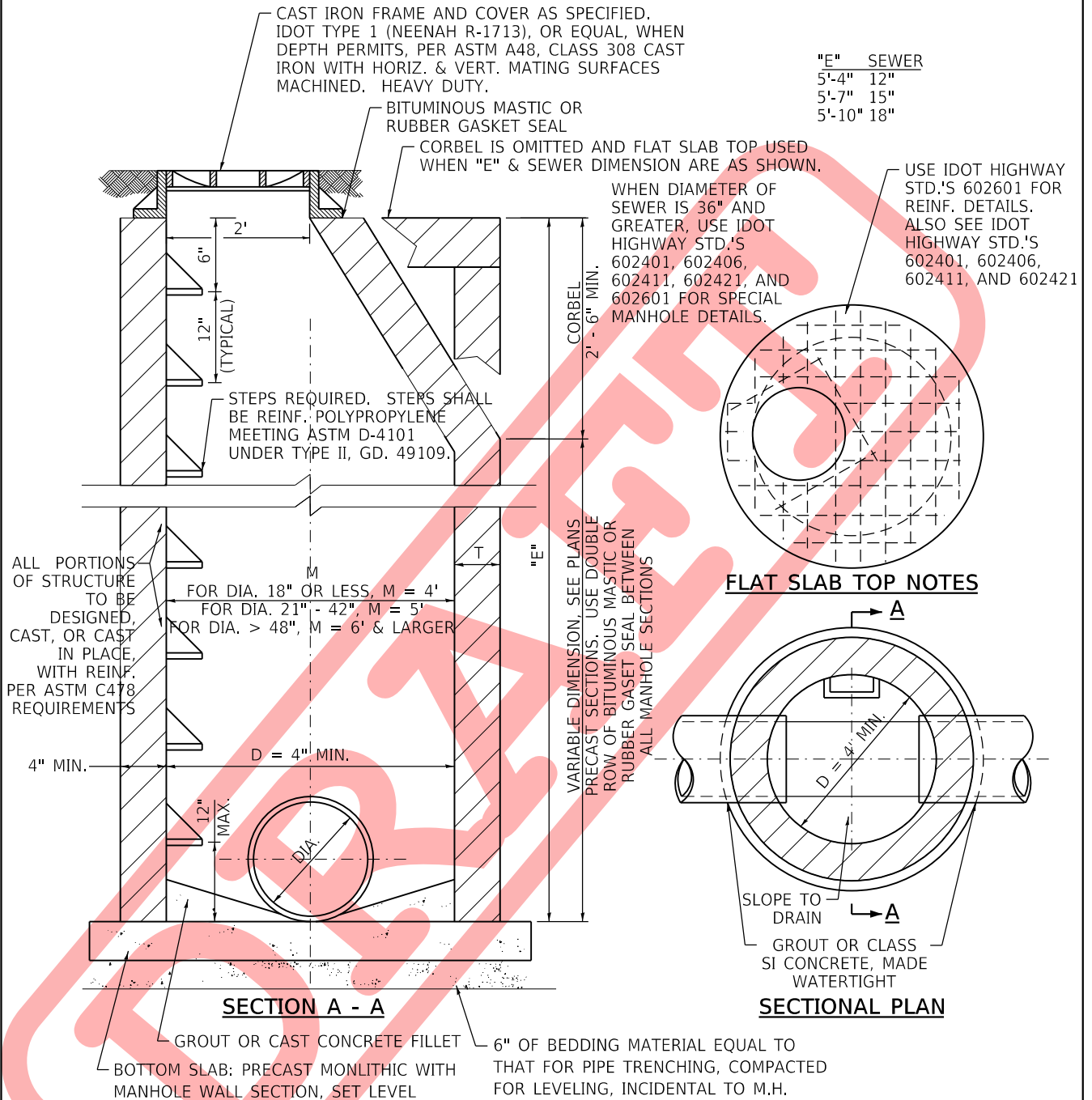
MUNICIPAL STANDARD DETAILS



STANDARD CUL-DE-SAC
DETAIL

CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS



NOTES:

1. CONSTRUCTION AND INSTALLATION SHALL BE PER IDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION
2. "T" DIMENSION SHALL BE AS PER ASTM C478 AND IDOT HIGHWAY STANDARDS. ALL CONCRETE, AND CONSTRUCTION SHALL BE PER IDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONST.

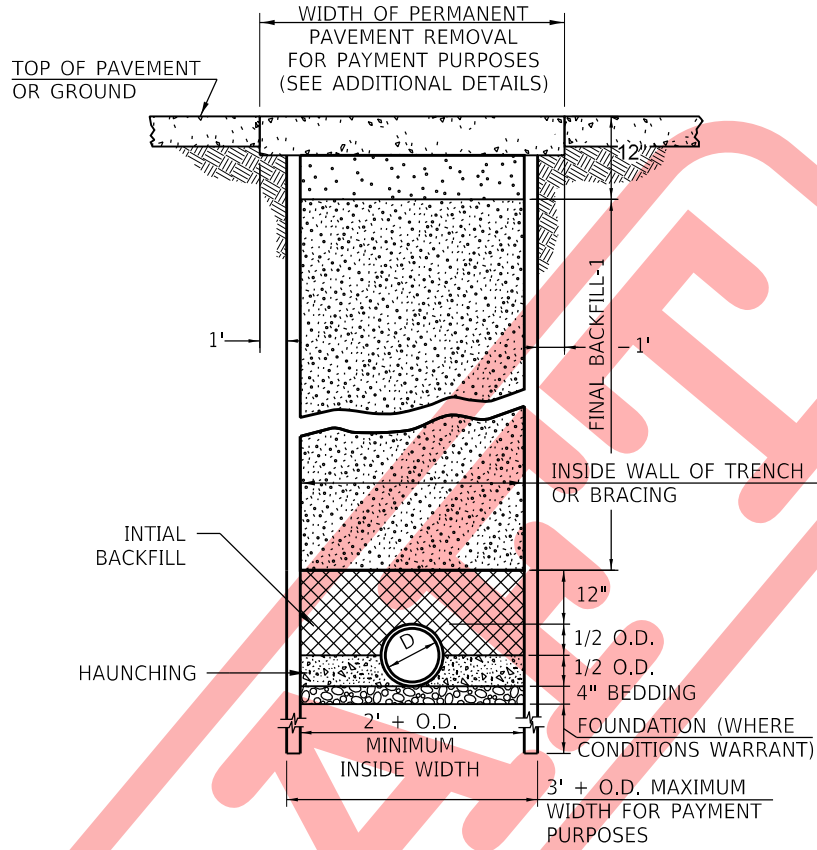
**STORM
SEWER MANHOLE
DETAILS**

DETAIL SS-2

CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS

UTILITY TRENCHING DETAILS



TRENCHING DETAILS

	SANIT. SEWER MAINS & LATERALS		SANIT. SEWER FORCE MAINS		WATER MAINS & SERVICES		STORM SEWERS - RCP		STORM SEWERS - PLASTIC	
	UNDER PAVT.	UNDER EARTH	UNDER PAVT.	UNDER EARTH	UNDER PAVT.	UNDER EARTH	UNDER PAVT.	UNDER EARTH	UNDER PAVT.	UNDER EARTH
	CA-7	CA-7	CA-7	*	CA-7	*	CA-7 OR CA-6	CA-7 OR CA-6	CA-6	CA-6
	CA-7	CA-7	CA-7	*	CA-7	*	CA-7 OR CA-6	CA-7 OR CA-6	CA-6	CA-6
	CA-7	*	CA-7	*	CA-7	*	CA-7 OR CA-6	*	CA-6	CA-6
	CA-7	*	CA-7	*	CA-7	*	CA-7 OR CA-6	*	CA-6	*

*CASE 1 BACKFILL FREE FROM ORGANICS.

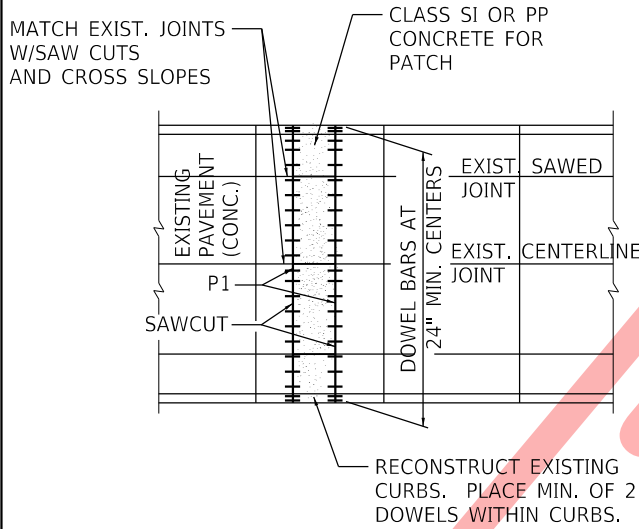
IDOT TRENCH BACKFILL, USED FOR STORM SEWERS, SHALL BE AS SHOWN ABOVE AND NO FA-# MATERIAL WILL BE ALLOWED.

CA-6 MAY BE USED IN LIEU OF CA-7 FOR PIPES OTHER THAN STORM SEWERS, WITH MECHANICAL TAMPING COMPACTION THROUGHOUT.

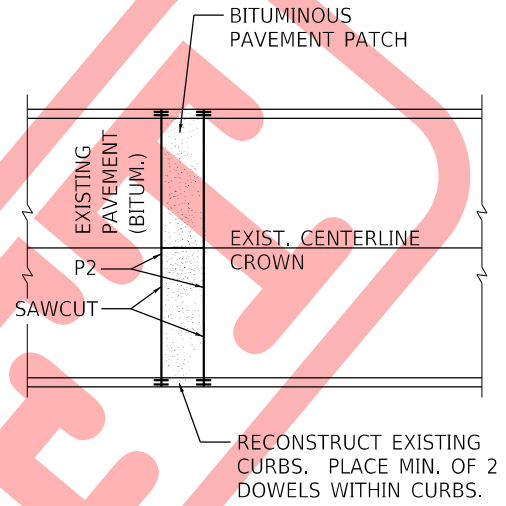
OTHER UTILITIES, DEPENDING ON TYPE AND SIZE, MAY REQUIRE MODIFICATIONS TO THE ABOVE.

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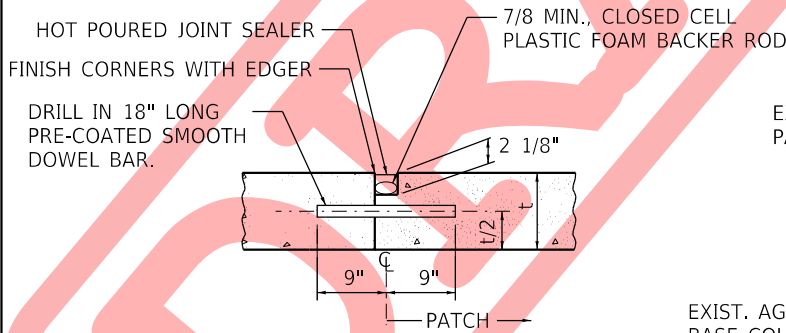
MUNICIPAL STANDARD DETAILS



DETAILS FOR CONCRETE PAVEMENT

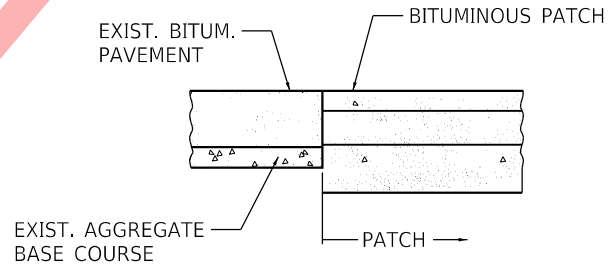


DETAILS FOR BITUMINOUS PAVEMENT



P1-PATCHING TRANSVERSE JOINT

CONCRETE THICKNESS	DOWEL BAR DIAMETER
8" OR GREATER	1 1/2"
7" THRU 8"	1 1/4"
LESS THAN 7"	1"



P2-PATCHING TRANSVERSE JOINT

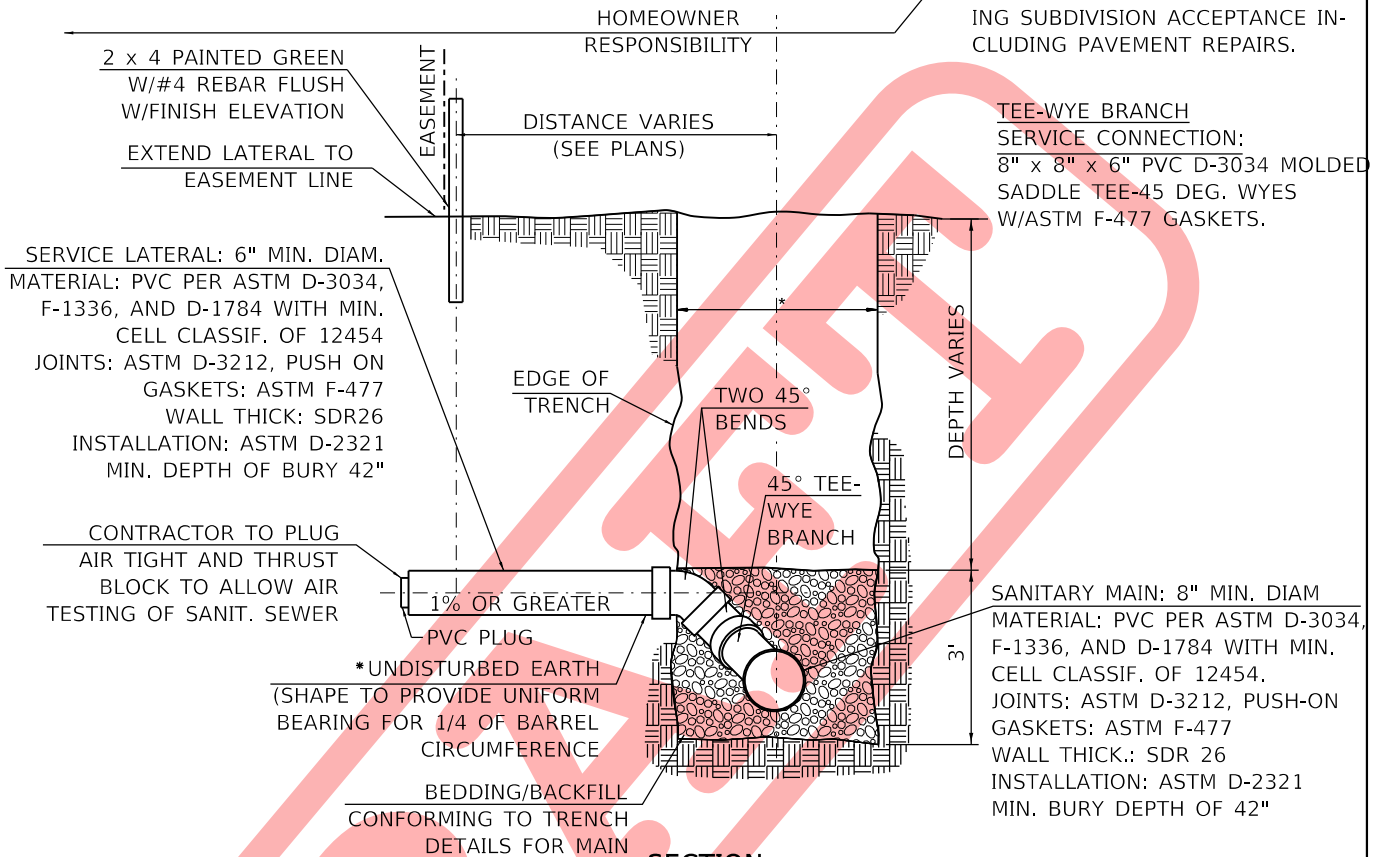
THE TOP 3" OF THE BITUM. PATCH MUST BE HOT-MIX ASPHALT SURFACE COURSE, MIX. C. A MINIMUM 3" OF HMA BASE COURSE REQUIRED BENEATH SURFACE COURSE. A MINIMUM 5" OF SUB-BASE COURSE OF HMA BASE COURSE OR BITUMINOUS AGGREGATE MIXTURE MUST BE PLACED BELOW THE BASE COURSE.

UTILITY PATCHING DETAILS

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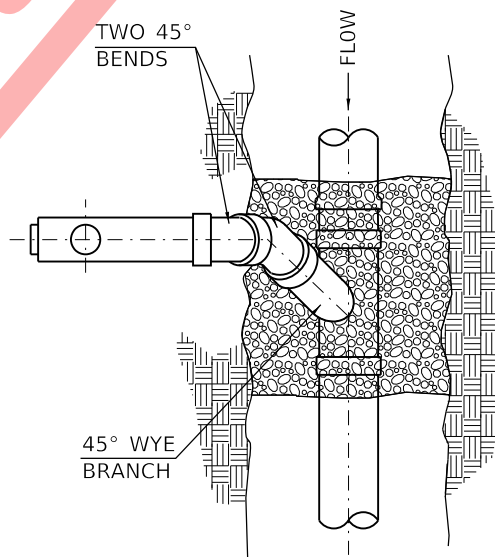
MUNICIPAL STANDARD DETAILS

HOME OR BUSINESS OWNER SHALL BE RESPONSIBLE FOR THEIR OWN SERVICE CONNECTION FOLLOWING SUBDIVISION ACCEPTANCE INCLUDING PAVEMENT REPAIRS.



SECTION

UTILIZE CA-7 FOR ALL BEDDING, HAUNCHING, AND INITIAL BACKFILL AND CA-7 FINAL BACKFILL WHERE THE EDGE OF THE TRENCH IS WITHIN TWO (2) FEET OF A PERMANENT SURFACE, INCLUDING DRIVEWAYS AND SIDEWALK. USE CASE 1 BACKFILL FREE FROM ORGANICS AT ALL OTHER LOCATIONS

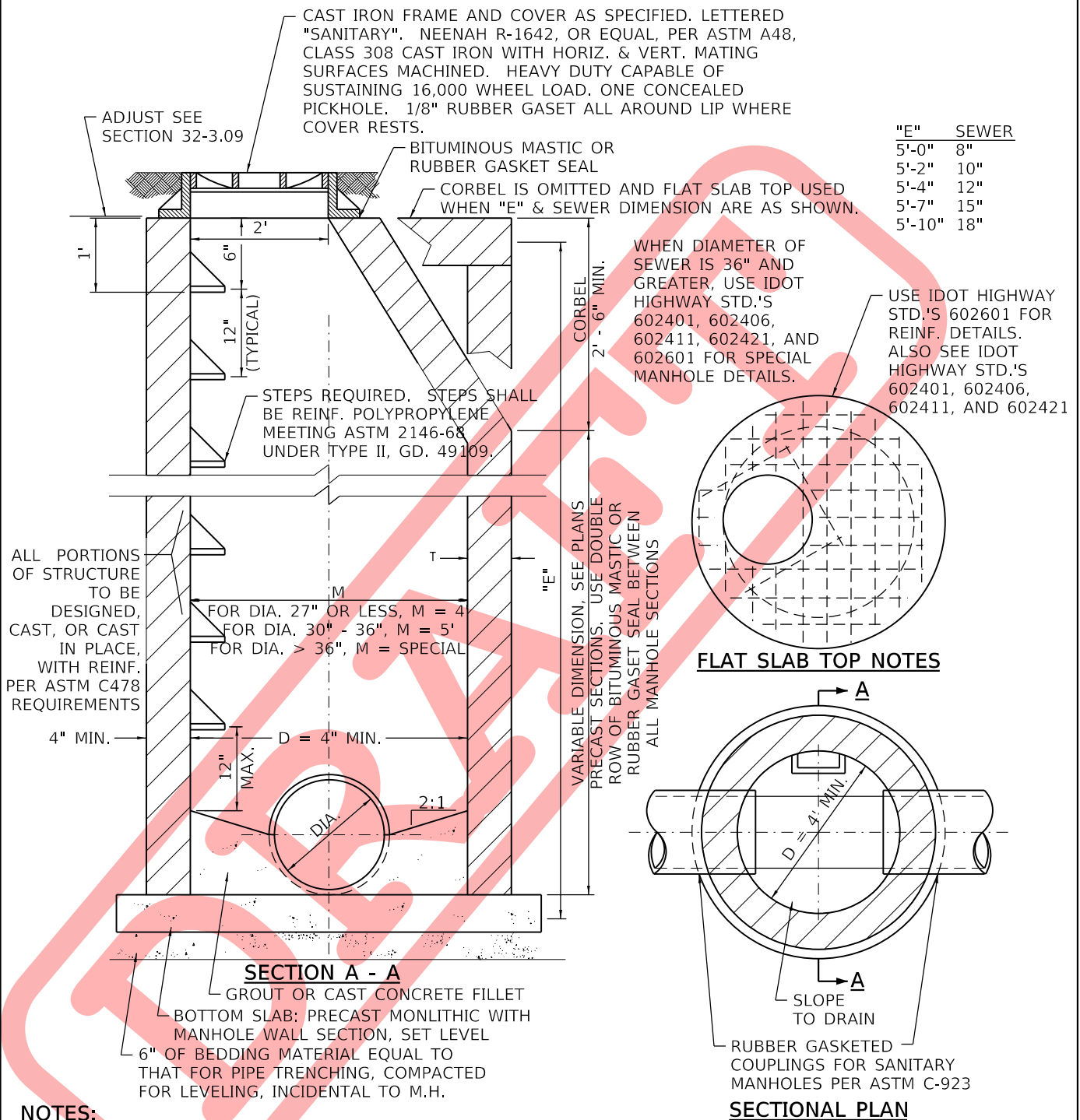


PLAN

SANITARY SEWER MAINS & SERVICE CONNECTIONS

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MUNICIPAL STANDARD DETAILS



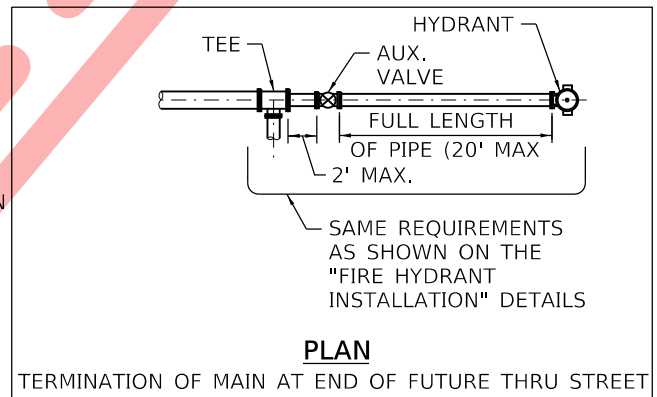
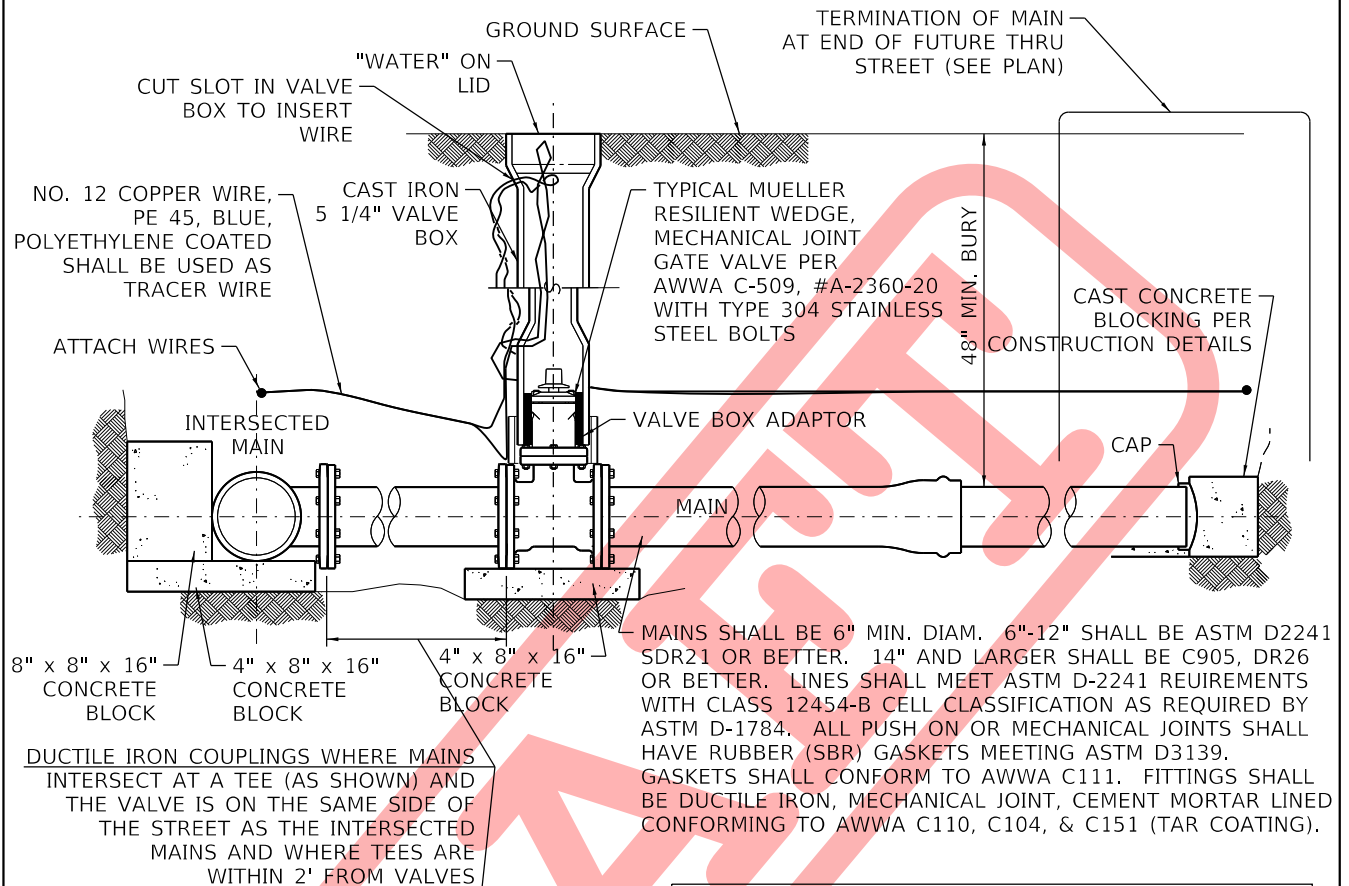
NOTES:

- CONSTRUCTION AND INSTALLATION SHALL BE PER ILLINOIS STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN IN ILLINOIS, CURRENT EDITION.
- ONLY CAST-IN-PLACE OR PRECAST MANHOLES ARE ALLOWED DUE TO INFILTRATION. "T" DIMENSION SHALL BE AS PER ASTM C478 AND IDOT HIGHWAY STANDARDS. ALL CONCRETE, AND CONSTRUCTION SHALL BE PER IDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONST.
- STD. SPECS. REFER TO "A" AS ONE WITHOUT FLAT SLAB TOP. "B" REFERS TO THOSE WITH SQUARE SECTION AROUND LARGE DIAMETER PIPE (36" & GREATER), AND "C" REFERS TO SHALLOW MANHOLES WITH FLAT SLAB TOP. THESE NOMENCLATURES ARE HEREIN MODIFIED WITH REFERENCE TO THE STD. SPECS. FOR WATER & SEWER MAIN CONSTRUCTION AND THE IDOT HIGHWAY STANDARDS. CIRCULAR SECTIONS AROUND LARGE DIAMETER PIPE (PER IDOT SPECIFICATIONS) REQUIRED RATHER THAN SQUARE SECTION OF THE STD. SPECS. FOR WATER & SEWER FOR TYPE "B".
- ALL SANITARY SEWER MANHOLES, VALVE VAULTS, AND LIFT STATIONS SHALL BE VACUUM TESTED PER ASTM C1244 CURRENT EDITION, EXCEPT THAT THE TEST HEAD SHALL BE PLACED ON TOP OF MANHOLE FRAMES AND NOT THE CONCRETE FOR THE TEST.

**SANITARY
SEWER MANHOLE
DETAILS**

CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS



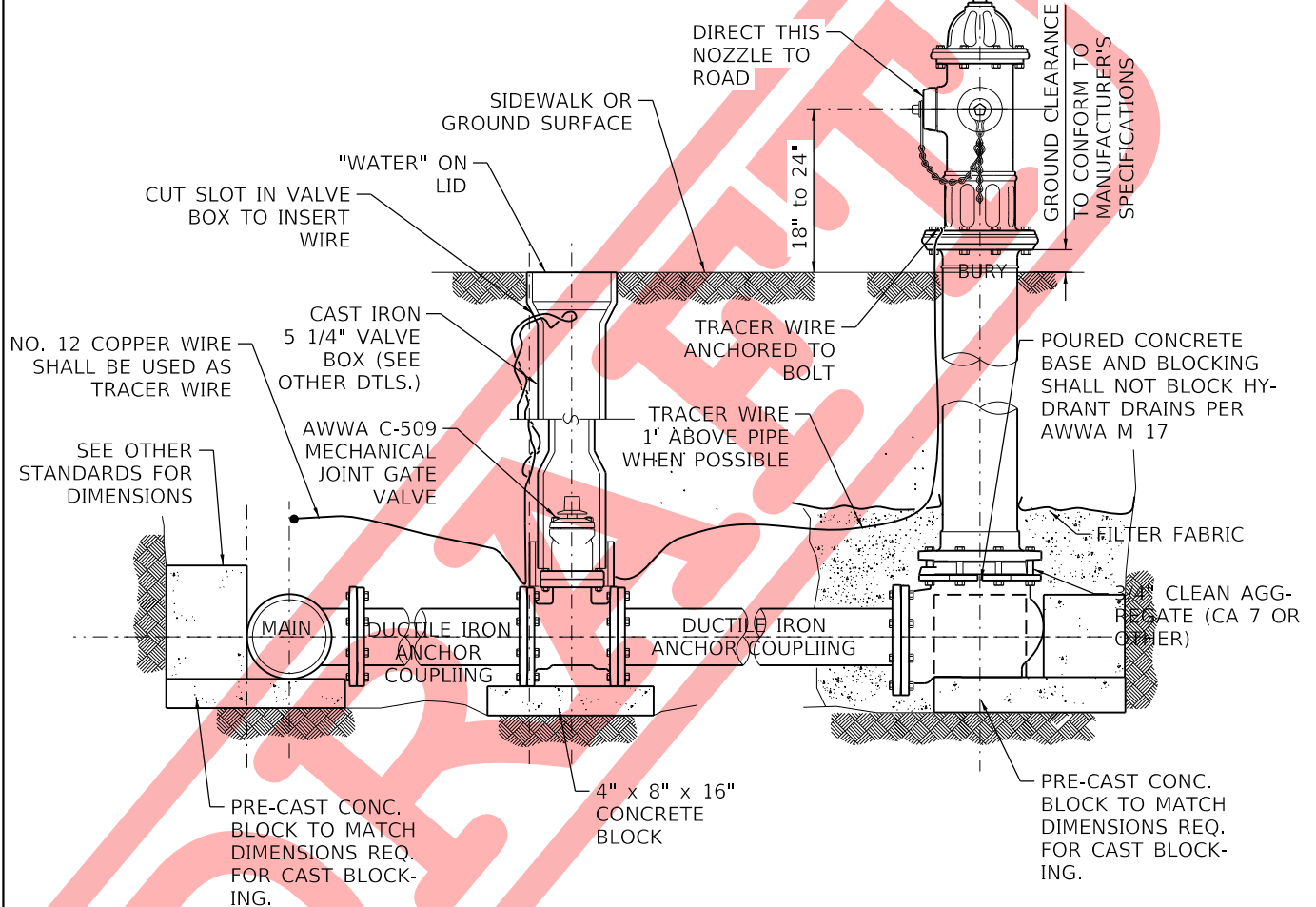
NOTES

1. EXECUTION SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE ILLINOIS STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION AND THE VILLAGE OF WATERLOO CONSTRUCTION DETAILS.
2. MECHANICAL JOINT FITTINGS SHALL BE USED TO ROUTE WATER MAINS AROUND CUL-DE-SACS AND WHEN VERTICAL OR HORIZONTAL ALIGNMENTS OF PIPE EXCEED DEFLECTIONS ALLOWED. MAXIMUM DEFLECTION SHALL BE ACHIEVED AT JOINTS AND NOT ALONG PIPES.
3. WATER MAIN VALVE BOXES SHALL NOT BE INSTALLED IN DRIVEWAYS, SIDEWALKS, AND STREET CURBING.
4. ALL BLOCKING OF WATER MAIN FITTINGS, VALVES, AND HYDRANTS SHALL BE SOLID CONCRETE BLOCKING WITH OAK WEDGES.
5. MECHANICAL RESTRAINT DEVICES APPROVED BY THE VILLAGE SHALL BE USED ON ALL MECHANICAL JOINT DUCTILE IRON FITTINGS.
6. TAPPING SLEEVES (HOT TAPS) SHALL REQUIRE STAINLESS STEEL MUELLER #H-304 OR FORD #FTSS AND/OR MECHANICAL JOINT TAPPING SLEEVE #H-615.
7. ALL MAINS SHALL BE TESTED AT IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN INSTALLATION IN ILLINOIS, CURRENT EDITION.
8. ALL VALVE BOXES SHALL BE INSTALLED UPON THE VALVE WITH THE USE OF A VALVE BOX ADAPTOR.

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MUNICIPAL STANDARD DETAILS

FIRE HYDRANT CONFORMING TO AWWA C-502. A-423 MUELLER SUPER CENTURIAN #250 (5 1/4" MAIN VALVE), 3-WAY NOZZLES (TWO W/2 1/2" W/NAT. STD. THREADS, ONE W/5 1/4" W/NAT. STD. THREADS).



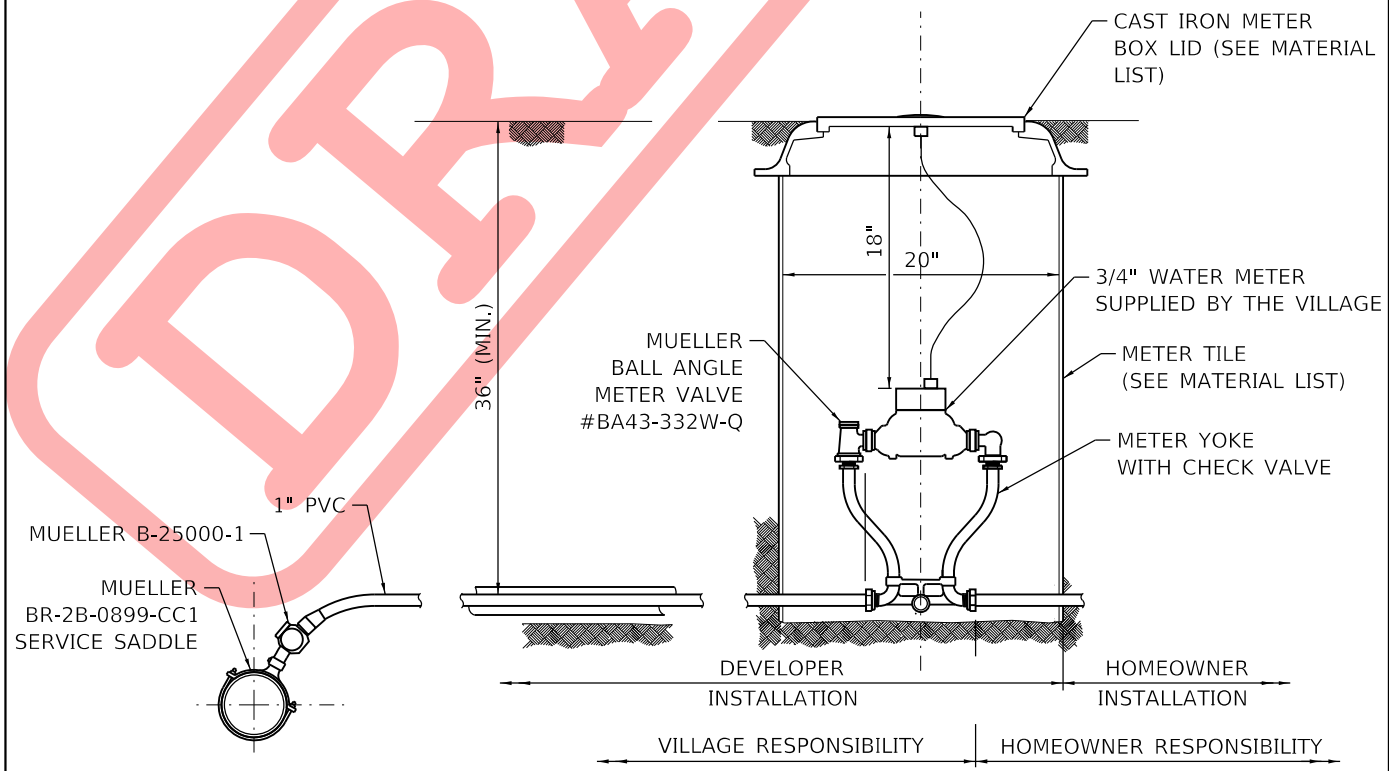
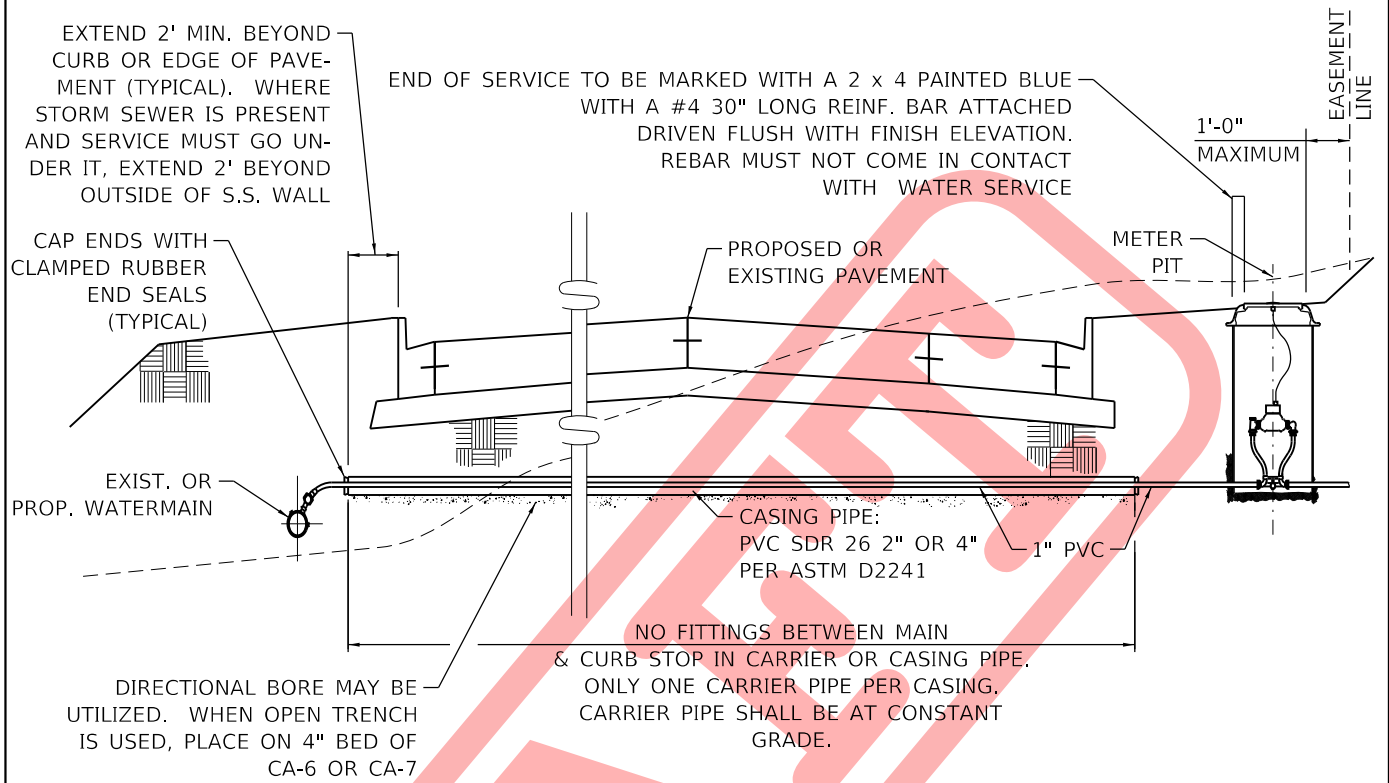
NOTES

1. EXECUTION SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE ILLINOIS STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION, IEPA REQUIREMENTS, AND THE ILLINOIS PLUMBING CODE.
2. VISQUEEN TYPE PLASTIC TO BE PLACED BETWEEN FITTINGS AND POURED CONCRETE.
3. DO NOT POUR CONCRETE AROUND FLANGES AND BOLTS.

**FIRE HYDRANT
INSTALLATION**

CITY OF GREENVILLE

MUNICIPAL STANDARD DETAILS



WATER SERVICE INSTALLATION DETAILS