




ZONING ORDINANCE

CITY OF EAST MOLINE

AS AMENDED BY EAST MOLINE CITY COUNCIL

June 3, 2019

AS PREPARED BY: EAST MOLINE ZONING COMMISSION
BI-STATE REGIONAL COMMISSION
ACTING CITY ZONING STAFF



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EAST MOLINE ZONING ORDINANCE

An Ordinance amending the Zoning Ordinance of the City of East Moline, Illinois.

BE IT ORDAINED BY THE CITY COUNCIL OF EAST MOLINE, ILLINOIS:

ARTICLE I - PURPOSE AND TITLE

The Zoning Ordinance of the City of East Moline, Illinois, heretofore adopted (*DATE*), be and is hereby amended by striking all of said Ordinance except the Title thereof and inserting in lieu thereof the following:

Title: This Title Shall be known, cited and referred to as the ZONING TITLE OF THE CITY. (*Insert Ord. #*).

ARTICLE II - INTERPRETATION

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or law or ordinance, the provisions of this Ordinance shall prevail.

ARTICLE III – DEFINITIONS

For the purpose of this Title, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular; the word “shall” is mandatory and not directory.

- 1) Accessory Building or Use.
 - a) Accessory Structure. A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
 - b) Accessory Use. A structure or use that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or a principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or use served.
- 2) Adult Bookstore. An establishment having more than 40 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.
- 3) Adult Mini-motion Picture Theaters. Often referred to as peep shows and characterized by small private booths rented to individuals to view sexually explicit films or tapes.
- 4) Adult Motion Picture Theaters. A building used for presenting films distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- 5) Adult Modeling and Entertainment Facility. An establishment, either with or without a liquor license, offering sexually oriented live entertainment, which may include topless and go-go dancers, strippers, or male or female impersonators.
- 6) 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.

- 7) Amusement Center. Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertainment or amusement devices.
- 8) Apartment. A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.
- 9) Apartment/Dormitory. A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet, which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facility which are enforced by resident personnel of such educational facility.
- 10) Automobile Repair - Major. General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including bodywork, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.
- 11) Automobile Repair - Minor. Minor repairs, incidental body and fender work, touch-up painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.
- 12) Automobile Service Station. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; minor or light servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. Does not include major automobile repair, i.e. anything not defined in Automobile Repair – Minor.
- 13) Automobile Wrecking Yard. Any place where two or more 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 condition; and including the commercial salvaging of any other goods, articles or merchandise.
- 14) Balcony. Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.
- 15) Bar: An establishment in which alcoholic beverages are served for on-site consumption, primarily by the drink.
- 16) Bed and Breakfast. Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve-month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.
- 17) Boarding House. An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).
- 18) Book/stationery Store. An establishment dealing in books, printed materials and stationery supplies, which is not an adult bookstore.
- 19) Building. Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be

deemed a separate building (see structure).

- 20) Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- 21) Building, Height of. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
 - a) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
 - b) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.
 - c) The height of a stepped or terraced building is the maximum of any segment of the building.
- 22) Building, Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.
- 23) Building Set-back Line. See "Setback."
- 24) Bulk Storage. Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a "bulk storage tank" for the remainder of the calendar year in which it was so used.
- 25) Care Home, Large Residential. A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by "Disability" in this ordinance, for the primary purpose of providing shelter.
- 26) Care Home, Small Residential. A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.
- 27) Carport. A roofed structure providing space for the parking of motor vehicles that may be enclosed on not more than three sides.
- 28) Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 29) Clinic or Medical Health Center. A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.
- 30) Club or Lodge, Private. Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.
- 31) Commercial Equipment Storage Facility (Large Storage Units, Recreational Vehicle Storage, Mobile Agricultural Vehicle or Equipment Storage): A building or group of buildings containing separate,

individual, and private storage spaces of varying sizes available for lease or rent for commercial or agricultural vehicles or equipment, or personal recreational vehicles, often with storage units at a size larger than traditional mini-warehouse storage units or other self-storage facilities.

- 32) Comprehensive Plan. The plan or any portion thereof adopted by the City to guide and coordinate the physical and economic development of the City. The comprehensive plan includes, 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.
- 33) Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.
- 34) Correctional center. Please see definition for prison.
- 35) Day Care Center. A child care facility meeting all state regulation which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.
- 36) Day Care Home. A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older, and must meet all state regulation.
- 37) Deck. Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade. Decks can be adjacent to the first floor level of a dwelling, or occasionally adjacent to second floors or higher (See: Balcony).
- 38) Disability. As defined by the Americans with Disability Act (ADA), a person who has:
 - a) A physical or mental impairment that substantially limits one or more major life activities;
 - b) A record of such an impairment; or
 - c) Is regarded as having such an impairment.
- 39) District, Zoning. A portion of the territory of the City wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.
- 40) Dormitory. A building used as group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect at such educational facility which are enforced by resident personnel at such institution.
- 41) Dwelling Group. Two or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.
- 42) Dwelling, One-family. A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least 900 square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation.
- 43) Dwelling, Two-family. A building designed or altered to provide dwelling units for occupancy by two families.
- 44) Dwelling, Multiple-family. A building or portion thereof designed or altered for occupancy by three or

more families living independently of each other.

- 45) Dwelling, Row (Townhouse). A row of two to twelve attached, one-family, party-wall dwellings.
- 46) Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.
- 47) Easement. A right to use a portion of another person's real property for certain limited purposes.
- 48) Educational Institution. Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.
- 49) Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, 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 or other governmental agencies or for the public health or safety or general welfare but not including buildings.
- 50) Family. One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.
- 51) Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings. Does not include "confinement operations" or "concentrated animal feeding operations" as are defined by Illinois's Environmental Protection Agency.
- 52) Fast Food Restaurant. An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.
- 53) Fence. A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.
- 54) Food Truck (Food Cart, Public Vending, or Public Vendors). A vehicle, usually a van, truck, towed trailer, or pushcart, from which food and beverages are sold. Typical locations are job sites; places of assembly, such as colleges, industries, or sports activities; and special events.

- 55) Foster Family Home. A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of six (6) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of six (6) unrelated children to facilitate an adoptive placement.
- 56) Foster Group Homes. A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois, with no more than six children under 30 months of age. Adult supervision shall be provided on a twenty-four (24) hour basis.
- 57) Frontage Lots. See Lots, Multiple Frontage
- 58) Garage, Bus or Truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1-1/2) ton capacity.
- 59) Garage, Private. A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.
- 60) Halfway House/Group Home. A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:
- a) To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
 - b) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;
 - c) To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
 - d) To provide adult congregate living arrangements without nursing care.
- 61) Hazardous Waste. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.
- 62) Health/Recreational and Physical Training Club. An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, Jacuzzi and/or sauna, and pro shop.
- 63) Height. See Building, height of.
- 64) Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this ordinance.
- 65) Hospital or Sanitarium. An institution in which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients, and may include inpatient overnight care.

- 66) Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see "Motel").
- 67) Hotel, Transient. See Boarding House.
- 68) Household Hazardous Waste. A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.
- 69) Improved Surface: . A continuous parking surface such as concrete, asphalt, paver bricks, or other alternative materials that are shown to be impervious yet as durable as concrete pavement.
- 70) Independent Trailer Coach or Independent Mobile Home. A transportable non-permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.
- 71) Junk Yard. Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.
- 72) Kennel. Any structure or premises where dogs and cats over four (4) months of age are kept, raised, bred or boarded for commercial purposes excluding animal hospitals, clinics and pet shops.
- 73) Land Use Plan. The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the City Council, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.
- 74) Legal Objector. The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.
- 75) Lighting Plan: A plan showing the location, the height above grade, the type of illumination, the type of fixture, the source lumens, and the luminous area for each source of light proposed.
- 76) Loading and Unloading Space, Off-Street. An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.
- 77) Lodging or Rooming House. See Boarding House.
- 78) Lodging Room. See Boarding House.
- 79) 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."
- 80) Lot Area/Coverage. The area of the lot covered by buildings above grade, excluding permitted projections.
- 81) Lot of Record. An area of land designated as a lot on a plat recorded with the Recorder of Deeds of

Rock Island County, Illinois in accordance with State law.

- 82) Lot, Corner. A lot having at least two (2) adjacent sides that abut for their full length upon streets.
- 83) Lot, Front or Frontage. The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.
- 84) Lot, Multiple Frontage. A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.
- 85) Lot, Interior. A lot other than a corner or reversed corner lot.
- 86) Lot Line, Rear. The lot line or lot lines most nearly parallel and most remote from the front lot line.
- 87) Lot Line, Side. A lot line which is not a front or rear lot line.
- 88) Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- 89) Lot, Through. A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.
- 90) Lot, Width. The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.
- 91) Lot, Zoning. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.
- 92) Microbrewery: An establishment that prepares handcrafted natural beer intended for consumption on the premises.
- 93) Mini-Warehouse (See Self-Storage Facility): A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. The size of each Mini-Warehouse or Self-Storage Facility should be between 10 and 20 feet wide.
- 94) Mobile Home/Manufactured Housing. A detached residential dwelling unit designed for transportation after fabrication on streets of highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.
- 95) Modular Home. Factory-built housing certified to meet the current building codes and amendments as adopted by Rock Island County, IL and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
- 96) Motel. A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.
- 97) Motor Freight Terminal. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.
- 98) Nightclub. A tavern or other commercial establishment where alcoholic beverages and/or food are

served for consumption on premises and a dance floor and/or entertainment are provided. See also "Tavern."

- 99) Non-conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
- 100) Nursery School. An institution providing instructional/educational services for at least six (6) preschool aged children.
- 101) Ordinance. Reference to "Ordinance" herein shall be construed as the Zoning Ordinance.
- 102) Owner. The word "owner" applies to the entity in which title is vested in the building or land.
- 103) Parking Area, Accessory. An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
- 104) Parking Space, Automobile. Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.
- 105) Paved surface or Pavement. Please see definition for improved surface.
- 106) Person. An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.
- 107) Plan Commission. Planning and Zoning Commission of the City of East Moline. Has the responsibility to oversee comprehensive planning and zoning matters of the city.
- 108) Planned Unit Development. A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.
- 109) Porch. Is a roofed structure (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.
- 110) Portable On-Demand Storage Unit (PODS) –A purpose-built, fully-enclosed container placed outdoors which is designed and intended to temporarily serve as a storage or containment unit for household or commercial goods or equipment. Please see Article XXIII – Off-street parking and loading for provisions and regulations.
- 111) Principal Building. A building in which the primary use of the lot on which the building is located is conducted.
- 112) Prison: A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.
- 113) Property Owner. Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.
- 114) Recreational Vehicle. A general term for a vehicular unit bearing current license and/or

registration, not exceeding thirty-six (36) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:

- a) Camper Trailer. A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
 - b) Travel Trailer. A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
 - c) Truck Camper. A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
 - d) Motor Home. A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
 - e) Boat Trailer: A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
 - f) Horse Trailer: A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.
 - g) Utility Trailer: A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
 - h) Recreational Boat. A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit. If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.
- 115) Refuse Equipment Operation. The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.
- 116) Residential Solid Waste. Waste that normally originates in a residential environment.
- 117) Restaurant. A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.
- 118) Right of Way. A strip of land dedicated to the City or other unit of government for streets, alleys, public utilities, drainage facilities, and other public improvements.
- 119) Self-Storage Facility (See Mini-Warehouse): A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. The size of each Mini-Warehouse or Self-Storage Facility should be between 10 and 20 feet wide.
- 120) Set-back. The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

- 121) Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- a) Sign, Digital: Changeable electronic variable message signs (CEVMS) that have changeable messages or displays and meet requirements related to duration of messages, transition times, lighting, and brightness.
- 122) SMALL HOUSE (OR TINY HOUSE). A structure intended as a household that includes basic functional areas that support normal daily routes, such as cooking, sleeping, and toiletry, but is also smaller than traditional single-family homes, i.e. less than 1,000 sq. ft. They are designed and built to look like a conventional building structure, and meet all aspects of building code. Small houses differ from mobile homes in that they are not designed to be transported with automotive power, and have a permanent foundation.
- 123) Solar Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. The location of a solar collector must comply with local building and setback regulations, and is to be set back not less than five feet from the property line, and not less than ten feet above the ground.
- 124) Special Use: A special use is an additional use which the controlling zoning ordinance states will be allowed in a given zone unless there is a showing that the use would have unique adverse effects on the neighboring properties. Special uses do not "run with the land" but only remain with the existing property owner for the duration of their residency.
- 125) Stable, Riding. A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.
- 126) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.
- 127) Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.
- 128) Street. A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.
- 129) Structural Alteration. Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.
- 130) Structure. Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- 131) Tavern. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; and where sandwiches, snacks and other food products are available for purchase. "Tavern" does not include "restaurants," where the principal business is serving food (includes "Bar" and "Cocktail Lounge"). (See Nightclub".)
- 132) Terrace/Patio. Is an unroofed paved area located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio blocks).

- 133) Theater. An establishment used to observe films and other visual material which is not an Adult Motion Picture Theater.
- 134) Tourist Courts, Motor Lodges, Motels. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.
- 135) Tourist Home. A dwelling in which accommodations are provided or offered for transient guests.
- 136) Toxic Waste. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment, which are being discarded by being disposed, incinerated or recycled.
- 137) Trailer Park or Mobile Home Park. An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.
- 138) Truck Parking Area or Yard. Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.
- 139) Unrelated Group Family. A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Article IV of this Zoning Ordinance.
- 140) Variance: A relaxation of the terms of this Ordinance which will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of actions of the applicant a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Permission to depart from the literal requirements of a zoning ordinance, such as setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would present practical difficulties in the use of the property.
- 141) Wind-Powered Turbine: A device that converts kinetic energy from wind into electrical power. The land area around the turbine may be used for agricultural or other low-intensity use purposes assuming the accessory uses in the immediate area are not incongruous to the turbine's purpose.
- 142) Yard. The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.
- 143) Yard, Front. An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 144) Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 145) Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 146) Zoning Maps. The map or maps incorporated into this ordinance as a part hereof.

- 147) Zoning Official. Designated Zoning Official appointed by the City Administrator of East Moline whose responsibilities include: the processing of applications for zoning appeals, zoning amendments, zoning application forms, and other various and sundry zoning documents, as well as providing the necessary zoning information as requested by the general public.

ARTICLE IV - GENERAL PROVISIONS

1. Zoning Affects Every Structure And Use. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
2. Continued Existing Uses. Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in the subsection below. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.
3. Non-conforming Uses. Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
 - A. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
 - B. Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently proceeds to completion. Such building shall thereafter be deemed a lawfully established building.
 - C. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of nature, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance except as modified for single family uses as specified below:

Continuance of Nonconforming Single-Family Uses, Dwellings and Lots: Notwithstanding any other provisions of this ordinance, a single-family use, a single-family dwelling and accessory structures or a lot on which a single-family dwelling is located, that was conforming prior to the effective date, hereof, shall generally be treated as conforming for as long as the dwelling is used for a single-family use. Accordingly, the following rights shall be granted under this ordinance:

1. Structures for a nonconforming single-family use may be restored for a single-family use if destroyed or damaged by fire, explosion, act of nature or by public enemy, reconstructed or repaired provided all other requirements of this ordinance are met.
2. Nonconforming single-family dwellings or nonconforming accessory structures to a single-family use may be restored to the same degree of nonconformity or less if destroyed or damaged by fire, explosion, act of nature, or by public enemy, repaired and structurally altered, provided such construction does not increase or extend the degree of nonconformity. Nonconforming structures shall not be reconstructed except in compliance with the provisions of this ordinance.

3. A nonconforming single-family use and a nonconforming single-family dwelling and accessory structures on a nonconforming lot shall be granted the same rights as above and any other rights as if the lot were conforming.
 4. A nonconforming single-family use and a nonconforming single-family dwelling and accessory structures shall also be granted the same rights as for other nonconforming uses and structures.
- D. No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
 - E. Any building or structure devoted to a non-conforming use with a fair market value of less than five thousand dollars (\$5000), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such non-conforming use shall be removed or changed to a conforming use.
 - F. Any legal,-non-conforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Official. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this-amendment.
 - G. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
 - H. No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
 - I. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.
4. **Street Frontage Required.** No lot created after the adoption of this title shall contain any building used as a dwelling unless it abuts at least thirty feet (30') on a street or has a permanent exclusive non-obstructed easement of access not less than thirty feet (30') wide to a street. (Ord. 6724, 724 1967)
 5. **A. Lots of Record.** In any Residential or Agricultural district where dwellings are permitted, a one family detached dwelling may be constructed on any lot of official record at the time of enactment of this Title, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Zoning Appeals. No action of the Board shall prevent the erection of a one family detached dwelling twenty four feet (24') wide on such lot of record.
 - B. Lots Unserved by Sewer and Water.** In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.
6. **Number of Uses on One Lot:** No lot shall contain more than one principal use. (Ord. 6724, 724 1967)

7. Accessory Buildings in Residence Districts

- a. No accessory building or buildings shall be erected in any required court, front yard. Except for carports and garages, no accessory building shall be erected in a side yard. If a carport or garage is erected in a side yard, then the accessory building shall meet the setback requirements of the principal structure. When erected in a rear yard it or they cumulatively shall not occupy more than thirty (30) percent of a required rear yard and/or it or they shall not exceed the total ground floor footage of the primary structure except for swimming pools and shall be a distance at least three (3) feet from all lot lines adjoining lots which are in any "R" district, and at least six (6) feet from alley lines and from any other building or structure on the same lot. Accessory buildings shall not exceed fifteen (15) feet in height.
- b. Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half (2) of the height of such private garage shall be below the level of the yard or court.

8. Required Yard Cannot Be Reduced or Used by Another Building.

- A. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
- B. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

9. Conversion of Dwellings. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter with the Article applying to such district.

10. Minimum Ground Floor Area for Dwellings. A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the International Building Code and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

11. Traffic Visibility Across Corner Lots. In any district, except B-2, on any lot, no fence structure, planting, or other obstruction to visibility, shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner, unless it is less than three (3) feet high. Please see the diagram at the conclusion of this zoning Ordinance.

12. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance.

13. Home Occupations.

- A. Home Occupation, Major. Major home occupations are those home occupations where either non-resident customers and/or employees come to the property for the purpose of furthering the business enterprise of the home occupation, and where the occupation:

1. Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and their employees or customers.
 2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
 3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
 4. Shall have no signs present on the property except one sign, not exceeding fifteen (15) square feet.
 5. 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, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
 6. Shall have no storage or display of goods visible from outside the structure.
 7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. Firearm manufacture, importation, sales, and any other Federal Firearm License (FFL) related business, shall be subject to the regulations of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as well as the Illinois State Police. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
 8. Shall have adequate off street parking spaces available to compensate for additional parking needs generated.
 9. Deliveries from commercial suppliers may be made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
 10. Shall include, but are not necessarily limited to, the following:
 - a. Single-chair beauty parlors and barbershops;
 - b. Photo developing and printing;
 - c. Organized classes with up to six students at a time;
 - d. Television and other electric or electronic repair, excluding major appliances such as refrigerators or storage;
 - e. Upholstering;
 - f. Dressmaking and millinery;
 - g. Woodworking excluding cabinet making;
 - h. Federal Firearm License related business
 11. Major home occupations require a Special Use Permit for approval. (See Section 6.5)
- B. Home Occupation, Minor. Minor home occupations are those where neither non-resident customers nor non-resident employees come to the property for purposes of furthering the business enterprise of the home occupation, and where the occupation:

1. Shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no other.
2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.
3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
4. Shall be no advertising, display, or other indications of a home occupation on the premises.
5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.
6. Shall have no storage or display of goods visible from outside the structure.
7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
8. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
9. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property except that multiple family sales are permitted if they are held on the property of one of the participants and any such sale shall be considered to be a sale for all participants.
11. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
12. Shall include, but are not necessarily limited to, the following:
 - i. Artists and sculptors;
 - j. Authors, desktop publishers and composers;
 - k. Home crafts for sale off-site;
 - l. Office facility of clergy;
 - m. Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;
 - n. Address of convenience used solely for receiving and making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;

- o. Individual tutoring;
- p. Preserving and home cooking for sale off-site;
- q. Individual instrument and vocal instruction provided that no instrument may be amplified;
- r. Telephone solicitation work;
- s. No professional offices in minor home occupations.
- t. Any other similar uses deemed to be consistent by the appropriate authority.

13. Minor home occupations do not require a Special Use Permit.

14. GARAGES, MOTOR FUEL STATIONS, CAR WASHES:

- (A) No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block front and within two hundred feet (200') of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrances or exits shall be located within the same block front and within twenty feet (20') of any R District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within one hundred feet (100') of any building or grounds of any of the aforesaid public or institutional uses.
- (B) All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles disabled or otherwise, outside of the principal structure. (Ord. 6724, 724 1967)

15. MOTELS:

- a. No vehicular entrance to or exit from any motel or motor hotel wherever such may be located shall be within two hundred feet (200') along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.
- b. The following regulations shall be complied with:
 - 1. Any lot to be used for a motel or motor hotel shall not be less than fifteen thousand (15,000) square feet in area and shall contain not less than one thousand (1,000) square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than twenty five percent (25%) of the area of the lot.
 - 2. All areas used for automobile access, parking shall comply with the provisions of the Parking Provisions of this Ordinance.
 - 3. All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.
 - 4. No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment. (Ord. 6724, 724 1967)

16. Pending Applications For Building Permits. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall

have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the subsequent six month period, and not discontinued until completion, except for reasons beyond the builder's control.

17. Principal Building. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot unless otherwise provided in this Ordinance.
18. Adult Regulated Uses. The Supreme Court of the State of Illinois has judicially confirmed that the purpose of these amendments as hereinafter stated serves a valid government interest. In the development and execution of this Ordinance, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and business areas where nurseries, schools, nursing homes, churches and similar uses are located. Proper and realistic zoning and special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or discouraging normal development of undeveloped areas. These special regulations are itemized in this section. A primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. To prevent concentration of such uses from having an adverse effect upon the adjacent and nearby residential and business areas above referred to, such uses are hereby established as permitted uses in I-2 Districts. To prevent such uses from having an adverse effect upon nearby or residential and business areas, they are prohibited within one thousand (1000) feet of the following specified uses or zones:
- a. from any residential, business and or conservation zone
 - b. from any public or private school or licensed day care center
 - c. from any church or religious center
 - d. from any public park or a City designated pedestrian/bike path

To prevent such uses from having an adverse effect upon the adjacent areas in an I-2 district, not more than two (2) such uses shall be established within one thousand (1000) feet of each other, within said I-2 district. Uses subject to these controls hereafter referred to as "Adult Regulated Uses" are as follows: Adult Bookstore, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater; Adult Modeling and Entertainment Facility. Such adult regulated uses as set forth above are hereby prohibited from all I-2 Districts.

Prohibition of Graphic Materials: Any building or structure within which an adult regulated use is lawfully operated, shall not use or display graphic sexual material, photos, or drawings on the exterior of said business, but shall designate said business to be an adult business and admission granted to adults only.

19. HOUSE NUMBERING:

- (A) Numbers Required: All lots, buildings and structures in the City shall be numbered in accordance with the chart on file in the office of the Zoning Official.
- (B) Chart: The Zoning Official shall keep a chart, showing the proper street number of every lot in the City, which shall be open to inspection by any interested person. It shall be the duty of the owner and occupant of every building, structure, and mobile home in the City to have placed thereon, in a place visible from the street, figures at least two and one half inches (2 1/2") high, showing the proper number assigned thereto.
- (C) Violation: Any person failing to so number any structure or residence owned or occupied by him, after receiving notice to do so from the Zoning Official, shall be subject to penalty as provided by Section 141 of this Code. (Ord. 9817, 541 998)

20. Solar Energy Systems

a. **Small Solar Energy System:** An on-site solar energy system that is incidental and subordinate to a principal use and/or structure serving the needs of all Residential, Suburban Estate, Agricultural, Conservation, and Neighborhood Business zoning districts.

1. Small systems shall be allowed as permitted use in above identified zoning districts if it meets conditions in ordinance.
2. Only one freestanding unit shall be allowed per property and shall only be allowed in a rear yard location and shall meet all rear yard setback requirements as an accessory structure and shall have a maximum array size of 240 square feet.
3. Maximum height for freestanding unit shall be 15 feet.
4. Attached systems can be attached to principal or accessory structures and shall not project into minimum yard setback requirement.
5. Roof mounted system panels (other than flat solar panels) shall only be located on the rear side of a roof facing and shall be no more in height than five feet above the peak of the roof and/or shall not exceed total height of subject zoning district property is located.
6. Flat roof system panels shall be allowed on a front and/or side roof facing only if they are mounted flat against the roof surface or incorporated into roofing surface material.
7. System shall be secured from climbing or unauthorized access.
8. If system is nonfunctional or inoperative for a continuous one-year time period it shall be deemed abandoned and shall be required to be removed within 90 days.
9. System shall have non-reflective and neutral color with no advertising or logos on system panels and/or supporting structure other than a small identification of the manufacturer.
10. All electric circuits shall be underground or in conduits attached to structures.
11. System shall comply with adopted building and fire codes and all other applicable state and federal regulations.

B. **Large Solar Energy System:** An on-site multiple unit solar energy system that is incidental and subordinate to a principal use and/or structure serving the needs of AG, SE, B-2, B-3, B-4, I-1, and I-2 zoning districts.

1. Large multiple unit systems shall be allowed as permitted uses in the above identified zoning districts if it meets conditions in ordinance.
2. Large multiple unit freestanding systems shall only be allowed in a rear yard location and shall meet all rear yard setback requirements as an accessory structure.
3. Maximum height for freestanding units shall be 15 feet.
4. Attached systems can be attached to principal or accessory structures and shall not project into minimum yard setback requirement.

5. Roof mounted system panels (other than flat solar panels) shall only be located on the rear side of a roof facing and shall be no more in height than five feet above the peak of the roof and/or shall not exceed total height of subject zoning district property is located.
6. Flat roof system panels shall be allowed on a front and/or side roof facing only if they are mounted flat against the roof surface or incorporated into roofing surface material.
7. System shall be secured from climbing or unauthorized access.
8. If system is nonfunctional or inoperative for a continuous one-year time period it shall be deemed abandoned and shall be required to be removed within 90 days.
9. System shall have non-reflective and neutral color with no advertising or logos on system panels and/or supporting structure other than a small identification of the manufacturer.
10. All electric circuits shall be underground or in conduits attached to structures.
11. System shall comply with adopted building and fire codes and all other applicable state and federal regulations.

C. Solar Farm: An on-site multiple unit solar energy system, independent of a principal use and/or structure, serving the needs of AG, I1, and I2 zoning districts.

1. Large multiple unit systems shall be allowed as permitted uses in the above identified zoning districts if it meets conditions in ordinance.
2. Maximum height for freestanding units shall be 15 feet.
3. System shall be secured from climbing or unauthorized access.
4. If system is nonfunctional or inoperative for a continuous one-year time period it shall be deemed abandoned and shall be required to be removed within 90 days.
5. System shall have non-reflective and neutral color with no advertising or logos on system panels and/or supporting structure other than a small identification of the manufacturer.
6. All electric circuits shall be underground or in conduits attached to structures.
7. System shall comply with adopted building and fire codes and all other applicable state and federal regulations.

D. Small Wind Energy System: An assembly of components which converts the kinetic energy in wind into usable electrical, mechanical, or thermal energy, consisting of a single wind turbine and associated control equipment. May be installed on a principal or accessory structure (building-mounted) on all Suburban Estate, Agricultural, Conservation, B-2, B-3, B-4, I-1, and I-2 zoning districts.

1. Shall incorporate a low-profile design with a maximum operating width or rotor diameter of 12 feet for any turbine.
2. A building-mounted system may extend 20 feet above the highest point of the roof structure.
3. Building-mounted systems shall be set back 1.5 times the minimum principal structure setback or 10 feet, whichever is greater.

4. Shall have a minimum clearance of 20 feet from grade to any moving component.
5. Shall be secured from climbing and unauthorized access.
6. Lattice or guyed towers shall not be utilized. Tower and exposed system components shall be non-reflective white, gray, or a similar neutral color as approved by the Zoning Administrator.
7. Shall display no unlawful signs.
8. Applicant shall provide notice to the local electric utility company and submit a copy of an approved net metering agreement to the City prior to obtaining a building permit.
9. Each lot shall be allowed one system with a single operating turbine, regardless of mounting or installation type. Multiple turbine systems may be allowed with approval of a Special Use Permit where an applicant demonstrates that the installations will integrate into the architectural design of the building or site and will minimize visual and nuisance impacts to adjoining properties.
10. Shall not exceed noise standards of 60 dBA, measured at the property line.
11. A Special Use permit shall be required. Application documents shall include elevation drawings and also façade renderings which accurately depict the proposed installation as viewed from street level from all directions.
12. Any wind energy system which is inoperable or abandoned for a period of 12 consecutive months must be repaired or removed within 90 days following notice from the Zoning Administrator.

E. Geothermal Energy. Renewable energy generated from the interior of the earth and used to produce energy for heating buildings or serving building commercial or industrial processes. Ground source heat pump systems shall be deemed an accessory structure, permissible in all zoning districts.

Ground Source Heat Pump System refers to a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. The energy must be used on-site. Closed Loop Ground Source Heat Pump System refers to a system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

1. All components of Ground Source Heat Pump System including pumps, borings and loops shall be set back at least five (5) feet from interior and rear lot lines.
2. All components of Ground Source Heat Pump System shall not encroach on easements.
3. Ground Source Heat Pump System are prohibited in surface waters, except for storm water ponds where they are permitted.
4. Only closed loop Ground Source Heat Pump System utilizing Illinois Department of Public Health approved heat transfer fluids are permitted.
5. Ground source heat pumps are considered mechanical equipment and subject to the requirements of the city's zoning ordinance.

6. The energy produced by a Ground Source Heat Pump System must be used on-site.
7. A Ground Source Heat Pump System that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city after notification to the owner or operator of the Ground Source Heat Pump System, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

ARTICLE V - "AG" AGRICULTURAL PRESERVATION DISTRICT

1. General Description. This district is intended to provide regulations for those areas situated on the fringe of the urban area that are used for agricultural purposes, but which will be undergoing urban development between existing agricultural uses and planned residential, commercial, or industrial uses.
2. Permitted Principal Uses.
 - A. Farm
 - B. Cemeteries
 - C. Churches
 - D. Farm dwelling unit
 - E. One-Family detached dwelling
 - F. Governmental uses
 - G. Gardening
 - H. Greenhouses, commercial and not commercial
 - I. Home occupation (Minor)
 - J. Nurseries, commercial
 - K. Private stable
 - L. Public parks and forest preserves
 - M. Roadside stand offering for sale only products grown on the premises
 - N. Schools
 - O. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
 - P. Uses customarily accessory to farm operations
 - Q. Any other similar uses deemed to be consistent
 - R. Livestock not less than 100 feet from residentially zoned private property
 - S. Solar Farm
 - T. Indoor kennels
3. Permitted Accessory Uses. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals
 - A. Airstrips/runways and heliports
 - B. Aircraft hangars/tie downs
 - C. Agribusiness
 - D. Auction barns
 - E. Bulk storage of fuel and fertilizers
 - F. Child care facilities
 - G. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits
 - H. Density increase for residential dwellings
 - I. Riding stable
 - J. Grain elevator
 - K. Home occupation (Major)

- L. Outdoor kennels, animal hospitals, veterinary clinics
 - M. Landscape contractors
 - N. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
 - O. Private recreational use on land that is located along a body of water
 - P. Public or private recreational facilities, (i.e., golf course, marina, bock dock)
 - Q. Recreational camps
 - R. Recreational vehicle parks
 - S. Residential care homes
 - T. Temporary uses
 - U. Any other similar used deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations. No structure shall exceed 3 stories or thirty-five feet (35') for the principal structure.
 6. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
15 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

ARTICLE VI - "C" CONSERVATION DISTRICT

1. General Description. The "C" District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, watercourses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.
2. Permitted Principal Uses
 - A. Open space
 - B. Any other similar uses deemed to be consistent
3. When Authorized by Board of Zoning Appeals
 - A. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock.
 - B. Campgrounds, wilderness
 - C. Forestry activities and nurseries
 - D. Public parks
 - E. Nature Center, inns, dining, parking amenities, or other uses if incidental to the conservation district, as permitted by the conservation covenants, on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
 - F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines

- G. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- H. Golf Courses
- I. Any other use deemed to be consistent by the Board of Zoning Appeals

ARTICLE VII - "SE" SUBURBAN ESTATES DISTRICT

1. General Description. The SE Suburban Estates District is established to provide for single-family detached housing opportunities in a rural setting at a low density and to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the R-1 Residential District or R-2 Residential Districts. The primary difference between the SE and the AG Districts is lot size and the allowance of livestock in the AG district.
2. Permitted Principal Uses
 - A. One-Family detached dwelling
 - B. Gardening
 - C. Nursery or greenhouse
 - D. Public libraries
 - E. Public parks, playgrounds, and community center
 - F. Essential services and municipal administrative or public service buildings not less than 20 feet from any lot.
 - G. Accessory uses and buildings incidental to the above uses
3. Permitted Accessory Uses
 - A. Private garages or parking areas
 - B. Living quarters for persons employed on the premises
 - C. Minor home occupation as defined
 - D. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals
 - A. Major home occupation as defined
 - B. Utility stations without service yards or storage
 - C. Public or private recreational facilities, (i.e., golf course, marina, bock dock)
 - D. Public and parochial schools, churches, and centers not less than 20 feet from any lot in an "R" District
 - E. Municipal buildings
 - F. Roadside stand selling products grown on premises
 - G. Off street parking facilities
 - H. Cemetery
 - I. Community Center
 - J. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
 - K. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations
 - A. No principal structure shall exceed 3 stories or thirty-five feet (35').
 - B. Farm buildings such as barns, silos, windmills and places of public assembly such as schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or

depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

6. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
1 acre	75 ft.	30 ft.	10 ft.	20 ft.	35 ft.

ARTICLE VIII - "R-1" ONE-FAMILY RESIDENCE DISTRICT

1. General Description. Residential districts are established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, but are not limited to, the following specific purposes:
 - A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
 - B. To protect residential areas to the greatest extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
 - C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulations of the bulk of buildings.
 - D. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
 - E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
 - F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
 - G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character of desirable development, and to protect the value of land and improvements and so strengthen the economic base of the city.

2. Permitted Principal Uses
 - A. One-Family detached dwellings
 - B. Foster family homes
 - C. Gardening
 - D. Municipal fire and police station
 - E. Essential services and municipal administrative or public service buildings not less than eighty feet (80') from any lot line
 - F. Public parks and playgrounds

- G. Existing railroad right-of-way, but not switching storage or freight yards or sidings
- H. Any other similar uses deemed to be consistent

3. Permitted Accessory Uses

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Private office of lawyer, architect, physician, dentist, or engineer within their own dwelling, provided such is not operated as the principal office.
- D. Minor home occupations, as defined
- E. Day care home licensed by the State of Illinois and with occupancy permit.
- F. Other uses incidental to a permitted use

4. When Authorized by Board of Zoning Appeals

- A. Community Center
- B. Utility stations without service yards or storage
- C. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- D. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District
- E. Off street parking facilities for permitted uses and/or uses permitted upon review of appropriate authority in this zoning district
- F. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
- G. Major home occupations as defined
- H. Cemetery

5. Height Regulations. No principal structure shall exceed 3 stories or thirty-five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications Section..

6. Lot Area and Yard Requirements. The following minimum requirements shall be observed.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 3	7,500	75 ft.	25 ft.	6 ft.	12 ft.	35 ft.

ARTICLE IX - "R-2" ONE-FAMILY RESIDENCE DISTRICT

1 Permitted Principal Uses

- A. Any permitted use in an "R-1" District
- B. Any other similar uses deemed to be consistent by the appropriate authority

2 Permitted Accessory Uses

- A. Any permitted accessory use in an "R-1" District
- B. Other uses incidental to a permitted use

3 When Authorized by Board of Zoning Appeals

- A. Any use authorized by appropriate authority in an "R-1" District
- B. Dwelling groups
- C. Any other similar uses deemed consistent by the Board of Zoning Appeals

- 4 Height Regulations. No principal structure shall exceed three (3) stories or thirty-five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications Section
- 5 Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1½	6,000	60 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2½	6,000	60 ft.	25 ft.	8 ft.	20 ft.	30 ft.

ARTICLE X - "R-3" ONE AND TWO FAMILY RESIDENCE DISTRICT

- 1 Permitted Principal Uses
- A. All permitted uses in an "R-2" District
 - B. Two-family dwellings
 - C. Any other similar uses deemed to be consistent
- 2 Permitted Accessory Uses. Any permitted accessory use in an "R-2" District
- 3 When Authorized by Board of Zoning Appeals
- A. Bed and breakfast inns
 - B. Boarding and lodging houses
 - C. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
- 4 Height Regulations. No principal structure shall exceed three (3) stories or thirty-five feet (35') in height and no accessory structure shall exceed one (1) story, fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications Section
- 5 Lot Area and Yard Requirements. The following minimum requirements shall be observed.

Number of Stories	Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1½	5,000-single 6,000-duplex	3,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2½	5,000-single 6,000-duplex	3,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

ARTICLE XI - "R-4" ONE TO SIX FAMILY DWELLING DISTRICT

- 1 Permitted Principal Uses

- A. All permitted uses allowed in an "R-3" District
- B. Boarding and lodging houses
- C. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District
- D. Any other similar uses deemed to be consistent

2 Permitted Accessory Uses

- A. All permitted accessory uses in an "R-3" District
- B. Other uses incidental to a permitted use

3 When Authorized by Board of Zoning Appeals

- A. Care home, large residential at least one thousand feet (1,000') from an existing similar use
- B. Any use authorized by appropriate authority in an "R-3" District
- C. Nursing homes at least fifty feet (50') from any lot line
- D. Halfway house/group home at least one thousand feet (1,000') from an existing similar use
- E. Day care centers licensed by the State of Illinois
- F. Private clubs, lodges, union halls
- G. Parking lots accessory to use in an adjoining or less restrictive district when abutting or directly across an alley.
- H. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

4 Height Regulations. No principal structure shall exceed three (3) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications Section

5 Lot Area and Yard Requirements. The following minimum requirements shall be observed along with bufferyard requirements as described in the Additional Requirements, Exceptions, and Modifications Section.

Number of Stories	Minimum Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1½	5,000	2,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2½	5,000	2,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

ARTICLE XII - "R-5" MULTIPLE FAMILY RESIDENCE DISTRICT

1 Permitted Principal Uses

- A. All permitted uses in an "R-4" District
- B. Dwellings, multiple family
- C. Any other similar uses deemed to be consistent

2 Permitted Accessory Uses

- A. Any permitted accessory use in an "R-4" District
- B. Other uses incidental to a permitted use

3 When Authorized by Board of Zoning Appeals

- A. Any use authorized by appropriate authority in an "R-4" District
- B. Any other similar use deemed to be consistent by the Board of Zoning Appeals

- 4 Height Regulations. No principal structure shall exceed six (6) stories or seventy-five feet (75') in height at the required front, side and rear yard lines and no accessory building shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Additional Requirements, Exceptions, and Modifications** Section.
- 5 Lot Area and Yard Requirements. The following minimum requirements shall be observed along with bufferyard requirements as described in the Additional Requirements, Exceptions, and Modifications Section.

Number of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	n.a.	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	n.a.	2,000	50 ft.	30 ft.	6 ft.	15 ft.	30 ft.
3	n.a.	2,000	50 ft.	30 ft.	8 ft.	20 ft.	35 ft.
4	n.a.	2,000	50 ft.	30 ft.	10 ft.	25 ft.	40 ft.
5	n.a.	2,000	50 ft.	30 ft.	12 ft.	30 ft.	45 ft.
6	n.a.	2,000	50 ft.	30 ft.	14 ft.	35 ft.	50 ft.

ARTICLE XIII - "R-6" MULTI-FAMILY RESIDENCE DISTRICT

- 1 Permitted Principal Uses
- A. Any permitted use in an "R-5" District
 - B. Housing designed for the elderly
 - C. Any other similar uses deemed to be consistent by the appropriate authority
- 2 Permitted Accessory Uses
- A. Any permitted accessory use in an "R-5" District
 - B. Other uses incidental to a permitted use
- 3 When Authorized by Board of Zoning Appeals
- A. Any use authorized by appropriate authority in an "R-5" District
 - B. Any other similar use deemed to be consistent by the Board of Zoning Appeals
- 4 Height Regulations. No principal structure shall exceed twelve (12) stories or one hundred fifty feet (150') in height at the required front, side and rear yard lines, and no accessory building shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Additional Requirements, Exceptions, and Modifications** Section

- 5 Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed along with bufferyard requirements as described in the Additional Requirements, Exceptions, and Modifications Section.

Number of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	n.a.	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	n.a.	2,000	52 ft.	33 ft.	6 ft.	12 ft.	30 ft.
3	n.a.	2,000	55 ft.	30 ft.	8 ft.	16 ft.	35 ft.
4	n.a.	2,000	65 ft.	30 ft.	10 ft.	22 ft.	40 ft.
5	n.a.	2,000	75 ft.	30 ft.	12 ft.	27 ft.	45 ft.
6	n.a.	2,000	85 ft.	30 ft.	14 ft.	33 ft.	50 ft.
7	n.a.	2,000	95 ft.	30 ft.	18 ft.	42 ft.	55 ft.
8	n.a.	2,000	105 ft.	30 ft.	22 ft.	51 ft.	60 ft.
9	n.a.	2,000	115 ft.	30 ft.	26 ft.	60 ft.	65 ft.
10	n.a.	2,000	125 ft.	30 ft.	30 ft.	69 ft.	70 ft.
11	n.a.	2,000	135 ft.	30 ft.	34 ft.	78 ft.	75 ft.
12	n.a.	2,000	150 ft.	30 ft.	38 ft.	87 ft.	80 ft.

ARTICLE XIV - "R-7" MOBILE HOME/MANUFACTURED HOUSING DISTRICT

- 1 Permitted Principal Uses
- A. Foster family homes
 - B. Unrelated group family uses
 - C. Mobile home parks
 - D. Any other similar uses deemed to be consistent

ARTICLE XV - "O" NEIGHBORHOOD OFFICE DISTRICT

- 1 General Description. The office (O-1) district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:
- A. To provide means of transitional use of land between commercial and residential uses.
 - B. To promote, enhance, and conserve quality of the manmade environment.
 - C. To protect the worth of property.

- D. To promote the most desirable use of land.
- E. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly, lodging, and eating.
- F. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
- G. To provide a district of less intense use and to encourage lower density use and retention of open space.
- H. To make use of areas which are not appropriate for other uses.
- I. To control the growth of other districts.
- J. To make less valuable land available for use other than residential.

2 Permitted Principal Uses

- A. Church
- B. Community service offices
- C. Consultant offices
- D. Offices providing clerical administration
- E. Professional offices
- F. Schools and facilities for academic instruction
- G. Any other similar uses deemed to be consistent

3 Permitted Accessory Uses. Accessory uses incidental to a permitted principal use other than a permanent residence.

4 When Authorized by Board of Zoning Appeals

- A. Any use or structure permitted and as regulated in the R1 or R2 section of this title, except as hereinafter modified, except that all dwelling shall be located above the ground floor.
- B. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

5 Height Regulations. No principal structure shall exceed three (3) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications Section.

6 Lot Area and Yard Requirements

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Additional Requirements, Exceptions, and Modifications Section. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All Stories	10,000 duplex (E Moline requires 5,000 sq ft per family)	50ft.	25ft. or same as adj. R District (all R districts have front yard depth of at least 25ft)	5ft or same as adj. R District	None or same as adj. R District 10ft. or same as adj. R District	35ft

ARTICLE XVI – “B1” NEIGHBORHOOD BUSINESS DISTRICTS

1. **GENERAL DESCRIPTION:** The Neighborhood Business District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of a fully developed neighborhood. Stores, businesses and offices in this zone should be convenient and useful to the majority of the neighborhood residents.

2. **PERMITTED PRINCIPAL USES:**
 - A. Antique or custom furniture shop with incidental upholstery
 - B. Appliance store
 - C. Art Gallery
 - D. Bakery with baking limited to goods for retail sales on the premises
 - E. Bank or other financial enterprise (without drive-through)
 - F. Barber or beauty shop
 - G. Bicycle sales and service
 - H. Book or stationery store
 - I. Business or professional office
 - J. Cafe or restaurant
 - K. Camera or photographic supply shop
 - L. Candy or ice cream store
 - M. Catering within a building
 - N. Consignment shop
 - O. Costume rental
 - P. Day care center meeting state and local permits with fenced play area
 - Q. Dress-making or millinery
 - R. Delicatessen
 - S. Drugstore
 - T. Dwelling, above ground floor
 - U. Fabric shop
 - V. Floor covering store
 - W. Florist shop
 - X. Furniture store including incidental upholstering
 - Y. Gift shop
 - Z. Grocery store
 - AA. Hardware or paint store
 - BB. Health/recreational and physical training club
 - CC. Hobby shop
 - DD. Interior decorating shop including upholstery and drape making
 - EE. Jewelry store
 - FF. Locksmith
 - GG. Public parks
 - HH. Picture-making shop
 - II. Private clinics for human care
 - JJ. Restaurant, not drive-in or drive-thru
 - KK. Shoe store
 - LL. Travel agent office
 - MM. Variety store
 - NN. Women's ready to wear shop

3. **PERMITTED ACCESSORY USES:**

- A. Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by City Ordinance and State statutes, whichever is more restrictive.
4. WHEN AUTHORIZED BY BOARD OF ZONING APPEALS:
- A. Dwellings
 - B. Public parking lot, public parking garage, customer and other accessory parking area, subject to applicable provisions in this title.
 - C. Self-service laundry
5. HEIGHT REGULATIONS:
- A. No structure shall exceed three (3) stories or forty five feet (45') in height, except as provided the applicable provisions of this title.
6. YARD REQUIREMENTS:
The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in the applicable provisions of this title:

Minimum Front Yard Depth	Minimum Side Yard Widths	Minimum Rear Yard Depth	Other
None	None, except where adjoining an R District, then same as the least width required in that R District.	10' except where adjoining an R District, the same as R Districts. No rear yard depth requirement will be necessary where there is an existing alley at the rear of the lot or an alley is to be constructed providing said existing alley together with any addition thereto, or any newly constructed alley will have a width of not less than 22'.	Performance Standards

7. PROHIBITED USES:
- A. Boarding and lodging houses
 - B. Major Auto Repair, Auto salvage and wrecking operations, and industrial metal and waste salvage operations and junkyards.
 - C. Outdoor Storage

ARTICLE XVII – “B2” MEDIUM-DENSITY BUSINESS DISTRICTS

1. GENERAL DESCRIPTION: The B2 Business District is intended to provide for a more intensive variety of retail goods and services compared to the B1 District.
2. PERMITTED PRINCIPAL USES: Any use or structure permitted and as regulated in the B1 District, of this Title, except as hereinafter modified.
- A. Bank (drive-through)
 - B. Bar
 - C. Bus terminal
 - D. Business or trade school
 - E. Ceramic manufacturing (for sale on premises)
 - F. Commercial parking lot
 - G. Church
 - H. Custom Rental
 - I. Drapery manufacturing (for sale on premises)
 - J. Dry cleaning shop
 - K. Department store
 - L. Employment Agency

- M. Greenhouses with no outdoor storage
- N. Funeral Home
- O. Furniture upholstery shop only when operated in conjunction with a retail business on the premises.

- P. Hotel
- Q. Meat Market
- R. Meeting hall, club and fraternal organization
- S. Microbrewery
- T. Motor fuel stations subject to the conditions stipulated in General Provisions Section of this Title.
- U. Mirror and glazing shop, glass cutting
- V. Medical & dental laboratories
- W. Motel
- X. Music and dancing studio.
- Y. Nursing home
- Z. Pawn shop
- AA. Pet shops
- BB. Plumbing, electrical, heating, and air conditioning supply stores or show rooms without outdoor sales or storage of materials and without repairs or fabrication
- CC. Public parking lot, public parking garage, customer and other accessory parking area, subject to applicable provisions in this title.
- DD. Printing, blue-printing, publishing, engraving or lithographing shop
- EE. Radio, television and CATV stations, not transmitting towers, subject to applicable provisions in this title.
- FF. Restaurant (drive-through)
- GG. Self-Service Laundry
- HH. Theater
- II. Veterinarian Clinics (without indoor or outdoor kennels)
- JJ. Any other use determined by the Board of Zoning Appeals to be of the same general character as the foregoing permitted uses.

3. PERMITTED ACCESSORY USES:

- A. B-1 Neighborhood Business District accessory uses.
- B. Other accessory uses customarily incidental to a B-2 permitted principal use, including signs as regulated by City Ordinance and State statutes, whichever is more restrictive.
- C. Assembly of small electrical appliances, instruments, small computers and other electronic devices.

4. WHEN AUTHORIZED BY THE BOARD OF ZONING APPEALS:

- A. Any use permitted on review in a B-1 District,
- B. Dance hall, bar or cocktail lounge, nightclub and similar enterprises. Transmission and receiving equipment for radio, television, cable, and telephone.
- C. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

5. LOT REQUIREMENTS:

The following minimum requirements shall be observed, subject to the Additional Requirements, Exceptions and Modifications Sections of this Title.

	Min Lot Area	Min Lot Area Per Family	Min Yard Width	Minimum Rear Yard Depth	Min Front Yard Depth	Min Side Yard Widths	Other

Other Permitted Uses	None	None	50'	10' except where adjoining an R District, then same as R Districts.	30'	None, except where adjoining an R District, then same as the least width required in that District.	Performance Standards
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6. PROHIBITED USES:

- A. Major Auto Repair, Auto salvage and wrecking operations, and industrial metal and waste salvage operations and junkyards.
- B. Outdoor Storage

ARTICLE XVIII – “B3” GENERAL BUSINESS DISTRICTS

- 1. GENERAL DESCRIPTION: The General Business District is intended to be a diverse and intensive business, office, service and entertainment area. This District is one of high traffic generation and is thus located where there can be a concentration of a variety of commercial activities.
- 2. PERMITTED PRINCIPAL USES:
 - A. Any use or structure permitted and as regulated in the B2 District of this Title, except as hereinafter modified.
 - B. Tourist homes.
 - C. Wholesale businesses-
 - D. Animal hospitals, veterinary clinics with kennels (both indoor and outdoor), provided that buildings or enclosures in which animals are kept shall be at least one hundred feet (100') from any lot in any R District.
 - E. Commercial baseball field, bath house or boat house, golf driving range, skating rink, swimming pool or similar open air recreational uses and facilities, but not within two hundred (200') of any R District.

The following uses provided no part of a building where any activity is conducted shall have any openings other than stationary windows or required fire exits within one hundred feet (100') of any R District:

- F. Auto accessory stores with indoor storage
- G. Bottling of soft drinks or milk, or distribution stations.
- H. Bowling alley, pool hall or billiard parlor, and similar enterprises.
- I. Carpenter shop, , sign painting shop, and similar establishments.

Any other use that is determined by the Board of Zoning Appeals to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a B3 District.

- 3. PERMITTED ACCESSORY USES:
 - A. B2 Business District accessory uses.
 - B. Other accessory uses customarily incidental to a B-3 permitted principal use, including signs as regulated by City Ordinance and State statutes, whichever is more restrictive.
- 4. WHEN AUTHORIZED BY THE BOARD OF ZONING APPEALS:
 - A. Any use permitted on review in a B-2 District

- B. Automobile display, hire, sales, including sales lot at least one hundred feet (100') from residentially zoned private property
- C. Auto repair, minor, when outdoor operations are enclosed by a solid 8 foot (8') fence
- D. Commercial Equipment Storage Facility (Large Storage Units, Recreational Vehicle Storage, Mobile Agricultural Vehicle or Equipment Storage) with structures at least one hundred feet (100') from residentially zoned private property
- E. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

5. LOT REQUIREMENTS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications Section

	Min Lot Area	Min Lot Area Per Family	Min Lot Width	Min Front Yard Depth	Min Side Yard Width	Min Rear Yard Depth	Other
Other Permitted Uses	None	None	50'	None	None, except adjoining an R District then same as the least required in that R District	10' except where adjoining an R District, then same as R District	Performance Standards

6. PROHIBITED USES:

- A. Major Auto Repair, Auto salvage and wrecking operations, and industrial metal and waste salvage operations and junkyards.
- B. Outdoor Storage

ARTICLE XIX – “B-4” HIGHWAY/INTENSIVE BUSINESS DISTRICT

1. Permitted Principal Uses

- A. Any use permitted in a B-3 District, but not dwellings
- B. Auto repair, major, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- C. Truck, trailer, travel trailer, and garden implement establishments for display, hire, sales, including sales lot at least one hundred feet (100') from residentially zoned private property
- D. Agricultural implement sales and services with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- E. Boat sales with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- F. Building material sales yards, if enclosed on all sides by an eight foot (8') high fence and at least one hundred feet (100') from residentially zoned private property
- G. Car wash
- H. Contractors offices and shops within building
- I. Feed and seed store, wholesale
- J. Greenhouses (with outside storage)
- K. Any other similar uses deemed to be consistent.

2. Permitted Accessory Uses

- A. B-3 General Business District accessory uses.

- B. Other accessory uses customarily incidental to a B-4 permitted principal use, including signs as regulated by City Ordinance and State statutes, whichever is more restrictive.

3. When Authorized by the Board of Zoning Appeals

- A. Any uses permitted on review in a B-3 District
- B. Auditorium
- C. Mini-warehousing with structures at least one hundred feet (100') from residentially zoned private property
- D. Commercial Equipment Storage Facility (Large Storage Units, Recreational Vehicle Storage, Mobile Agricultural Vehicle or Equipment Storage) with structures at least one hundred feet (100') from residentially zoned private property

5. Lot Area and Yard Requirements.

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements subject to the Additional Requirements, Exceptions and Modifications Sections of this Title. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with Performance Standards

ARTICLE XIX – “I1” LIGHT INDUSTRIAL DISTRICT

1. GENERAL DESCRIPTION: The Light Industrial District is intended to provide for the development of most types of industry with regulations designed to protect adjacent properties.

2: PERMITTED PRINCIPAL USES:

- A. Any use or structure permitted outright or when authorized by the Board of Zoning Appeals in the B3 and B4 Districts, but not in the B1 or B2 District, except as hereinafter modified.

The following uses if located not less than one hundred feet (100') from any R District provided that any such operations are enclosed by fence not less than six feet (6') in height:

- B. Builder's or contractor's plant or storage yard.
- C. Building material sales and storage yard, including concrete mixing.
- D. Lumber yard, including millwork.
- E. Open yard for storage and sale of feed or fuel.

The following uses provided not part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred feet (100') of any R District:

- F. Laboratory: Experimental, film or testing.
- G. Automobile repair, major.
- H. Blacksmith, welding or other metalworking or machine shop.
- I. Machine repair.
- J. Machinery manufacturing.

- K. Railroad freight stations, trucking or motor freight terminals.
- L. Perfume manufacturing.

The manufacture, compounding, processing, assembling, packaging or treatment of such merchandise, products, articles, devices, or raw materials as:

- M. Apparel.
- N. Bakery goods.
- O. Brewery
- P. Candy.
- Q. Canvas.
- R. Cellophane.
- S. Cloth.
- T. Cosmetics.
- U. Electric and neon signs.
- V. Fiber.
- W. Food products.
- X. Fur.
- Y. Glass.
- Z. Leather.
- AA. Paper.
- BB. Pharmaceuticals.
- CC. Phonographs.
- DD. Plastics.
- EE. Public parks
- FF. Precious or semiprecious metals or stone.
- GG. Radio and television sets.
- HH. Refrigerators and stoves.
- II. Rubber.
- JJ. Textiles.
- KK. Toiletries.
- LL. Wool.
- MM. Yarn.
- NN. Any other use that is determined by the Board of Zoning Appeals to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an I1 District.

Shall be permitted without exception:

- OO. Solar Farms

3: PERMITTED ACCESSORY USES:

- A. B4 Business District accessory uses.
- B. Offices
- C. Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by City Ordinance and State statutes, whichever is more restrictive.

4: PROHIBITED USES:

- A. Auto salvage and wrecking operations, industrial metal and waste salvage operations and junkyards.
- B. Dwellings, except for watchman or caretaker on the premises.
- C. Schools, hospitals, clinics and other institutions for human care except when incidental to a permitted principal use.
- D. Disposal or storage of toxic waste.

5: YARD REQUIREMENTS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in the Additional Requirements, Exceptions, and Modifications section:

Height of Permitted Uses	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth	Other
3 stories or 50 feet in height	20 feet	Equal to building height	Height of building but not less than 20 feet	Performance Standards

6: SPECIAL USES:

A special use as designated above may be permitted only after a public hearing before the Plan Commission, and only upon the presentation of evidence by the applicant that the proposed use:

- Will be located in an area which will have minimum impact upon neighboring properties; and
- Will be located in an area without the creation of nuisances or hazards to the public health or safety; and
- Such operation complies with all other existing laws, ordinances and rules properly promulgated by any federal, state or local governmental entity having jurisdiction over the subject premises.

Additionally, all special uses must be approved by ordinance and adopted by the city council that are properly brought before the corporate authorities pursuant to formal application and duly approved.

Proposed uses requiring a special use permit include:

- A. Excavation and extraction of sand, gravel, dirt, topsoil and other resources.
- B. Landfill, recycling and activities directly related thereto.
- C. Prison or correctional center

ARTICLE XX – “I2” GENERAL INDUSTRIAL DISTRICTS

1. GENERAL DESCRIPTION: The general industrial district is intended to permit uses for large scale facilities not otherwise permitted which have potential significant external impacts to adjacent properties.

2. PERMITTED PRINCIPAL USES:

- A. Any use or structure permitted and as regulated in the I1 District, except as hereinafter modified.
- B. Railroad yards.

The following uses if located not less than four hundred feet (400') from any R District and not less than two hundred feet (200') from any other district except an I1 district, and provided that any such operations are one thousand feet (1,000') from any state or federal highway, and provided all operations are conducted within an area enclosed on all sides with a solid masonry wall not less than twelve feet (12') high, and which wall shall be maintained to the satisfaction of the building inspector. No pile of salvage, scrap or other material shall be higher than twelve feet (12').

- C. Automobile salvage and wrecking operations
- D. Industrial metal and waste salvage operations and junkyards

The following uses if located not less than four hundred feet (400') from any R District and not less than two hundred feet (200') from any other district except an I1 district, and provided no part of a building occupied by such uses shall have any openings, other than stationary windows or required fire exits

- E. Foundry, casting lightweight nonferrous metals of electric foundry not causing noxious fumes or odors.

F. Planing mill and veneer manufacturing.

The following uses if located not less than four hundred feet (400') from any R District and not less than two hundred feet (200') from any other district except an I1 district

- G. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
- H. Acid manufacture.
- I. Aircraft, assembly and testing
- J. Ammonia, chlorine or bleaching powder manufacture.
- K. Animal black, lampblack, boneblack or graphite manufacture.
- L. Asbestos manufacturing.
- M. Asphalt or asphalt products manufacture.
- N. asphaltic concrete, and similar construction debris.
- O. Automobile, tractor, trailer, farm implement assembly or manufacturing.
- P. Blast furnaces, steel works or rolling mills.
- Q. Bleaching, cleaning and dyeing plant.
- R. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive.
- S. Box, crate, and pallet manufacture.
- T. Cans and other types of containers.
- U. Celluloid or pyroxyline manufacturing, or explosive or inflammable celluloid or pyroxyline products manufacturing or storage.
- V. Cement, lime, gypsum or plaster of Paris manufacture.
- W. Concrete products, including manufacture and sale of the following: concrete block, ready.
- X. Copperage works.
- Y. Creosote manufacture or treatment.
- Z. Dextrine, starch or glucose manufacturing.
- AA. Disinfectant, insecticide or poison manufacturing.
- BB. Distillation of coal, petroleum, grain, wood or bones, except in the manufacture of gas.
- CC. Dye and dyestuff manufacture.
- DD. Emery cloth or sandpaper manufacturing.
- EE. Enamelling, lacquering or japanning.
- FF. Explosives manufacture or storage except for small arms ammunition.
- GG. Felt manufacturing.
- HH. Fertilizer, compost manufacture or storage.
- II. Fish oil manufacture or refining.
- JJ. Flammable liquids storage not to exceed a total of twenty five thousand (25,000) gallons.
- KK. Flour or grain mill.
- LL. Forge or foundry works.
- MM. Gas generation or storage for illumination or heating.
- NN. Gelatin, vegetable and animal manufacture.
- OO. Grain drying or poultry feed manufacturing, from refuse, mash or grain.
- PP. Grain elevators.
- QQ. Hair or hair products manufacturing.
- RR. Hemp products manufacture.
- SS. Lime or lime products manufacturing.
- TT. Linoleum, oil cloth or oiled goods manufacturing.
- UU. Match manufacturing.
- VV. Meatpacking and processing including storage for wholesale, but not open air stockyards.
- WW. Metal stamping and extrusion.
- XX. Mixed concrete, precast concrete and other products made from the same materials.
- YY. Oil, paint, shellac, turpentine, varnish or enamel manufacturing.
- ZZ. Paper and pulp manufacturing.
- AAA. Petroleum or flammable liquids production, refining and storage aboveground.
- BBB. Pickle, sauerkraut and sausage manufacturing.
- CCC. Pipe and tube manufacturing.
- DDD. Plaster manufacturing.

- EEE. Poultry slaughterhouse, including packing and storage for wholesale.
- FFF. Printing ink manufacturing.
- GGG. Railroad yards.
- HHH. Recycling drop off station.
- III. Recycling of aggregate materials including the recycling of Portland cement concrete.
- JJJ. Rock crushing.
- KKK. Rubber, caoutchouc or gutta percha manufacturing and treatment from crude or scrap material or the manufacture of balata.
- LLL. Sandblasting or cutting.
- MMM. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
- NNN. Screw or bolt manufacturing.
- OOO. Sewer disposal plant or incinerator or sanitary landfill operation except by the municipality.
- PPP. Shoe polish or stove polish manufacturing.
- QQQ. shops, including repair, metalworking shops.
- RRR. Smelting of ferrous or nonferrous ores.
- SSS. Soap manufacturing.
- TTT. Steam power plant, except where accessory to a permitted principal use.
- UUU. Stone and monument works employing power drive tools.
- VVV. Storage, curing or tanning of raw, green or salted hides or skins when refrigerated storage is provided.
- WWW. Structural steel fabrication.
- XXX. Sugar refining.
- YYY. Sulphurous, sulfuric, nitric, picric, carboic or hydrochloric or other corrosive acid manufacture.
- ZZZ. Tar distillation or manufacturing.
- AAAA. Tar or asphalt or waterproofing manufacturing.
- BBBB. Tool manufacturing and repair.
- CCCC. Vinegar manufacturing.
- DDDD. Wire or rod drawing nut.
- EEEE. Yeast manufacturing.
- FFFF. Any other use which, in the opinion of the board of zoning appeals is of similar character to those specified above.

The following uses if located not less than one thousand (1000) feet of the following specified uses or zones:

- a. from any residential, commercial and or conservation zone
- b. from any public or private school or licensed day care center
- c. from any church or religious center
- d. from any public park or a City designated pedestrian/bike path

To prevent such uses from having an adverse effect upon the adjacent areas in an I-2 district, not more than two (2) such uses shall be established within one thousand (1000) feet of each other, within said I-2 district.

GGGG. Adult Regulated Uses (See General Provisions.)

Shall be permitted without exception:

HHHH. Solar Farm

3. PERMITTED ACCESSORY USES:

- A. Permitted accessory uses in an I-1 District
- B. Other necessary uses customarily incidental to a permitted principal use, including signs as

regulated by City Ordinance and State statutes, whichever is more restrictive.

4. PROHIBITED USES:

- A. Dwellings, except for watchman or caretaker on the premises.
- B. Schools, hospitals, clinics and other institutions for human care except when incidental to a permitted principal use.
- C. Disposal or storage of toxic waste.

5. YARD REQUIREMENTS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications section

Height of Permitted Uses	Minimum Front Yard Depth	Minimum Side Yard Widths	Minimum Rear Yard Depth	Other
1 to 3 stories or 50 feet	20 feet	Equal to building height	Height of building but not less than 30 feet	Performance Standards
Greater than 3 stories or 50 feet	30 feet	Equal to building height	Height of building but not less than 30 feet	Performance Standards

6. SPECIAL USES:

A special use as designated above may be permitted only after a public hearing before the Plan Commission , and only upon the presentation of evidence by the applicant that the proposed use:

- Will be located in an area which will have minimum impact upon neighboring properties; and
- Will be located in an area without the creation of nuisances or hazards to the public health or safety; and
- Such operation complies with all other existing laws, ordinances and rules properly promulgated by any federal, state or local governmental entity having jurisdiction over the subject premises.

Proposed uses requiring a special use permit include:

- A. A limestone quarry that would consist of land that would be quarried for the extraction of limestone and other related and similar stone products, and all other normal and routine activities associated with such a quarry.

Such other special uses as approved by ordinance and adopted by the city council that are properly brought before the corporate authorities pursuant to formal application and duly approved. Such other special uses include:

- B. Excavation and extraction of sand, gravel, dirt, topsoil and other resources.
- C. Landfill, recycling and activities directly related thereto.
- D. Mineral extraction.
- E. Prison or correctional center.

7. WHEN AUTHORIZED BY THE BOARD OF ZONING APPEALS: An establishment which has the potential to be dangerous or extremely obnoxious. Included are those which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive material are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity

- A. Aviation facilities, private and public
- B. Shooting range
- C. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

ARTICLE XXI - "U-1" UNIVERSITY/COLLEGE DISTRICT

- 1** **General Description.** This district is established to provide an area for colleges, universities, seminaries and other such institutions of higher education. The intent of the district is to establish an area in which institutions of higher education may operate compatibly with surrounding residential and business areas.

- 2** **Permitted Principal Uses**
 - A. Colleges, universities, seminaries and other such institutions of higher education consisting of any number of educational, residential (apartment/dormitories, dormitories), cultural and recreational buildings and parking areas with all associated buildings located not less than thirty feet (30') from any residentially zoned private property or one or two family used lot
 - B. Community residence with appropriate permits and at least one thousand feet from any other community residence
 - C. Dwellings, one and two family
 - D. Essential services and municipal, administrative or public services, buildings or properties excluding warehouses, storage yards and garages with all associated buildings at least twenty feet (20') from residentially zoned private property
 - E. Foster family homes
 - F. Parochial buildings such as schools, churches, and parish buildings, public libraries and public safety and municipal government buildings located not less than twenty feet (20') from any residentially zoned private property
 - G. Unrelated group homes
 - H. Any other similar uses deemed to be consistent

- 3** **Permitted Accessory Uses**
 - A. Accessory uses permitted in an R-1 District
 - B. Other uses incidental to a permitted use

- 4** **When Authorized by Board of Zoning Appeals**
 - A. Boarding and lodging house
 - B. Fraternities and sororities
 - C. Hospitals, sanitariums and nursing homes with any associated building at least fifty feet (50') from any residentially zoned private property
 - D. Any other similar use deemed to be consistent by the Board of Zoning Appeals

- 5** **Restrictions**
 - A. All buildings affiliated with institutions of higher education shall be not less than thirty feet (30') from residentially zoned lots or existing one and two family used lots.
 - B. Private school buildings and public buildings shall be not less than twenty feet (20') from the side lot line in an "R" District.
 - C. Small residential care homes shall be one thousand feet (1,000') from any other community residence, shall be state or locally licensed and shall have a certificate of occupancy from the Building Official.

- 6** **Height Regulations**
 - A. No structure shall exceed thirty-five feet (35') for the principal structure and fifteen feet (15') for an accessory structure.

- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

ARTICLE XXII – SPECIAL USES

1. General Description: This procedure is established to provide a Special Use Permit for those areas of the City that are zoned, but in which unusual circumstances prevail, where it would be in the best interest of the safety, health and welfare of the residents of a zoned district that a Special Use Permit be issued rather than a change of zoning be granted.

Such "Special Uses" shall fall into two (2) categories:

- A. Uses publicly operated or traditionally affected with a public interest; and
 - B. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Application for a Special Use: An application for a special use permit may be filed in any case where the Plan Commission has denied rezoning, but has recommended to the applicant that he file an application for a special use permit. In that event, the applicant shall file an application for such a permit with the Zoning on a form he shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in the subsection below this section. The Plan Commission may on its own motion initiate a special use proceeding, and if initiated, the applicant shall pay a filing fee of one hundred dollars (\$100.00).
 - C. Hearing Upon Application: Upon receipt in proper form of the application and statement referred to in the Section above, the Plan Commission shall hold a public hearing on the proposed Special Use. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Plan Commission, by rule, prescribes.
 - D. Notice of Hearing: The Commission shall fix a reasonable time for the hearing of an application of an appeal. It shall give at least fifteen (15) nor more than thirty (30) days' notice of the time and place of such hearing by insertion in a daily newspaper published in East Moline and shall also give notice delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant or appellant and to the Zoning Official, and to the respective owners of record of property adjoining or adjacent to the premises in question, and to any property owners whose property is situated within two hundred fifty feet (250') of the subject site, and to any other persons or entities required by law to be notified and to all persons or entities entitled to object to such special uses. Any party may appear at such hearing in person or by agent or by attorney. The Commission shall decide the application or appeal within a reasonable time.
 - E. Standards: No Special Use shall be recommended for approval by the Plan Commission unless such Commission shall find:
 1. That the granting of a Special Use will not be detrimental to or endanger the public health, safety, or general welfare;
 2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood;

3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 6. Restrictions for the use should be consistent with the district in which the use would normally be located except as may be modified by the Plan Commission .
 7. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Plan Commission .
- F. Conditions and Safeguards: Prior to the granting of any Special Use, the Plan Commission shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in the Section above. In all cases in which Special Uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.
- G. The Plan Commission shall not authorize a Special Use Permit unless the Plan Commission specifically finds that the condition or situation of the special piece of property for which the Special Use is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment to this Ordinance, for such conditions or stipulations.
- H. Said Special Use Permit, when granted, shall be in full force and effect only as long as the applicant of the property affected retains ownership of said property.
- I. Effect of a Denial of a Special Use: No application for a special use that has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the city planner.
- J. Period During Which The Special Use Shall Commence: The permit for the construction or operation of the special use shall be issued within one year after the special use is granted by the Plan Commission . The property owner shall then complete construction or otherwise commence operation of the special use within a reasonable time thereafter. If the special use has not been established within said period, the property owner may submit a request for extension of the special use to the Plan Commission , which the Plan Commission may grant upon reasonable terms. If the property owner fails to commence operation of the special use in the manner set forth above, or obtain an extension of the special use from the Plan Commission , the special use shall be null and void.
1. Notwithstanding the foregoing provisions of this subsection, if the special use applicant makes a specific request in the original application for special use to have the "one year startup provision" set forth above modified or waive, then the Plan Commission shall have the power when making its final decision on the special use to lengthen, shorten, or waive the "one year startup requirement" for the requested special use.

- K. Action by the City Council: If a Special Use Permit requires City Council approval, as is the case in certain industrial uses that involve Board of Appeal approval, then the city council shall not act upon a proposed special use until the council has received a written report and recommendation from the plan commission on the proposed special use.
1. The concurring vote of five (5) members of the plan commission consisting of nine (9) members is necessary to recommend to the city council to approve the petition.
 2. The city council may by adoption of an ordinance grant or deny an application for a special use. The proposed special use ordinance shall not be approved by the corporate authorities, except by a favorable majority vote of all alderman of the city council then holding office.

ARTICLE XXIII – OFF-STREET PARKING AND LOADING

- 1) Purpose. The purpose of this section of the Zoning Ordinance is to alleviate or prevent congestion of the public streets and 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 of the property.
- 2) General Requirements.
 - a) Procedure - An application for a building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.
 - b) In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.
 - c) In all districts, except "B-2", an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas in the case of "R" districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.
 - d) Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied.
- 3) Units of Measure.
 - a) Floor area as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principal

use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.

- b) Parking spaces shall not be less than eight and one-half feet (8-1/2') wide and nineteen feet (19') long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.
 - c) Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.
- 4) Schedule. Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility:
- a) Athletic Field - five parking spaces per acre.
 - b) Auditorium/Theater - one parking space for every four seats or one parking space for every 150 square feet plus one for every two employees during a maximum shift.
 - c) Auto Repair - three per bay, plus one per employee during a maximum shift.
 - d) Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
 - e) Banks and Business Offices - four parking spaces per 1000 square feet, plus drive through requirements if applicable.
 - f) Barber/Beauty Shop Styling and Tanning Salons - two parking spaces per personal grooming station, plus one for every two employees during a maximum shift.
 - g) Bowling Alleys - six parking spaces per alley plus bar and restaurant requirements, if applicable.
 - h) Car Wash - six parking spaces per bay.
 - i) Care Homes - one parking space for every two residents, plus one for each employee during a maximum shift.
 - j) Churches - one parking space for every four sanctuary seats.
 - k) Community Center - one parking space for every three maximum patrons.
 - l) Day Care Centers - one parking space for every two employees during a maximum shift, plus one for every ten children served plus one per institutional vehicle.
 - m) Drive Through Facility - six stacking spaces for each drive through station or automatic teller machine, plus appropriate employee parking for principal use.
 - n) Dry Cleaning - one parking space for every two employees during a maximum shift, plus four for patrons.
 - o) Durable Goods Sales (appliances, furniture, etc.) - one parking space per 500 square feet, plus one per employee during a maximum shift.

- p) Elderly Housing Facility - three parking spaces for every four units, plus one per employee during a maximum shift.
- q) Fraternities, Sororities and Boarding Houses - one parking space per lodging resident, plus one per employee during a maximum shift.
- r) Funeral Home - one parking space per 50 square feet of public access area, plus one per business vehicle.
- s) Group Home/Halfway House/Boarding House - one parking space per bedroom.
- t) Health Recreation and Physical Training Facility - five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
- u) Hospital - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift, plus six per 1,000 square feet devoted to outpatient service.
- v) Laundromats - one parking space for every three (3) washers.
- w) Manufacturing Plants and Testing Labs - three parking spaces for every four employees during a maximum shift, plus one per business vehicle plus four per 1,000 square feet devoted to office space.
- x) Medical, Dental or Veterinary Office or Clinic - two parking spaces per treatment room, plus one per employee during a maximum shift.
- y) Motel, Hotel or Apartment Hotel - one parking space per unit, plus one for every two employees during a maximum shift plus banquet, restaurant and/or bar requirements if applicable.
- z) Mobile Home Park - one parking space and one for every four units.
- aa) Nursing Home - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift.
- bb) Park, Neighborhood - five parking spaces per first two acres, plus one for each additional acre.
- cc) Park, Community - five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.
- dd) Residences - two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.
- ee) Restaurants, Taverns, or Night Clubs - one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
- ff) Retail, Freestanding and Shopping Centers - five parking spaces per 1,000 square feet gross floor area, and one for every two employees on a maximum shift
- gg) Schools, Elementary and Junior High - one parking space per employee, plus one per classroom plus one per institutional vehicle.

- hh) Schools, High School - one parking space per employee, plus one for every four students plus one per institutional vehicle.
- ii) Sports Stadium, Outdoor - one parking space for every three maximum patrons, plus parking for buses.
- jj) Swimming Pool - one parking space for every three maximum patrons.
- kk) Wholesale and Warehouse - two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.

5) Development Standards:

- a) Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the City Engineer with asphalt cement concrete, Portland cement concrete or alternate equivalent materials acceptable to the City Engineer, and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any R district and in accordance with illumination standards further described in this ordinance.
- b) Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two family uses.
- c) All motor vehicles and trailers in residential zoning districts must be parked on an improved surface in accordance with requirements of the City. Outside storage of inoperable or unlicensed vehicles and vehicle parts is prohibited in residential zoning districts.

6) Exceptions:

- a) The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.

7) Establishment of Off-street Parking:

- a) The City Plan Commission , in consultation with other city departments and agencies concerned, shall make studies as found advisable of various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to be provided by the city and to be financed wholly, or in part, by a special assessment district or by other means. Where such need is found, the Plan Commission shall report its recommendation for the acquisition of such off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the areas they are intended to serve.
- b) Wherever pursuant to this procedure, off-street parking facilities are established by means of a special assessment district, or other district which the City Council may have determined, they shall be exempt from the requirements of this Article for privately supplied off-street parking facilities except as provided in the following: the City Council, upon recommendation of the Plan Commission and after public hearing, may require by resolution, that a portion, not to exceed fifty percent (50%) of the off-street parking facilities required by this Article shall be provided in connection with occupancy or use of a building in an area that was included in a special

assessment district for the provision of off-street parking facilities, or in any other district which the City Council may have determined to be served by a public off-street parking facility in the following cases:

- i) In such cases where the use of a building, erected after the levying of the special assessment in such an area or after the establishment of the public off-street parking facility, creates a need for an annual or exceptional amount of off-street parking facilities.
- ii) In such cases where alteration, extension or change in a use of a building, after the levying of the special assessment in such an area or establishment of the public off-street parking facility, creates a need for off-street parking facilities more than thirty percent (30%) in excess of the requirements of off-street parking facilities for such building or use before alterations, extensions or changes in use, as computed on the basis of the requirements in this section.
- iii) In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Title 8, Chapter 14 STANDARDS FOR CONSTRUCTION OF FACILITIES ON RIGHTS OF WAY.

8) Parking, Storage or Use of Automobiles, Recreational Vehicle, or Mobile Agricultural Machinery or Equipment.

- a) No automobile, recreational vehicle. or mobile agricultural machinery or equipment, as defined, shall be parked or stored on any lot in a residential district except in a required side or rear yard providing all yard setbacks are met by the vehicle and the vehicle is parked on a concrete or asphalt pad or alternate equivalent materials acceptable to the City Engineer, and so graded and drained as to dispose of all surface water accumulation within the area of proper support of the vehicle. However, such equipment may be parked anywhere on residential premises for a period of time not to exceed 24 - 48 hours during loading and unloading no more than twice in any consecutive period of seven (7) days. At least thirty (30) hours must separate each occurrence. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- b) No automobile, recreational vehicle. or mobile agricultural machinery or equipment intended for portable temporary housing shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use, provided however, that such equipment may be used for the housing of guests of occupants of the principal resident if (a) occupancy shall not exceed thirty (30) consecutive days; and (b) no charge is made for such occupancy.
- c) No automobile, recreational vehicle. or mobile agricultural machinery or equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

9) Portable Outdoor Storage Unit – Description: Includes a purpose-built, fully-enclosed container placed outdoors which is designed and intended to temporarily serve as a storage or containment unit for household or commercial goods or equipment.

- a) Temporary Use Regulations for Residential Zoning Districts:
 - i) Units must be accessory to a principal building or use;

- ii) There shall be no more than one portable outdoor storage unit per property, per year;
- iii) Units shall not exceed 16 feet in length, 8 feet in width, and 8 feet in height;
- iv) Units shall be set back a minimum of five feet from all property lines;
- v) Units shall be separated by six feet from any structure on the subject property;
- vi) No unit shall remain on the property for more than 30 days per calendar year;
- vii) Units shall be placed on a driveway or other paved surface if located in a front yard;
- viii) Units shall not be placed on public property, on public right-of-way, or in a location that obstructs traffic visibility;
- ix) Units shall be maintained in a good state of repair, free from rust, peeling paint, and other forms of visible deterioration;
- x) Existing portable outdoor storage units must come into conformance with regulations within one-year following passage of ordinance amendments.

b) Temporary Use Regulations for All Non-Residential Zoning Districts:

- i) Units must be accessory to a principal building or use;
- ii) There shall be no more than three portable outdoor storage units per property, per year;
- iii) Units shall not exceed 40 feet in length, 8 feet in width, and 9 feet in height;
- iv) Units shall be set back a minimum of five feet from all property lines;
- v) Units shall be separated by six feet from any structure on the subject property;
- vi) No units shall remain on the property for more than 90 days per calendar year;
- vii) Stacking of units is not permissible;
- viii) Units shall be placed on a paved surface within a side or rear yard;
- ix) Units shall not be placed on public property, on public right-of-way, or in a location that obstructs traffic visibility;
- x) Units shall be maintained in a good state of repair, free from rust, peeling paint, and other forms of visible deterioration;
- xi) Existing portable outdoor storage units must come into conformance with regulations within one-year following passage of ordinance amendments.

ARTICLE XXIV - PERFORMANCE STANDARDS

1 Compliance with Provisions

- A. New Uses: Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Article.
- B. Existing Uses: Existing business and industrial uses which are not in compliance with the performance standards contained in this Article are exempt, except where a use did not comply with performance standards in effect prior to the passage of this ordinance.

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms with the applicable performance standards.

2 Certification May Be Required. When necessary, the appropriate official may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

3 Smoke Emissions. The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Illinois EPA.

- 4 Particulate Matter. No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the Illinois Environmental Protection Agency (IEPA) or its successor.
- A. Prior to the City issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IEPA approval of the applicant's application and permit to install or alter equipment or control equipment if such a permit is required under the applicable IEPA standards.
- B. In the event the IEPA lowers its air quality standards, the IEPA standards in effect on the adoption date of this ordinance shall remain applicable. Under these circumstances, prior to the City issuing a building permit, an applicant must submit to the Appropriate Official documentation from a licensed engineer demonstrating that the use complies with the IEPA standards (on the adoption date of this ordinance).
- C. In the event the IEPA raises its air quality standards, the new IEPA standards shall apply, and the applicant must comply with the requirements of Subsection B of this Section.
- 5 Toxic Matters The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty-four (24) hour sampling period.
- A. All Business Districts. In all Business Districts, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values.
- B. I-1 and I-2 Districts. In the I-1 and I-2 Districts, the release of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values beyond zone boundary lines.
- 6 Vibration. Earth borne vibrations from any industrial operation or activity, and not those originating from city permitted maintenance or construction improvements shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

$$D = \frac{K}{f}$$

where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground in cycles per second

Zone and Place of Measurement	Continuous	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)	Less Than 8 Pulses Per 24 Hour Period
Business Districts: At Lot Line	0.003	0.006	0.015
I-1 Zone and I-2 Zone:			

1. At Zone Boundary Line	0.030	0.060	0.150
2. At R Zone, Recreational Area or School Boundary Line	0.003	0.006	0.015

7 Illumination Provisions

8 Sewage Waste. Sewers and sewage discharge shall meet the appropriate City code and all IEPA requirements.

9 Storage

A. The open storage of materials and equipment, except for sales display, shall be subject to the following requirements:

1. Storage of materials, equipment, salvage items, and vehicles being repaired shall be completely screened from view. An eight-foot (8') solid wall fence will be required, as described in applicable business and industrial districts.
2. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.

B. The bulk storage of flammable liquids and chemicals, when stored in above-ground tanks, shall occur no closer than the lot line or any principal building than the distance indicated by the following table:

Capacity Per Container (Gallons)	Minimum Separation Distances for Above Ground Containers
Less than 125	None
125 to 250	10 Feet
251 to 500	10 Feet
501 to 2,000	25 Feet
2,001 to 30,000	50 Feet
30,001 to 70,000	75 Feet
70,001 to 90,000	100 Feet

C. The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

10 Automobile sales. Sites used for automobile sales are subject to the following development standards:

- A. Adequate landscaping and/or fencing shall be used to screen views from street level of dealership operations that are not located within a building. Outdoor storage and display of operable vehicles, that are in good condition, does not need screening. Such screening shall not be required to obscure all visibility of interior activities but shall provide some filtering of outdoor dealership operations. Vehicles shall have appropriate spacing for adequate viewing and display, and shall be in operable condition for test drives.

- B. For the purposes of this Title and design review, areas used for outdoor vehicle storage and display are not considered parking areas.
- C. Appropriate site design measures shall be installed to the maximum extent practicable to ensure clean water standards are met. Permanent storm water best management practices and on-site storm water treatment shall be used for all runoff generated by new impermeable surfaces. Runoff from automobile washing and maintenance activities shall be properly collected and treated, consistent with the requirements of the Director of Engineering When new paving is proposed, pervious paving shall be used where feasible and shall be reviewed and approved by the Director of Engineering.
- D. All noise-generating activities and equipment, such as vehicle repair, shall be shielded by noise-attenuating construction or equipment. Outdoor amplification is prohibited, except on special occasions as permitted by the City.
- E. Exterior light standards and fixtures shall not be taller than 20 feet, light cutoffs shall be utilized to control light spillover onto adjacent properties, and low energy light fixtures consistent with Berkeley's goals for energy efficiency shall be utilized.
- F. The minimum required parking for such establishments shall be 1 parking space for each 250 sq. ft. of gross floor area. All other parking specifications as specified by this ordinance's Parking Section shall be met as well.

11 Noise. The following requirements shall apply in all districts:

- A. The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts:

Octave Band (Cycles Per Second)	Sound Level In Decibels	
	B-1, B-2, B-3 Districts	All Residential Districts
Zero to 75	73	58
76 to 150	69	54
151 to 300	65	50
301 to 600	61	46
601 to 1,200	55	40
1,201 to 2,400	48	33
2,400 to 4,800	41	26
Over 4,800	35	20

- B. Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.
- C. Method of Measurement: Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

ARTICLE XXV – ILLUMINATION STANDARDS

(A) Purpose: The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spillover of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

In an effort to encourage the implementation and usage of green and sustainable infrastructure and equipment, the city of East Moline encourages developers to utilize, whenever possible, high efficiency lighting such as light emitting diodes ("LEDs"), compact fluorescent lamps ("CFLs"), etc., in their projects.

(B) Lighting Plan: Except for single-family and two-family dwellings, plans for required parking lot and security lighting shall be approved by the director of engineering prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:

1. Luminaire height;
2. Luminaire and standard technical specifications;
3. Intensity of illumination shall be measured at the least point of illumination and the greatest point of illumination when measured from ground level;
4. Type of light source (metal halide, high pressure sodium, etc.);
5. Hours of illumination; and
6. A photometric plan superimposed on the site plan for each classification of lighting with points no greater than thirty feet (30') apart.

(C) Illumination Performance Standards: The city requires adherence to the following illumination standards:

1. Wall Or Roof Lighting: Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within thirty feet (30') of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the director of engineering finds the following:

- (a) That the proposed lighting is not in conflict with the stated purpose in this section;
- (b) That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- (c) That the proposed luminaire has a cutoff angle of less than or equal to sixty six degrees (66°).

2. Freestanding Luminaries: Any open area used for motor vehicle parking, storage, or access shall be illuminated with freestanding luminaries. Freestanding luminaries are permitted to be a maximum of thirty feet (30') in height with a three foot (3') support, for a maximum height from the ground of thirty three feet (33'). When a luminaire is located within five hundred feet (500') of a residential zoning district, the maximum permitted luminaire height shall be twenty five feet (25'). All measurements shall be taken from the average elevation of the finished grade within ten feet (10') of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than ninety degrees (90°). The use of exterior lighting with a cutoff angle greater than ninety degrees (90°) shall be permitted only when the director of engineering finds the following:

- (a) That the lighting is not in conflict with the stated purpose in this section;
- (b) That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
- (c) That the proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

3. Low Pressure Sodium Fixtures: In no instance shall low pressure sodium fixtures be used to meet the requirements of this section unless the director of engineering finds the following:

- (a) That the proposed lighting is not in conflict with the stated purpose in this section;
- (b) That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and

(c) That the color distortion effect of low pressure sodium lighting will not create a hindrance to crime prevention and investigation.

4. Intensity Of Lighting: The following shall be adhered to:

(a) The amount of illumination attributable to exterior lighting from a property shall not exceed one foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the director of engineering when:

(1) The proposed lighting is not in conflict with the stated purpose of this section.

(2) The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance.

(3) The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

(b) All parking lot and parking structure lighting located within three hundred feet (300') of a residential zoning district may be illuminated not more than one hour before the start of business and shall be extinguished within one hour after the end of business except as approved by the director of engineering after finding the following:

(1) The property has been identified as an area where the incidence or potential for crime warrant additional lighting.

(2) Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol.

(3) The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

5. Glare And Illumination: In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

6. Parking Structures: Luminaries used for illumination of designated pedestrian walkways in parking structures (parking areas serving more than 2 residential dwellings or any nonresidential land use within a structure with 1 or more levels) shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

(D) Compliance: Any new lighting installed after the effective date of this ordinance shall be in compliance with the requirements of this ordinance. Any lighting in existence before the effective date of this ordinance that does not comply with these requirements shall be considered legally nonconforming and may remain, subject to the following provisions:

1. Alterations To Existing Lighting:

(a) When poles and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, poles and supports that comply with this section.

(b) When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

2. Removal And Replacement Of Parking Lot Surface: A parking lot or portion thereof shall be considered "removed and replaced" when any portion of the existing parking surface material is removed and a new surface is installed. When less than fifty percent (50%) of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than fifty percent (50%) of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

3. New Parking Lots Or Parking Lot Additions: When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.

4. Renovations: When the cost of renovation of the principal structure reaches the thresholds detailed in the city's zoning regulations, all existing lighting shall be brought into compliance to the

extent required in said section.

5. **New Structures, Additions, Or Replacements:** When a site is improved with new structures, additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by a new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.

6. **Development Application:** When a development application is made for a site for a nonadministrative permit, the East Moline plan commission or East Moline city council, may as a condition of approval, require compliance with any or all of the standards of this section; and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the purposes of this section.

(E) **Point Of Measurements:** Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the light meter horizontally at ground level at the greatest and least points of artificial illumination.

(F) **PUD Modifications:** Modifications to the requirements of this section may be approved as part of a final development plan for a planned development, as per chapter 17 of this title, pursuant to the provisions provided:

1. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the East Moline plan commission.
2. That any deviations are consistent with the purposes of this section.
3. That the minimum light level proposed provides a minimum of seventy five percent (75%) of the illumination required in this section.
4. That the height of support poles above grade does not exceed the maximum permitted by this section by more than twenty five percent (25%), except that no development shall be allowed for increased support pole height within five hundred feet (500') of a residential zoning district.
5. That no increase in glare occurs as a result of deviation from the adopted standards. (Ord. 13-02, 2-4-2013)

ARTICLE XXVI - "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

1. **Minimum Requirements.** The following requirements specified in this Chapter shall be considered minimum for planned developments. (Ord. 6724, 7-24-1967)
2. **Purpose.** The purpose of the planned unit development (PUD) district is to promote to the extent possible:
 - A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
 - B. Permanent preservation of common open space and recreation areas and facilities.
 - C. A pattern of development to preserve natural vegetation, topographic, and geologic features.
 - D. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.

E. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.

F. A land use which promotes the public health, safety, comfort, morals, and welfare.

The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principals shall not be interpreted to permit the reduction of standards set forth in this section.

3. Application Procedure. The owner, owners, or bona fide buyer of any tract of land may petition the Plan Commission and Zoning Official for a change to the PUD zoning district. A planned unit development shall be authorized in accordance with the following procedures:

A. Application procedure.

1. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements listed above. of this section and show evidence that the proposed development will conform to the official city plan and to the purpose of the PUD district set forth in this section. The Plan Commission and City Council shall grant or deny said application pursuant to the provisions contained in this title. Approval of the PUD zoning district shall constitute an expression of approval by the City Council of the application plan as a guide to the preparation of the preliminary PUD plan. The applications shall be accompanied by a filing fee in an amount equal to that prescribed by City Code.
2. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of this section may be submitted in lieu of an application plan required in (1) above to the Zoning Official, although the decision to ultimately approve or deny the application must come from the Plan Commission and the City Council.

B. Approval of the preliminary plan.

1. Supporting data in accordance with the requirements for the preliminary plan stage as outlined in the following "Specific Content" section.
 - a. Copies of the preliminary PUD plan and supporting data shall be submitted to the East Moline Zoning Official for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
 - b. Copies of the preliminary PUD plan shall be submitted to the Plan Commission or the Zoning Official who shall hold public hearing on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication having general circulation within the city. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Plan Commission to the City Council. If

needed, the City Council shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.

2. Findings: The Plan Commission and City Council shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
 - a. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.
 - b. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
 - c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
 - d. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.
 - e. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - f. The desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community.
 - g. The conformity with the intent and spirit of the comprehensive plan.
 - h. Specific points noted on the plan that have impact on its design, function, and visibility in the community.
3. Following receipt of the recommendation by the Plan Commission and approval by the Plan Commission, the City Council shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan, the City Council shall set forth findings of fact in accord with the standards of this section on which they base their approval and describing how the proposal meets those standards.
4. All conditions, documents, and plans required by the City Council must be delineated on the plat or agreed to in writing prior to City Council approval.
5. The City Council may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established city policies.
6. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the city. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.

The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.

- C. Approval of final plan. The final planned unit development plan shall be submitted to the Zoning Official who shall refer same to the Plan Commission and City Council. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
1. A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of this section. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the City Council. The City Council may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the City Council shall initiate such zoning changes as it deems necessary to preserve the public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Zoning Official shall monitor all pending PUD projects and inform the City Council of those six (6) months or more behind schedule.
 2. After review of the final plan, the Plan Commission shall submit the planned unit development plan to the City Council with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the City Council who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.
 3. Following Plan Commission review, the final plan and supporting data shall be submitted to the City Council for recommendations and approval, and then City Council for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
 4. The City Council shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in taking action on the final plan.
 5. All conditions, documents, and plans required by the council must be delineated on the plan or agreed to in writing prior to council approval.
- D. Recording the final planned unit development plan. The construction of any public improvement in the planned unit development shall be initiated only after recording of the final PUD plan has been recorded with the county recorder, and shall be issued in full conformance with this ordinance.
- E. Changes in the planned unit development. The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.
1. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity,

a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the county recorder as amendments to the final PUD plan.

2. Minor changes. The appropriate authority may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.
4. Specific Content. The planned unit development plans and supporting data shall include at least the following information:
- A. Application stage:
 1. General site information. Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
 2. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, sidewalks, lots, and other features.
 - B. Preliminary plan stage:
 1. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by appropriate city authority. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), sidewalks, all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
 - a. Boundary lines: Bearing and distances.
 - b. Easements: General location, width, and purpose.
 - c. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
 - d. Existing and proposed utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
 - e. Existing ground elevations on the tract: For land that slopes less than one-half of one (1/2 of 1) percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one (1/2 of 1) percent show two (2) foot contours.

- f. Subsurface conditions on the tract, if required by the commission or council: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.
 - g. Other conditions are on the tract: Watercourses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.
 - h. Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
 - i. Zoning on and adjacent to the tract.
 - j. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - k. Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
 - l. General location, purpose, and height, in feet or stories of each building other than single-family residences on individually platted lots.
 - m. Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
 - n. Miscellaneous: Such additional information as may be required by the appropriate authority or found in the subdivision regulations in Article XXX.
2. Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
 3. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.
 4. Schedule. Development schedule indicating:
 - a. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
 - b. Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting.
 - c. If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.

5. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
6. Density. Provide information on the density of residential uses and the number of dwelling units by type.
7. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
8. Service facilities. Provide information on all service facilities and off-street parking facilities.
9. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
10. Facilities plans (public and/or private). Preliminary plans for:
 - a. Roads and sidewalks, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
 - b. Sanitary sewers.
 - c. Storm drainage and erosion.
 - d. Water supply system, if required by the appropriate authority.
 - e. Lighting program, if required by the appropriate authority.
 - f. Grading.

B. Final plan stage.

1. Final detailed plan. A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
 - a. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
 - b. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plat. The plat shall be reviewed by all affected utility companies or agencies, and any comments from these companies or agencies shall be submitted as well.
 - c. An accurate legal metes and bounds description of each separate unsubdivided use area, including common open space.
 - d. Designation of the exact location of all buildings to be constructed in unsubdivided areas.
 - e. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
 - f. Architectural plans unless waived by the appropriate authority during the preliminary stage.

2. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the city attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
 3. Engineering data. All public utilities or improvements required by the City in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the appropriate authority.
 4. Guarantee deposit. Prior to the acceptance by the appropriate authority of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the City a good and sufficient bond with surety to secure to the City the actual construction and installation of such public utilities or improvements according to the City specifications within two (2) years from the date of approval by the appropriate authority of the final plan or a petition to the appropriate authority to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the City against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the appropriate authority.
 5. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
 6. Covenants. Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.
5. Standards Necessary for Development of Dwelling Groups.
- (A) In the case of a project consisting of a group of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Title to the individual building units in such project, the applying of such requirements to such project shall be done in a manner that will ensure substantially the same character of occupancy, maximum intensity of use, and minimum standards of open spaces as permitted by this Title in the district in which the proposed project is to be located.
 - (B) In no case shall the development have a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under this Title in such district. Nor shall the building coverage exceed that which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the adopted subdivision regulations, and by the type of buildings customary in the district and in compliance with the requirements of this Title. The City shall not authorize the erection of a project on a parcel of ground occupied by another principal structure. (Ord. 6724, 7-24-1967)

6. Standards Necessary for Development of Residence Development Projects

(A) A residence development project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of this Title to the individual buildings, may be authorized in districts in which such projects are permitted under this Title.

1. That the tract of land on which the project is to be erected meets the minimum size requirements as specified in subsection (B) of this Section.
2. That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.
3. That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than ninety percent (90%) of the lot area per family required in the district in which the project is to be located.
4. That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Parking Section of this Title.
5. That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.
6. That drives, accessways and parking areas are developed to standard equal to that required for public use.
7. That such drives and accessways are protected by recorded deed covenants assuring their availability to all residents of the project.
8. That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially the same type of occupancy as obtains or may be expected to obtain in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in this Title in the district in which the project is to be located.
9. That the project will be consistent with the intent and purposes of this Title to promote public health, safety and general welfare.

(B) Height, yards and lot coverage shall be regulated by the following schedule and in no case shall the Plan Commission or City Council authorize standards less than:

	Detached One-Family	Town House	High Rise Apartment
Minimum size of development	3 acres	5 acres	10 acres
Garage and parking area (per dwelling unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.
Land coverage (maximum % of land coverage)	20%	20%	10%
Height of main building	35 '	35 '	120 '
Setback from any dedicated public right-of-way	25 '	25 '	75% of building height, but at least 30 '
Distance between building and adjoining property line	10 '	15 '	Height of building

Distance between building face to face	80 '	120 '	150% of building height
Distance between buildings face to rear or face to side	60 '	80 '	150% of building height
Distance between buildings side to side	20 '	30 '	Height of building
Distance between buildings rear to rear	80 '	50 '	Height of building

7. Standards Necessary for Development of Integrated Shopping Centers

(A) Minimum Area: The owner of a tract of land located in any district at or near where a proposed shopping center is shown on the adopted Land Use Plan shall submit for review a preliminary plan for the use and development thereof for an integrated shopping center, provided that said tract of land shall meet the following minimum area requirements:

Neighborhood Shopping Center: Not less than two (2) acres;

Subcommunity Or Community Shopping Center: Not less than ten (10) acres.

Shopping Centers Defined: For the purposes of this Section shopping centers shall be defined as follows:

1. "Neighborhood shopping center" shall mean a shopping center the principal establishment of which is customarily a supermarket type food store.
2. "Subcommunity shopping center" shall mean a shopping center the principal establishment of which is customarily a variety store.
3. "Community center" shall mean an area within which various facilities and services, such as filling stations, restaurants, banks, fire or police stations, clubs, etc., may be established.

The location, size and other characteristics of the site and the proposed plan comply with the following conditions:

1. Need Must Be Demonstrated: That need for the proposed center at the proposed location, to provide adequate shopping facilities to the surrounding neighborhood, subcommunity or community or part thereof, as the case may be, has been demonstrated by the applicant by means of market studies and such other evidence
2. Adequacy, Site: That the proposed shopping center is adequate, but not excessive, in size to provide adequate shopping or service facilities for the population which reasonably may be expected to be served by the proposed center.
3. Traffic Congestion; Not To Be Created: That the proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed center, and where such congestion will not likely be created by the proposed center; or where such existing or possible future congestion will be obviated by presently projected improvement of access thoroughfares or by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
4. Thoroughfare Access Required: That any neighborhood shopping center will abut and front a street designated on the official Transportation Plan as an expressway or arterial thoroughfare; and any subcommunity or community shopping center shall abut and front on a street designated on said Plan as an expressway or arterial thoroughfare.

5. Integrated Design: That the plan provides for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping. The project shall be arranged in an attractive and efficient manner, convenient, pleasant and safe to use, and fitting harmoniously into, and having no adverse effects upon the adjoining or surrounding properties.
- (C) The uses permitted in an integrated shopping center shall be appropriate to the specific functions thereof. In the case of all shopping centers, the allowable uses shall be those permitted in the B1 District; provided, however, that no residential, heavy commercial or industrial uses shall be permitted in any shopping center, and only those uses shall be authorized which are necessary or desirable to supply the surrounding neighborhood, subcommunity or community with goods or services. All uses authorized in this manner shall be in harmony with the design of the center and the environs thereof.
- (D) Standards Applicable: The following regulations shall apply to an integrated shopping center:
1. Building Height: No building shall exceed two and one-half (2 1/2) stories or thirty five feet (35') in height.
 2. Yards: No building shall be less than fifty feet (50') distant from any boundary of the tract or site on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any R District, and except for necessary entrances and exits from all properties located in any R District across the street and within one hundred feet (100') from such center.
 3. Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate twenty five percent (25%) of the total area of the tract or site.
 4. Customer Parking Space: Notwithstanding any other requirements of this Title, there shall be provided at least two (2) square feet of off-street parking area, including driveways, for every square foot of total floor space, not including storage space, in an integrated neighborhood shopping center; and three (3) square feet of off-street parking area for every square foot of total floor space, not including storage space, in a subcommunity or community shopping center.
 5. Loading Space: Notwithstanding any other requirements of this Title, there shall be provided one off-street loading space for each five thousand (5,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.
 6. Illumination Of Accessways And Parking Areas: Accessway and parking areas shall be adequately lighted by shielding media lighting fixtures which shall be so installed as to reflect light away from adjoining properties.
 7. Signs: Subject to the provisions of State statutes and in conformity with the provisions outlined by City Code ~~Plan Commission~~, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, with the view to preventing excessive advertising and promoting a harmonious appearance of the center as a whole.
8. Conditions and Guarantees. Prior to the granting of any planned unit development, the appropriate authority may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of

planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in this title. In all cases in which planned unit developments are granted, the appropriate authority shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

ARTICLE XXVII - ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

1. Additional Requirements.

The requirements and regulations specified hereinbefore in this title shall be subject to the additional requirements, exceptions, modifications and interpretations in this chapter. (Ord. 6724, 7241967).

2. Height Limits. Height limitations stipulated elsewhere in this Ordinance shall not apply.

A. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Zoning Appeals.

B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

C. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the board of zoning appeals. (Ord. 6724, 7241967)

D. To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (1/2) foot over the side and rear yards required for the highest building otherwise permitted in the district.

3. Front Yard Exceptions and Modifications

A. **Front Yard Requirements Do Not Apply.** To bay windows, decks, or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.

B. **Front Yard Depth.** In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet.

B. Corner Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet, except when effecting traffic visibility across corner lots, as outlined in the General Provisions Section.

4. Side Yard Exceptions and Modifications

A. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restrictive district. Where a lot in an I district abuts a lot in an R district, and side yard shall be increased by three feet (3') for each story that the building proposed on such lot exceeds the height limit of the said R district.

B. Side Yards Shall Be Increased in width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any AG, SE, or R-1 District, or fifty (50) feet in any "R-2" district.

C. Side yards may be reduced by three inches (3") from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of this title is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2 1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, and irrespective of the provisions of subsection (F) of this section, that no side yard shall be narrower at any point than three feet (3').

D. Side yards may be measured to the centerline of adjoining alleys but in no case shall a building or structure for which a side yard is required to be erected within three feet (3') of such alley.

E. On a corner lot, the least width of a side yard along the street lot line shall be equal to the required front yard along the side street. (Ord. 6724, 7241967)

F. Structures or projections into side yards may be permitted as follows;

1. Bays, decks, and balconies not more than four (4) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (2 2-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.

2. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1-1/2) feet.

3. Fences, plantings or walls not over six (6) feet above the average natural grade.

4. Fire escapes three (3) feet from a side lot line.

5. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

G. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.

H. Side Yards May Be Varied. Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.

5. Rear Yard Exception and Modifications

A. Rear Yards May Be Reduced. Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.

B. Rear yards may be measured to the centerline of adjoining alleys, but in no case shall a building or structure be erected within ten feet (10') of such an alley. (Ord. 6724, 7241967)

C. Structures or projections into rear yards may be permitted as follows:

Bay windows, not more than four feet (4'), provided these projections are entirely within plans drawn from either main corner of the rear wall, making an interior angle of twenty two and one-half degrees (2 21/2°) in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.

Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves and the like, into or over a required rear yard not more than one and one-half feet (1 1/2').

Fences, planting or walls, not over six feet (6') above the average natural grade.

Open decks or balconies not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches

Fire escapes, six feet (6'). (Ord. 6724, 7241967; amd. Ord. 8157, 7201981)

ARTICLE XXVIII - ENFORCEMENT AND ADMINISTRATION

1. It shall be the duty of the Zoning Official appointed by the City Administrator, with the aid of the Police Department, to enforce this Ordinance in accordance with the administrative provisions of the building code and this Ordinance.
2. Every application for a building permit shall be accompanied by plans in duplicate and plot plan based on an actual survey by a professional Illinois land surveyor drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the applicant when approved by the Zoning Official, or designee appointed by the City Administrator, together with such permit as may be granted.
3. Prior to building construction, lot pins based on actual survey by a professional Illinois land surveyor stakes based on actual survey shall be set and if disturbed by construction or grading shall be reset in proper location.
4. Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a certificate of occupancy shall be obtained from the Building Inspector.

Such certificate of occupancy shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of this Title.

5. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Title shall be subject to penalty as provided by Section 1-4-1 of East Moline's City Code.
6. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Title, the City Attorney, in addition to other remedies under the Illinois Compiled Statutes is hereby authorized to institute an action to enjoin, or by any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use. (Ord. 6724, 7241967)
7. Board of Zoning Appeals. The East Moline Board of Zoning Appeals has power to hear and render judgment on three types of appeals in accordance with the provisions of the zoning title. These three types of appeals are
 - a. special exceptions,
 - b. appeal of staff/administrative decision(s),
 - c. and variance appeals.
- A. Creation, Membership and Procedure. A Board of Appeals consisting of seven (7) members shall be appointed by the Mayor and approved by City Council in accordance with the provisions of the Illinois Revised Statutes. The appointing authority may remove any member of the board for cause and after a public hearing.
- B. The Board shall elect its own chairman and have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this or any other Ordinance of the City of East Moline. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice chairman, may administer oaths and compel attendance of the witnesses.
- C. Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent, or failing to vote, indicating that fact and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the Office of the Board.
- D. Four (4) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, Zoning Official, or other appropriate official, or to decide in favor of an applicant any matter upon which it is required to pass under this Ordinance, or to effect any variation in the requirements of this Ordinance.
- E. The Board may call on the City's departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.
- F. Special Exceptions. Requests or applications for special exceptions or of interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass.
- G. Appeal of Staff/Administrative Decision(s). Hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, decision, grant or refusal made by the Building Inspector or Zoning Official in the enforcement of the provisions of the zoning title.
- H. Variance. The Board may authorize on appeal in specific cases such variance from the terms of the zoning title as will not be contrary to the public interest, where owing to a special condition, a literal enforcement of the provisions of the zoning title will result in unnecessary hardship, and so that the spirit of the zoning title shall be observed and substantial justice done

ARTICLE XXIV - DISTRICT CHANGES AND ORDINANCE AMENDMENTS

1. Ordinance Amendments. In accordance with the provisions of 65 Illinois Compiled Statutes 5/11-13-1 et seq., the City Council may, from time to time, amend or change by ordinance, the number, shape or area of districts established on the Zoning Map or the regulations set forth in this Title; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Plan Commission for approval, disapproval or suggestions, and said Commission shall have been allowed a reasonable time, not less than thirty (30) days, for consideration and report.
2. Public Hearing. Before submitting its recommendations and report to the Council, the Plan Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than fifteen (15) nor more than thirty (30) days' notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to, directly across a street or alley from, the area proposed to be altered.
3. Application For Change. Any person desiring a change in zoning of property may make application therefor, in so doing shall accompany the petition for such change in zoning, or the ordinance introduced for the purpose of changing such zoning, with a statement giving the names and addresses of the owners of all properties lying within the block where the proposed change is to be. Such petition or ordinance seeking a change in zoning shall be accompanied with a fee in the amount of one hundred dollars (\$100.00) toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
4. Public Examination. During the fifteen (15) days prior to the public hearing the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the secretary of the Plan Commission . No ordinance which differs from the recommendation made by the Plan Commission shall be adopted unless passed by not less than three-fourths (3/4) of all members of the Council.
5. Protests. In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by twenty (20) percent or more of the owners of the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered, is filed with the City Clerk, such amendment shall not be passed or become effective except by the favorable vote of two-thirds (2/3) of all members of the Council.
6. Failure to Notify. The failure to notify, as provided by this Chapter, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the City Plan Commission , be affected by such amendment, supplement or change, unless such omission is intentional, and shall not invalidate any ordinance passed hereunder, it being the intention of this Chapter to provide forenotice of an ordinance change to the persons substantially interested in or affected by the proposed change.
7. Refiling of Denied Requests. Upon denial by the City Council of an application to change the zoning of a particular property, a second zoning request which is not substantially or materially different from the denied request shall not be accepted from the same or a different person, for a public hearing to be held within six (6) months from the date of City Council denial. Subsequent requests which are also not substantially or materially different shall not be accepted for a public hearing to be held within one (1) year from the last date of City Council denial. The Zoning Board of Appeals shall determine whether a request is substantially or materially different and submittable, although the City Council may, by majority vote, reverse a decision of the Zoning Board of Appeals to not accept a rezoning request for public hearing.

ARTICLE XXX - SUBDIVISION REGULATIONS

***Insert entirety of existing subdivision ordinance here (Currently Section 10-21)

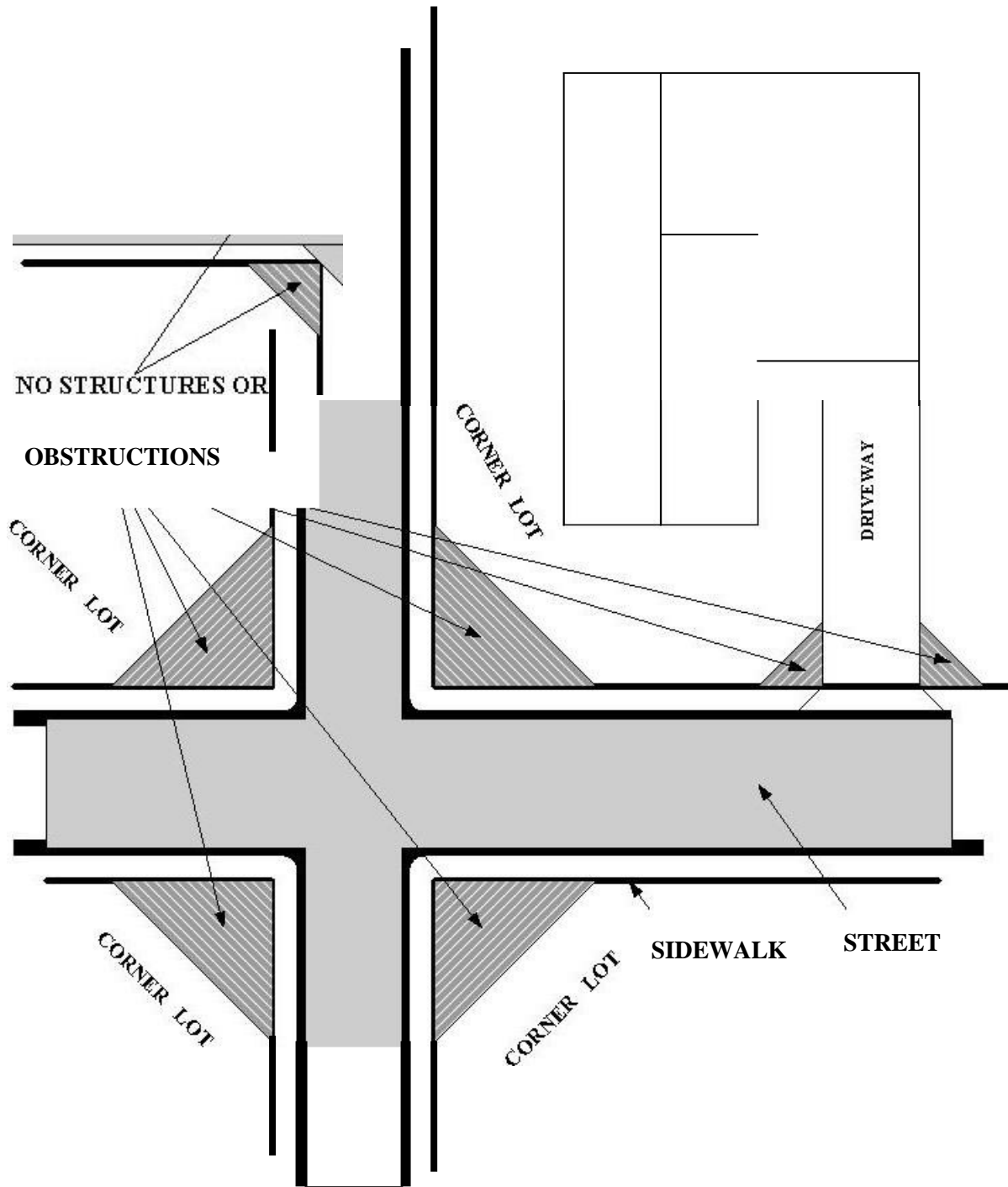


DIAGRAM FOR VISION CLEARANCES AT CORNERS
 (IN REFERENCE TO GENERAL PROVISIONS: TRAFFIC VISIBILITY ACROSS CORNER LOTS)