CHAPTER 37 - ZONING

ARTICLE I – GENERAL PROVISIONS.

Sec. 37-100. Title

This chapter shall be known as the “Zoning Ordinance of 2026.” It may be cited as the “Zoning Ordinance,” or “Chapter 37 of the City of Champaign Municipal Code.”

Sec. 37-101. Applicability

The provisions of this Zoning Ordinance shall apply to all land, property and development within the City of Champaign municipal limits.

Sec. 37-102. Authority

This Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by state law and the City of Champaign’s home rule authority.

Sec. 37-103. Purpose

The purpose of the Zoning Ordinance is:

1) To promote and protect the public health, safety, comfort and general welfare of the people;

2) To provide adequate light, air, and ventilation to occupants of structures;

3) To conserve and protect neighborhood stability and protect property values in the City;

4) To guide the future growth and development of the City of Champaign in a manner consistent with the City of Champaign Comprehensive Plan as adopted in Sec. 26-1;

5) To promote the development of land in an orderly, safe, and compact manner that provides opportunities for residential, commercial, and industrial development to meet demand for housing, services and employment opportunities within areas that can be served by City services and infrastructure;

6) To promote and encourage the development of a wide variety of housing types within the City to meet the housing needs of all resident income levels and housing preferences;

7) To preserve key tracts of land suitable for commercial or industrial development along road and railroad corridors to promote the economic health of the community, provide a variety of local commercial services, employment, and promote local manufacturing and innovation;

8) To promote high quality development through the establishment of development, design, parking, landscaping, and signage standards that promote high quality development that creates a sense of place, builds an attractive urban environment and improves the value of property;

9) To encourage infill development on vacant parcels and promote the redevelopment of underutilized properties through creative site planning approaches and encouraging originality and flexibility in design to ensure that development relates to its site and surrounding development character and context;

10) To facilitate the preservation of sites, areas and structures of historical, architectural, or cultural significance;

11) To promote the development of a safe and efficient transportation system that supports all modes of transportation;

12) To protect the community from fire and pollution hazards, minimize the impacts of accumulated stormwater runoff and flooding, and encourage the development of land that is sensitive to environmental impacts on the site and surrounding community.

Sec. 37-104. Scope and Construction of Regulations

1) The regulations established by this ordinance shall be minimum regulations and shall apply uniformly to each parcel of land or type of structure hereinafter provided;

2) Wherever the requirements of this ordinance are in conflict with the provisions in another part of the City of Champaign Municipal Code, the most restrictive or higher standards shall govern;

3) In construing this Zoning Ordinance, the rules of construction and definitions contained in Chapter 1 of the Municipal Code shall control unless inconsistent with the intent of City Council or the context of the regulation clearly requires otherwise.

4) All references within the Zoning Ordinance to other City, county, state or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations, nor do these references imply any responsibility by the City of Champaign for the enforcement of county, state or federal regulations.

Sec. 37-105. General Requirements

1) No person shall establish, enlarge, expand, change, alter or build a use or structure that is not in compliance with the provisions of this Chapter;

2) No person shall be issued a building permit unless the development of land or the construction of any structures or infrastructure is in compliance with Chapter 9, Chapter 31, or Chapter 37 of City of Champaign Municipal Code;

3) No person shall execute a subdivision of land, sale or conveyance of land, use of a portion or a whole piece of property, that has not been subdivided in accordance with Chapter 31 of the Municipal Code.

4) No person shall violate the provisions of this chapter. In addition to any other action which may constitute a violation, the following constitute violations of this chapter and shall be strict liability offenses.

Sec. 37-106. Official Zoning Map

1) The location and boundaries of the zoning districts, planned developments, special use permits, historic landmarks, annexation agreements, and mitigation plans established by this Zoning Ordinance, as amended from time-to-time, are shown on the Official Zoning Map. The Official Zoning Map, together with all notations, references, data, and other information shown on the map is adopted and incorporated into this Zoning Ordinance;

2) The Official Zoning Map is maintained by the Zoning Administrator. In any dispute regarding the classification of property subject to this Zoning Ordinance and Official Zoning Map, the Official Zoning Map maintained by the Zoning Administrator governs;

3) City Council shall authorize the annual publication of the Official Zoning Map which includes any approved amendments to the Official Zoning Map over the prior calendar year. If no changes in the Official Zoning Map have been made within the year, a new map is not needed to be authorized for publication.

4) District boundaries shown on the Official Zoning Map are generally intended to coincide with the center lines of streets and alleys or with lot lines. If, on the map, the zoning district boundary line of a district:

    a) Approximates the line of a street or alley, the boundary line shall be construed to be the center line of the street or alley.

    b) Approximates the boundary line of a platted lot, the district boundary line shall be construed to be the lot line.

    c) Boundaries indicated as following railroad lines, shall be construed to be the center line of the railroad right-of-way.

    d) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (c) above, shall be so construed.

    e) Where a district boundary divides a platted lot or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the Official Zoning Map.

5) Where physical features on the ground are at variance with those shown on the Official Zoning Map, or other circumstances exist not covered by this section, the Zoning Administrator shall interpret the district boundaries.

6) Whenever in this chapter there is a requirement that a particular land use, building, or structure is to be located within, or separated from another land use, building, structure, zoning district, or public street, the distance in question shall be measured in a straight line from the nearest point on the lot where the use of land or building is located to the following point, as applicable:

a) The nearest point on the lot where the other land use, building or structure is located;

b) The nearest point on the zoning district in question; or

c) The nearest point on the right-of-way that includes the public street in question.

Sec. 37-107. Severability

If any provision, clause, sentence, paragraph, section, or part of this Zoning Ordinance, or application thereof to any person, firm, corporation, public agency or circumstances, is, for any reason, adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment will not affect, impair or invalidate the remainder of this Zoning Ordinance and the application of such provision to other persons, firms, corporations, public agencies, or circumstances, but will be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy that was the subject of the judgment and to the person, firm, corporation, public agency, or circumstances involved. It is the legislative intent of the City Council that this Zoning Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part not been included.

Sec. 37-108 to 199.

Reserved

ARTICLE II – DEFINITIONS.

Sec. 37-200. Purpose and Application.

The purpose of this article is to establish the meaning of words that are subject to different interpretations. The definitions listed in this article shall have the meaning specified herein for the purposes of this chapter, except where the text of this chapter clearly indicates or requires a different meaning.

Sec. 37-201. Definitions – A.

1) *Abandoned* shall mean the discontinuance of a nonconforming use for a period of six (6) continuous months or more. Cessation of a use due to damage caused by fire, explosion, or catastrophe does not constitute abandonment unless there is no action to commence restoration within twelve (12) months of the incident. Any period of discontinuance of a commercial or industrial use caused by strikes, material shortages, or other circumstances without fault of the owner shall not be considered in calculating the length of discontinuance.

2) *Access* shall mean a way or means of vehicular entry onto a property.

3) *Access Drive*. See “Driveway”

4) *Accessory Dwelling Unit*, or "*ADU*" shall mean a dwelling unit that is accessory but separate to a residential Principal Use on a lot. Accessory Dwelling Units vary in type distinguished by being either a Detached ADU, an Attached ADU or an Internal ADU.

5) *Accessory Dwelling Unit, Attached* shall mean an ADU that is an expansion of an existing Principal Structure and is self-contained with a separate means of egress.

6) *Accessory Dwelling Unit, Detached* shall mean an ADU that is freestanding and not attached to an existing Principal Structure. This includes ADUs that are combined with a detached garage Accessory Structure on a lot. Detached ADUs may share utility connections that also serve the Principal Structure.

7) *Accessory Dwelling Unit, Internal* shall mean an ADU that is wholly within an existing Principal Structure, without expanding the Principal Structure, and is self-contained with a separate means of egress.

8) *Accessory Parking Lot* shall mean a parking lot, serving a use on another lot.

9) *Accessory Use* shall mean a use or structure on the same lot as a principal use provided that such use is related, incidental or subordinate, allowed as a permitted or special use, and meets any applicable design or development standards.

10) *Adjacent* shall mean adjoining, bordering, touching, or contiguous. This shall also include two lots which are separated by a street, public alley or public walkway.

11) *Administrative Regulations* shall mean any written orders which are issued by the Mayor, City Manager, or person designated by ordinance or resolution and compiled in a manual.

12) *Alley* shall mean any public way whose primary function is to furnish secondary vehicular access to the side or rear of properties abutting on each side and having their main access on a street.

13) *Alteration* shall mean any act or process which changes, removes, or makes improvements to a structure.

14) *Alteration, Exterior* shall mean any act or process which changes or makes improvements to one or more of the exterior architecture features of a structure and/or improvements to the structure.

15) *Alteration, Structural* shall mean any change in the structural members of a building, such as foundations, bearing walls, columns, beams, or girders.

16) *American National Standards Institute/Illuminating Engineering Society* (ANSI/IES) shall mean the Illuminating Engineering Society (IES), which is an American National Standards Institute (ANSI) recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.

17) *Anchor Store* shall mean any store which is part of a Planned Regional Shopping Center which is at least fifty thousand (50,000) square feet or greater in gross floor area.

18) *And/Or* shall mean "and", may be read "or", and "or" may be read "and", if the sense requires it.

19) *Animal Clinic* shall mean a place used for the veterinary care, diagnosis, and treatment of sick, ailing, infirm, or injured domesticated animals, exclusive of livestock, and those animals which require medical or surgical attention for either outpatient or overnight treatment but not for general boarding purposes.

20) *Applicant* shall mean a person submitting an application for planning or zoning action.

21) *Appurtenance* shall mean a secondary or accessory element of a Landmark or District that is attached to or distinct from the original structure.

22) *Array* shall mean a grouping of radio frequency transmitters erected on a freestanding telecommunication tower or on an existing structure

23) *Arterial, Major*. See “Street, Arterial.”

24) *Artificial Light at Night (ALAN)* shall mean light that is created from human technology rather than naturally occurring processes.

25) *Assembly, Manufacturing* shall mean the process of assembling and packaging premanufactured items into a single final product.

26) *Assembly, Public* shall mean, for the purpose of this Chapter, the gathering of people in a facility otherwise defined in this Chapter including, but not limited to, a Religious Institution, Event Centers, Schools or public buildings.

27) *Assisted/Independent Living Facility* shall mean a residential facility which provides housing, supportive social services, personalized assistance, and health care services designed to support residents who need limited help with activities and daily life. These facilities may include separate bedrooms or dwellings for residents, communal kitchen, dining facilities, and recreation facilities. These facilities operate on a social model that resident dwellings are their homes.

28) *Associated Use* shall mean a commercial or industrial enterprise which owns or leases an accessory parking lot for the exclusive use of its or their tenant's customers and employees.

29) *Automobile Repair, Major* shall mean general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender straightening, and repair; vehicle painting. The servicing of one's personal vehicle does not constitute an Automobile repair, major business or activity.

30) *Automobile Repair, Minor* shall mean replacement of parts, maintenance and repair services to passenger cars and trucks not exceeding one and one-half (1½) ton payload, excluding activities defined herein as major automobile repair.

31) *Awning* shall mean an architectural projection that provides weather protection and is wholly supported by the structure to which it is attached. The awning may provide a business sign or identification, or decoration of the structure to which it is attached. An awning is comprised of a lightweight, ridged skeleton structure over which a rigid covering is attached.

32) *Awning or Canopy Sign* shall mean an on-premises business sign other than a projecting sign located upon a canopy or awning.

Sec. 37-202. Definitions – B.

1) *Balcony* shall mean an exterior platform on a structure, projecting from the wall.

2) *Bank* shall mean the natural or man-made slope immediately bordering the watercourse or waterbody containing or confining the normal water flow.

3) *Banner* shall mean a strip of flexible material such as cloth, paper, or plastic, securely fastened on all corners to a building or a structure and used to advertise a special event.

4) *Basement* shall mean that story of a structure which is partly or completely below grade. A basement shall be considered a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter or more than twelve (12) feet at any point.

5) *Bed and Breakfast* shall mean a detached dwelling in which bedrooms are rented to transient guests on an overnight basis and in which breakfast only is served to overnight guests.

6) *Bedroom* shall mean a room intended for, or capable of being used for, sleeping and which is at least seventy (70) square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", "dining room" or other extra room which satisfies the definition and is not a kitchen, living room, or bath will be considered to be a bedroom for the purpose of computing the number of bedrooms in a dwelling unit and bedroom area.

7) *Bedroom* area shall mean the floor area of a bedroom exclusive of closet and bathrooms.

8) *Berm* shall mean a man-made landform, typically built as an earth mound.

9) *Biomanufacturing* shall mean the use of biological processes and systems such as fermentation to transform biological and agricultural materials into biomaterial outputs used for manufacturing consumer goods.

10) *Block* shall mean a unit of land bounded by streets or by a combination of streets and public park land, railroad rights-of-way, waterbody, or any other barrier to the continuity of development.

11) *Board* shall mean the Zoning Board of Appeals (see Article XIV, Zoning Board of Appeals).

12) *Bond* shall mean an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

13) *Brewery* shall mean a facility where beverages are manufactured by the alcoholic fermentation of a concoction of barley (or other grain), malt and hops in water. These beverages include, but are not limited to, beer, ale, lager, stout, pilsner, and other malt beverages. A Brewery may have a tasting room.

14) *Broadcast Studio* shall mean a facility for the production and transmission of audio or video broadcasts.

15) *Buffer Area* shall mean land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. Buffer areas may include fences, berms, shrubs, or trees to mitigate the impacts of the more intense use.

16) *Building*. See "Structure."

17) *Building Footprint* shall mean the total area covered by a structure's ground floor area at the ground as measured along the exterior walls or measured by the floor area covered by the floor area of the largest upper story floorplate when such upper story exceeds the area covered by the ground floor area of a building.

18) *Building Height*. See "Height, building."

19) *Building Line* shall mean a line parallel to or concentric with the street right-of-way line at any story level of a structure and representing the closest point of any structural part of the building is set back from such right-of-way line.

20) *Building, Principal*. See "Structure, principal."

21) *Building Safety Division* shall mean the Building Safety Division of the City of Champaign.

22) *Bulk Storage, Enclosed* shall mean the storage of chemicals, petroleum products, or hazardous materials for wholesale distribution or mass consumption in above- or below-ground storage containers or structures that meet applicable fire and building codes.

23) *Bulk Storage, Unenclosed* shall mean the storage of chemicals, petroleum, products or hazardous materials for wholesale distribution or mass consumption, not within a building or structure.

24) *Bulletin Board Sign* shall mean a sign of permanent character, but with manually movable letters, words, or numerals indicating the names of people associated with, events conducted upon, or products or services offered upon the premises where such sign is maintained.

25) *Business* shall mean any profession, trade, occupation, and any other commercial enterprise conducted for monetary reward.

26) *Business Day* shall mean Monday through Friday, from 8:00 a.m. until 5:00 p.m., excepting therefrom legal holidays.

27) *Business Sign* shall mean a sign which directs attention to or identifies a business, or which directs attention to or identifies a commodity, service, or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a business sign. Any sign displayed on a lot occupied by a business enterprise shall be presumed to be a business sign.

28) *"By Law"* or *Law* shall mean as provided by statute of the United States or State of Illinois, or ordinance of the City.

Sec. 37-203. Definitions – C.

1) *Caliper* shall mean a measurement of the size of a tree equal to the diameter of the trunks measured eighteen (18) inches above natural grade.

2) *Candela (CD)* shall mean the unit of measure for luminous intensity.

3) *Cannabis Business Establishment* means any business or organization licensed by the State of Illinois to grow, process, infuse, dispense, or transport cannabis or cannabis products for medical or adult use.

4) *Cannabis Craft Grower* means a facility licensed by the State of Illinois to cultivate, dry, cure, and package cannabis for sale at a dispensary or use in a processing facility. A craft grower may be

located on the same property as a licensed dispensary, infuser, processor or transporter as licensed by State law and permitted by local regulations.

5) *Cannabis Cultivation Center* means a facility operated by an organization or business that is licensed by the State of Illinois to grow, cultivate, process, transport and perform other necessary activities to provide cannabis and cannabis-infused products to licensed Cannabis Business Establishments.

6) *Cannabis Dispensary* means a facility licensed by the State of Illinois to sell medical and adult use cannabis and other related products to purchasers or to qualified medical cannabis patients and caregivers.

7) *Cannabis Infuser* means a facility licensed by the State of Illinois to directly incorporate cannabis flower or cannabis concentrate to create a cannabis infused product.

8) Cannabis Processor means a facility licensed by the State of Illinois to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

9) *Cannabis Transporter* means a facility licensed by the State of Illinois to store and transport cannabis on behalf of a cannabis business establishment.

10) *Canopy* shall mean an architectural projection that provides weather protection and is supported by the building to which it is attached and the outer end by not less than two (2) stanchions. A canopy is comprised of a rigid structure over which a rigid covering is attached. The awning or canopy may provide a business sign or identification, or decoration of the structure which it is attached to. A canopy shall have a projection of no less than two (2) feet and is comprised of a rigid structure over which a rigid covering is attached.

11) *Car Wash* shall mean a facility for the washing of passenger vehicles either manually or automated.

12) *Carport, Freestanding* shall mean a freestanding roof structure open on all sides intended to provide protection for motor vehicles parked below. For purposes of signage, signs on freestanding carports shall be treated as wall signs.

13) *Cellar* shall mean a story of building having more than three-fourths (¾) of its height below the level of the finished grade at all points on walls facing front and side yards.

14) *Cemetery* shall mean land used or intended to be used for the burial of dead human or dead animals and dedicated for cemetery purposes.

15) *Certificate of Appropriateness* shall mean a certificate issued by the Historic Preservation Commission verifying its review and indicating its approval of plans for the alteration, construction, or demolition, relocation or removal of a Landmark or structure within a Conservation or Historic District as defined by this article.

16) *Certificate of Economic Hardship* shall mean a certificate issued by the Historic Preservation Commission authorizing an alteration, relocation, construction, removal, or demolition of a Landmark or structure within a Conservation or Historic District for which a Certificate of Appropriateness has previously been denied, but for which economic hardship has been determined.

17) *Chapter* shall mean "Chapter 37, Zoning" of the Champaign Municipal Code.

18) *City* shall mean the City of Champaign, in the County of Champaign and State of Illinois.

19) *City Attorney* shall mean the City Attorney of the City of Champaign or designee.

20) *City Clerk* shall mean City Clerk of the City of Champaign.

21) *City Council* or *Council* shall mean the City Council of the City of Champaign.

22) *City Engineer* shall mean the City Engineer of the City of Champaign or designee.

23) *City Forestry Supervisor* shall mean the Forestry Supervisor of the City of Champaign or designee.

24) *City Limits* or *"in the City"* shall mean property within the corporate City limits of the City of Champaign.

25) *City Manager* shall mean the City Manager of the City of Champaign. "Manager" shall also mean City Manager.

26) *Clinic* shall mean a place used for the care, diagnosis, and treatment of people in need of medical or surgical attention.

27) *Club, Country* shall mean a structure and ancillary facilities utilized by a membership organization whose facilities include at least a nine-hole golf course and are available for use only by its dues paying members and their guests.

28) *Club, Lodge* shall mean a structure and ancillary facilities utilized by a membership organization who may hold meetings, maintain dining facilities, serve alcohol, or engage in entertainment for the enjoyment of members and their guests but are not sleeping facilities. This definition shall not include fraternities or sororities.

29) *Code* shall mean the "City of Champaign Municipal Code, of 1985," as amended. Also referred to as "Municipal Code," "Champaign Municipal Code," and "City Code."

30) *Code Enforcement Superintendent*, *Superintendent of Code Enforcement*, and *Director of Building Safety* shall mean and refers to the Supervisor of the Building Safety Division of the Fire Department whenever it appears in this Code.

31) *Collector Street*. See "Street, collector."

32) *College or University* shall mean an educational institution authorized by the State to award associate, baccalaureate, or higher degrees. College or Universities commonly include lecture halls, research facilities, office uses, dormitories, open space and sporting facilities. Locally this includes the University of Illinois and Parkland College.

33) *Co-location* shall mean equipment affixed to or erected upon existing freestanding or remote freestanding wireless communication facilities or other communication towers.

34) *Commercial* shall mean an activity related to a business enterprise.

35) *Commercial Motor Vehicle* shall mean a vehicle weighing over ten thousand (10,000) pounds and designated to carry cargo or fifteen (15) or more passengers.

36) *Commercial Recreation, Indoor* shall mean structures where recreational or sporting activities are carried on predominately indoors. Such establishments may include, but not be limited to, bowling alleys, skating rinks, racquet clubs, indoor swimming pools, gyms, fitness centers, sports training and practice facilities, and other similar facilities. Commercial recreation facilities do not include facilities owned and operated by a government agency which are available to the general public.

37) *Commercial Recreation, Outdoor* shall mean establishments where recreational or sporting activities are conducted outdoors. Such establishments may include, but not be limited to, amusement parks, miniature golf, batting cages, go-cart tracks, stables, ballfields and other similar operations. Commercial recreation facilities do not include facilities owned and operated by a government agency which are available to the general public.

38) *Common Courtyard* shall mean a landscaped or hardscaped area accessible to multiple dwelling units within a cottage court development that provides pedestrian access to dwelling units and passive or active recreation space.

39) *Community Center* shall mean a building, or part of a building, used as a place of meeting, generally open to the public or a neighborhood, for cultural, recreational or social purposes. Community centers are not operated for profit.

40) *Community Garden* shall mean a facility, primarily outdoors but may include ancillary structures, for cultivation of fruits, flowers, vegetable, or ornamental plants by more than one person or family.

41) *Community Living Facility* shall mean a dwelling unit operated to provide supervision, food, lodging, or other services to a service dependent population of up to sixteen residents. Residents of a community living facility operate as a single cooperative housekeeping unit which lives and cooks together on temporary or permanent basis. Additional staff provide supervision and services to residents.

42) *Conforming Use* shall mean any use of a structure or land which is a permitted use approved special use in the district in which the structure or land is situated and which conforms to the regulations of that district and all other regulations of this chapter.

43) *Conservation District* shall mean an area designated as a "Conservation District" by Ordinance of the City Council which contains structures or sites within definable geographic boundaries that, while not of such historic and/or architectural significance to be designated as a landmark or included within a Historic District, nevertheless are characterized by sound housing or commercial structures that contribute to the visual characteristics or distinctive atmosphere of the neighborhood in which such property is located..

44) *Construction* shall mean any act or process which adds an addition onto an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards for the district in which the property is located.

45) *Contractor Shop* shall mean the buildings and land associated with a business engaged in or providing goods or services to the construction trades (plumbing, electrical, cabinetry, carpentry, and masonry contractors, etc.) or service trades (landscaping, exterminating, commercial cleaning, and painting contractors, etc.). Activities which are associated with a contractor shop may include merchandise showrooms; materials storerooms; yards for the storage of vehicles, large equipment and materials, or other similar activities and may engage in the sale of construction materials, tools and contracting equipment to contractors and the repair and maintenance of contractor tools and equipment.

46) *Contributing Building* shall mean a building, site, structure, or object that adds to the historic association, historic architectural quality, or cultural values because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity, or is capable of yielding important information about the period.

47) *Conversion, Residential* shall mean the conversion of an existing structure to include more than one dwelling unit, as allowed in the appropriate zoning district, provided the existing structure is not physically expanded beyond 33% of its existing gross floor area.

48) *Correlated Color Temperature (CCT)* shall mean the measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”

49) *Cottage Court Development* shall mean detached dwelling units, duplex, triplex, townhouse, or a combination of these dwelling unit types, arranged around a common courtyard or shared open space arranged perpendicular to the street with shared pedestrian and/or vehicle access.

50) *Cornice* shall mean a horizontal molded projection that crowns or completes a building wall or provides a delineation between floors.

51) *County* shall mean Champaign County, Illinois.

52) *Courtyard* shall mean an open, uncovered and unoccupied space, other than a yard, which is bounded in whole or in part by the walls of a building.

53) *Currency Exchange* shall mean a commercial use, which exchanges common currencies, sells money orders or cashier's checks, cashes checks, or issues personal loans as its principal business activity. This shall not include a Financial Institution.

Sec. 37-204. Definitions – D.

1) *Data Center* shall mean a facility used for the storage, management, processing, and transmission of digital data which houses computers, servers and network equipment related to digital data operations and delivery. These facilities may also include mechanical, electrical and utility infrastructure necessary to support sustained on-site operations.

2) *Day Care Center, Adult* shall mean a building or portion thereof, used to receive adults, for short-term supervision, and used to provide personal care, protection, training, or programs to meet the needs of the adults served.

3) *Day Care Center, Child* shall mean a building or portion thereof, used to receive children, whether infants, preschool, school age children, or combinations thereof, for short-term supervision, and used to provide personal care, protection, training, or programs to meet the needs of the children served, but which shall not include a school.

4) *Daytime Shelter* shall mean a community facility open to the public during typical daytime hours that provides supportive social services, food, daytime shelter from the elements, onsite laundry or technology services. Daytime shelters do not include dwelling units or sleeping units.

5) *Definitions* shall mean given within a chapter, article or division apply only to words or phrases used in such chapter, article, or division unless otherwise provided.

6) *Demolition* shall mean any act or process which destroys a structure, or a feature of a structure, either in part or whole.

7) *Density* shall mean the number of dwelling units per acre.

8) *Density, Gross* shall mean the density based on all land within the boundaries of the particular area.

9) *Density, Net* shall mean the density based on land within the boundaries of the particular area excluding public rights-of-way.

10) *Design Standards* shall mean a set of standards regarding the architectural appearance of a building, or improvement, which governs the alteration, construction, demolition, or relocation of a building, or improvement.

11) *Destroyed* shall mean damage to a building caused by fire, explosion, or other catastrophe in which the costs to reconstruct or repair the building exceed more than fifty (50) percent of the value of the building immediately prior to the time the damage occurred.

12) *Development Standards* shall mean standards established by this chapter for zoning lots or the placement or size of a building on the lot.

13) *Director* shall mean the chief executive officer of the office or department to which the particular division, bureau, board, agency, or subordinate municipal administrative body has been assigned by the Council.

14) *Directional signs, institutional campus* shall mean an instructional or directional sign located within an institutional campus.

15) *Distillery* is a facility where grains and/or fruits are distilled into spirituous liquor and which may include bottling, packaging, canning, storage and aging facilities. A distillery may have a tasting room.

16) *Distribution Facility* shall mean a use where short- or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

17) *District* or *Zoning District* shall mean a territory delineated on the Zoning Map for which the regulations and restrictions of this chapter governing the use of land and buildings, height of buildings, bulk of buildings, floor area, open space, size and location of yards, and off-street parking facilities are uniform.

18) *Dormitory* shall mean a building, or residence hall, owned and operated by a University or College for the housing of students by prearrangement and for definite periods of time, and in which provisions for sanitary facilities within individual units may or may not be provided and where cooking facilities are provided outside the units.

19) *Drive-in* or *Drive-through* shall mean a building or portion thereof which is designed to provide either wholly or in part, service to customers in vehicles that are either parked or stacked in a service lane. Drive-in facilities include, but are not limited to, drive-in restaurants, drive-in banking facilities, and other uses with drive-up windows.

20) *Driveway* or *Driving Lane* shall mean a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

21) *Dwelling* shall mean any building, or any portion thereof, occupied or designed to be occupied by one or more units, each of which is used or designed to be used as a permanent place of abode for human occupancy.

22) *Dwelling, Apartment* shall mean a structure containing nine or more dwelling units.

23) *Dwelling, Detached* shall mean a single dwelling unit which is not attached to any other dwelling unit or structure on an individual lot.

24) *Dwelling, Duplex* shall mean a multiplex dwelling with two units in a single building. Individual dwelling units may be arranged so one dwelling unit is on top of another dwelling unit or arranged side by side

and sharing a common vertical wall.

25) *Dwelling, Fourplex* shall mean a multiplex dwelling with four dwelling units in a single building.

26) *Dwelling, Ground Floor* shall mean one or more dwelling units located on the ground floor of a mixed-use building.

27) *Dwelling, Manufactured Home* shall mean a structure, transportable in one (1) or more sections, which while in the traveling mode is eight (8) body feet wide or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes must be compliant with State of Illinois and Housing and Urban Development (HUD) requirements. See also "Manufactured Home."

28) *Dwelling, Multiplex* shall mean a structure containing two to eight dwelling units.

29) *Dwelling, Townhouse* shall mean a multiplex dwelling where individual dwelling units are attached by common vertical walls to adjacent dwelling units. Individual townhouse dwellings units may be located on individual lots with lot lines running along the common vertical walls or on a single lot under common ownership.

30) *Triplex* shall mean a multiplex dwelling with three dwelling units in a single building.

31) *Dwelling Unit* shall mean one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of a family maintaining a household unit.

32) *Dwelling, Upper Story* shall mean one or more dwelling units not located on the ground floor of a mixed-use building.

Sec. 37-205. Definitions – E.

1) *Easement, Drainage* shall mean an easement for the installation, preservation or maintenance of stormwater sewers, stormwater control apparatus, or drainage ditches of a drainage way, natural stream, watercourse, or other drainage facility.

2) *Easement, Maintenance* shall mean an easement which provides access for maintenance of an adjoining stream, building, or property.

3) *Easement, Utility* shall mean a general easement for the location and maintenance of public utilities.

4) *Egress* shall mean an exit.

5) *Electronic Bulletin Board* shall mean a sign of permanent character, but with electronically changeable letters, words, or numerals indicating the names of persons associated with or events conducted upon or products or services offered upon the premises where the sign is maintained which changes

no more than once in any fifteen (15) minute period, illuminated internally by means of electric bulbs or other similar methods, controlled electronically, and able to be programmed to change indefinitely.

6) *Electronic Message Sign*, *changing* shall mean a sign displaying words or numerals indicating the names of persons associated with or events conducted upon or products or services offered upon the premises where the sign is maintained, which changes more than once in any fifteen (15) minute period, and is illuminated internally by means of electric bulbs or other similar methods, controlled electronically and able to be programmed to change indefinitely.

7) *Eleemosynary Student Foundation* shall mean a facility established on a College or University campus by a religious or other eleemosynary national organization as an outreach to their members but generally serving a wider campus population. Eleemosynary Student Foundations may have associated coffee houses, dining halls and meeting spaces that are available to members as well as the public. This definition does not include affiliated religious institutions or residential housing.

8) *Emergencies* shall mean life or health threatening condition which requires immediate attention.

9) *Emergency Shelter* shall mean a building or structure which houses people in a dormitory-style setting on a temporary basis with on-site supervision by staff. Emergency shelters may provide communal kitchen, laundry or sanitary facilities for use by residents, supportive social services, and personalized assistance to residents.

10) *Enlargement* shall mean an increase in the exterior footprint or floor area of an existing structure or building.

11) *Entryway node* shall mean an area within six hundred sixty (660) feet of the intersection of the centerlines of two (2) specified streets at the following intersections:

    a) Neil Street and Windsor Road;

    b) Springfield Avenue and Wright Street;

    c) Green Street and Wright Street;

    d) University Avenue and Wright Street;

    e) Kirby Avenue and Wright Street;

    f) Neil Street and Walnut Street;

    g) Prospect Avenue and Kenyon Road;

    h) Neil Street and Kenyon Road;

    i) Prospect Avenue and Marketview Drive;

j) Neil Street and Anthony Drive;

k) University Avenue and Mattis Avenue;

l) Bloomington Road and Mattis Avenue;

m) Olympian Drive and Farber Drive;

n) Market Street and Olympian Drive;

o) Springfield Avenue and Duncan Road;

p) Interstate 72 and Duncan Road;

q) First N/S access roads near Curtis Road expressway ramps and I-57;

r) Neil Street and Columbia Street;

s) University Avenue and State Street;

t) University Avenue and Third Street.

12) *Erosion* shall mean the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

13) *Event Center* shall mean a facility, whether indoors or outdoors, for groups of people to gather for an event or regularly scheduled program. Event centers include, but are not limited to, indoor sporting or music concert arenas, outdoor sporting or music concert stadiums, lecture halls, banquet facilities, dance halls and similar facilities. Sporting facilities that are accessory to Schools, K—12 are not considered Event Centers.

14) *Expansion*. See "Enlargement."

15) *Expression Line* shall mean a horizontal line used to organize the elements of the façade and/or provide a delineation between floors. The expression line may be created through a change in cladding material, the use of trim material or a change in the way façade materials are used, such as the use of a soldier course on a brick exterior to create a visual break in the façade.

16) *Exterior Architectural Appearance* shall mean the architectural character and general composition of the exterior of a structure, including but not limited to, the kind and texture of the building material and the type, design, and character of all windows, doors, light fixtures, ornamental details, signs, and appurtenant elements.

Sec. 37-206. Definitions – F.

1) *Façade, Primary* shall mean the face of a building situated on a lot which fronts onto the public street and if there is more than one street frontage for the lot, the more prominent public street as

determined by the Street Classification Map If the Street Classification Map identifies identical classifications for both streets, the primary façade shall front the street with the greater length measured by linear footage.

2) *Façade, Secondary* shall mean the face of a building situated on a lot which fronts onto multiple public streets and where the façade faces the less prominent public street as determined by the Street Classification Map. If the Street Classification Map identifies identical classifications for both streets, the primary façade shall front the street with the lesser length measured by linear footage.

3) *Family* shall mean one or more people living together as a single housekeeping unit within a dwelling unit. A family shall not include more than four people unrelated to each other by blood, domestic partnership, marriage, or legal adoption. A family also includes all members of a service dependent population living in a Community Living Facility or all residents living in a Recovery Home.

4) *Farm* shall mean a property used for the growing and storage of agricultural products such as grain, vegetables, and fruit with the necessary operations for planting, treating, harvesting, or storing the produce provided. The operation of any other associated uses shall be accessory to that of the farming activities. Residential structures currently or previously associated with the farming at the location of the farm shall be included in the term "Farm." A commercial feed lot shall not be considered a "Farm."

5) *Financial Institution* shall mean a bank, savings and loan, credit union or mortgage office. "Financial Institution" shall not include a currency exchange.

6) *Fitness Center* shall mean a structure offering facilities and services for physical fitness. Such facilities may include, but are not limited to, exercise equipment, sports courts, indoor swimming pools and other similar amenities.

7) *Flag* shall mean a device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable, or rope. It may or may not include copy.

8) *Flag, business* shall mean a flag displaying the name, insignia, emblem, or logo of a profit-making entity.

9) *Flag display* shall mean a display of two (2) or more flags in close proximity, mounted on permanent flagpoles or brackets attached to a building, which are clearly related in form, design, and scale.

10) *Flag, Public or Governmental* shall mean a flag designated as an official flag of any governmental entity.

11) *Flashing Sign* shall mean a sign which exhibits artificially changing light or color effects which are visible from the right-of-way or adjoining properties.

12) *Floodplain*. See Chapter 9 of the City of Champaign Municipal Code.

13) *Floor Area* shall mean gross floor area, measured to the outside walls, but exclusive of such floor area as may be used for:

    a) Parking facilities within the principal building;

    b) Cellars in single-family dwellings;

    c) Penthouse housing ventilators, heating systems, and similar uses. See Article IV, Development Standards.

14) *Floor Area Ratio* shall mean gross floor area divided by total lot area.

15) *Food Court* shall mean a group of restaurants which are located together as a public gathering and eating area inside a Planned Regional Shopping Center. A Food Court is considered a single entity within this article.

16) *Footcandle* shall mean a unit of illuminance. One footcandle is one lumen per square foot (lm/ft2).

17) *Freestanding Parking Lot* shall mean a lot used for the purpose of parking motor vehicles at grade, but where there is no principal use on that lot.

18) *Freestanding Parking Structure* shall mean a structure used for the purpose of parking motor vehicles, but where there is no other principal use on the lot.

19) *Freestanding Sign* or *Outdoor Advertising Sign Structure* shall mean a sign or outdoor advertising sign structure secured to the ground and not attached to a building.

20) *Freestanding Telecommunication Tower* shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, for the transmission of various forms of communication, including wireless telephone, radio and television signals, pager signals and other similar communications. This definition includes radio and television transmission towers, microwave towers, cellular telephone towers and other similar communication towers. Electrical transmission and distributions towers, telephone poles and non-commercial freestanding towers shall be excluded from this definition.

21) *Freestanding Telecommunication Tower, Non-commercial* shall mean a tower, satellite dish, or similar freestanding structure constructed for the purpose of amateur radio, ham radio or residential television reception.

22) *Frontage* shall mean that portion of a lot abutting a street.

23) *Fully Shielded* shall mean a luminaire designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire

24) *Funeral Home* shall mean an establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals. Funeral homes may include cremation services.

Sec. 37-207. Definitions – G.

1) *Garage, Private* shall mean an accessory structure or a portion of a principal structure designed for the storage of one (1) or more automobiles belonging to the occupants of a specified dwelling. This term shall also include "car port."

2) *Gas Station* shall mean a place where gasoline, kerosene, or any other motor fuels are offered for sale to the public, and deliveries are made directly into motor vehicles. Gas Stations may also include retail stores offering convenient food and grocery items and Automobile Repair, Minor as defined.

3) *Generally available to the public as re OASSs.* In order that OASS's not be used to circumvent the general provisions of the sign ordinance regarding on-premises signs, OASS's would be permitted to be used on lots of a business for advertising for that specific business for a maximum of three (3) months a year.

4) *Glare* shall mean light emitted by a luminaire that causes visual discomfort, reduced visibility of objects, or produces momentary blindness.

5) *Golf Course* shall mean an area or course for playing golf; consisting of at least nine holes but excluding miniature golf. May include accessory clubhouse, maintenance and storage structures.

6) *Government Facility* shall mean a use of land, structure, or portion of a structure used for the operations of the City of Champaign, State of Illinois, Federal Government, or any other unit of government authorized by City, State, or Federal legislation. Land and/or buildings owned by a governmental entity which are leased or operated as a private enterprise shall not be classified as a government facility.

7) *Grain Elevator* shall mean a structure built for the storage and distribution of grain.

8) *Gravel Processing* shall mean a place where stone, rock, concrete, asphalt or similar materials are stored and/or processed for first time use or recycled for reuse.

9) *Greenhouse/Nursery* shall mean an establishment where flowers, shrubs, vegetables, trees, and other horticultural and floricultural products are grown in either open areas or enclosed structures. Greenhouses/Nurseries may include accessory retail sales of products directly to consumers on the site.

10) *Gross Area* shall mean the entire area within the development boundaries.

11) *Groundwater* shall mean the supply of freshwater under the surface in an aquifer or soil that forms a natural reservoir.

12) *Group Housing, University* shall mean group housing structures, either owned or certified by the University as approved residences for University students. Such housing structures include

dormitories, fraternities, sororities, and privately-owned certified structures.

13) *Group Quarters* shall include the housing types listed in group housing university, and also rooming houses, and buildings originally designed as single-family dwellings which have been converted into multifamily uses.

14) *Guest Residence* shall mean an accessory residential dwelling unit reserved for temporary occupancy by a visiting supervisor, executive, consultant or other similarly invited guest of an office, industrial or commercial business, and/or the permanent occupancy of that business' property manager, located on the same site as the office, industrial or commercial use in question.

Sec. 37-208. Definitions – H.

1) *Hazardous Substance* shall mean any substance defined as hazardous by the City, State or Federal Government from time to time.

2) *Height, Building* shall mean the mean vertical distance from the average established grade in the front of the lot or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, to the deck line of a mansard roof, to the mid-height of the highest gable or dormer in a pitched or hipped roof or if there are no gables or dormers to the mid height of a pitched or hipped roof.

    a) Where a lot faces on two (2) or more streets or alleys of different average established grades in front of the lots, the higher of such grades shall control only for a depth of one hundred twenty (120) feet perpendicularly back from the street line of the higher street or alley.

    b) On a corner lot, the height is the mean vertical distance from the average established grade or from the average natural grade at the building line, if higher, on the street of greatest width, or if two (2) or more streets are of the same width, from the higher of such grades.

3) *Height, Sign or Outdoor Advertising Sign Structure* shall mean the height of a sign or outdoor advertising sign structure shall be the distance from the top of the highest portion of the sign or structure to:

    a) The grade at the foundation of the sign or outdoor advertising sign structure.

    b) The average grade of the lot, whichever distance is greater.

4) *Helicopter Landing Pad* shall mean a landing area used for the landing and takeoff of helicopters, including necessary passenger and cargo facilities, fueling, and emergency service facilities.

5) *Historic* shall mean includes, but is not limited to, cultural, artistic, social, economic, ethnic, or political heritage.

6) *Historic District* shall mean an area designated as an "Historic District" by ordinance of the City Council which contains within definable geographic boundaries, properties, or buildings, which may or

may not be landmarks, which contribute to the overall historic character of the designated area.

7) *Historic Preservation Commission* shall mean the Historic Preservation Commission of the City of Champaign.

8) *Historic Preservation Design Standards*. See "Design standards."

9) *Home Occupation* shall mean an accessory use within a dwelling unit, involving the manufacture, provision, or sale of goods or services or a combination thereof, which is carried on by residents of the dwelling unit.

10) *Hospital* shall mean a building or portion thereof used for the treatment of sick, injured or infirmed persons and approved by the State of Illinois to be a hospital.

11) *Hotel* shall mean a building in which lodging or lodging and meals are regularly provided or offered to the public for compensation, and which is customarily open to transient guests.

Sec. 37-209. Definitions – I.

1) *Illinois Compiled Statutes*, *ILCS* or *Statute* shall mean the latest edition of the Illinois Compiled Statutes.

2) *Illuminance* shall mean measured in Lux or footcandles, the total luminous flux incident at a point on a surface.

3) *Illuminated Sign* shall mean a sign designed to give forth any artificial light or reflect light from any artificial source.

4) *Immediately Adjacent* shall mean adjoining, bordering, touching, or contiguous. If two (2) lots are separated by a street, public alley, or public walk, they shall not be deemed immediately adjacent.

5) *Improvement* shall mean any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

6) *Ingress* shall mean access or entry point or entrance.

7) *Institutional Campus, Major* shall mean the site for an institutional use consisting of an adjacent land area that is twenty (20) acres in size or greater.

8) *Institutional Campus, Minor* shall mean the site for an institutional use consisting of a contiguous bounded area less than twenty (20) acres in size.

9) *Institutional Use* shall mean a nonprofit or quasi-public use such as a religious institution, library, public, or private school, hospital, university, or government owned, or operated structure or land used for public purpose or a university research park.

10) *Instructional* or *Directional Sign* shall mean a sign conveying instructions or directions with respect to the lot on which it is located. A business name or logo may be a part of an instructional or directional sign, providing that it occupies less than fifty (50) percent of the surface area.

11) *Intermodal Transportation Facility* shall mean a building or portion of building integrating multiple modes of transportation.

12) *Internal Circulation System* shall mean a road providing primary access to properties within a planned development, special use, or other unified development.

13) *In-Town* shall mean that area of the City which is roughly bounded by Columbia and Washington Streets on the north, State and Randolph Streets on the east, John Street and Hessel Boulevard on the south, and Prospect Avenue on the west.

14) *In-Town Districts* shall mean any of the following zoning districts: IT-R1, In-Town—Residential Neighborhood 1, IT-R2, In-Town—Residential Neighborhood 2, IT-MR1, In-Town Mixed Residential 1, IT-MR2, In-Town Mixed Residential 2, and IT-MR3, In-Town—Mixed Residential 3.

15) *In-Town Neighborhood Plan* shall mean the amendment to the "City of Champaign Comprehensive Plan: Land Use Element and the Land Use Plan Map" identified as the "In-Town Neighborhood Plan" adopted by ordinance of the City Council pursuant to Council Bill No. 89-84, as amended from time to time.

Sec. 37-210. Definitions – J.

1) *Joint Authority* shall mean that authority given to several people or officers. Such authority vests in a majority of such persons or officers.

Sec. 37-211. Definitions – K.

1) *Kennel* shall mean any structure or premises on which five (5) or more domesticated pets are boarded for customers or offered for sale.

2) *Kitchen, Commissary* shall mean a commercial food preparation facility providing kitchen space for one or more businesses.

Sec. 37-212. Definitions – L.

1) *Landmark* shall mean a property, structure, or building designated as a "landmark" by ordinance of the City Council which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Champaign.

2) *Landscape* shall mean the berms, trees, shrubbery, lawns, grass, and groundcover which is on a parcel.

3) *Landscape Setback* shall mean that area along the common property line, associated with the side or rear yard areas of a lot, which is improved with berms, trees, shrubs, groundcovers, or structural screening walls for the purpose of physically separating and buffering adjacent land uses.

4) *Landscaping* shall mean changing, rearranging, or adding to the original vegetation or scenery to produce an aesthetic effect.

5) *Light Level* shall mean the maintained Luminance or Illuminance value.

6) *Light Pollution* shall mean excessive or unnecessary artificial light at night traveling into areas where it is not needed or wanted. This can be in the form of Light Trespass, glare, or sky glow.

7) *Light Trespass* shall mean unwanted artificial light at night entering property without permission. Illumination limits are measured vertically five feet (5) above grade with the meter aimed toward the light source in question. Unless otherwise specified, limits are measured at any location along a property line.

8) *Liquor Establishment* shall mean any business with a liquor license to serve alcoholic liquor or beverages by the glass, except for an R "Restaurant" license, as defined by Chapter 5, Alcoholic beverages, of the Municipal Code of Champaign, in the City of Champaign.

9) *Livestock* shall mean domestic outdoor animals raised and kept on farms such as cows, goats, horses and pigs but not including household domestic animals such as dogs and cats.

10) *Loading Space* or *Loading Area* shall mean an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the parking of a vehicle while loading or unloading merchandise or materials and which abuts upon a driveway, street, alley, or other appropriate means of access.

11) *Local Street*. See "Street, local."

12) *Lot* shall mean a unit of land intended to be used for the development of a principal use.

13) *Lot, Adjacent* shall mean adjoining, bordering, touching, or contiguous. If two (2) lots are separated by a street, public alley, or public walk they shall not be deemed to be adjacent.

14) *Lot, Corner* shall mean a lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, such intersecting streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

15) *Lot Coverage* shall mean that portion of the lot that is covered by buildings and structures.

16) *Lot, Double Frontage*. See "Lot, through."

17) *Lot, Interior* shall mean a lot other than a corner lot.

18) *Lot Line* shall mean the perimeter of a lot as defined by public records which divides one lot from another lot or from a public or private street or any other public space.

19) *Lot Line, Front* shall mean the line dividing a lot from a street, unless the property fronts on two (2) streets. In this instance the front line shall be the shortest line of the two if the shorter line is eighty (80) percent or less of the longer. In the instance the line is not, then the property owner may choose which line is the front line.

20) *Lot Line, Rear* shall mean the lot line opposite the front lot line. In the case of an irregular or triangular shaped lot, it shall mean a line within the lot, ten (10) feet long parallel to and at the maximum distance from the front lot line.

21) *Lot Line, Side* shall mean any lot line other than a front or rear lot line.

22) *Lot, Nonconforming*. See Article XII, Nonconformities.

23) *Lot of Record* shall mean a lot which exists as shown or described on a plat or deed which has been recorded in the office of the Recorder of Champaign County.

24) *Lot, Rowhouse, Exterior* shall mean a lot which is or is intended to be a site for a rowhouse with a similar rowhouse attached on only one side.

25) *Lot, Rowhouse, Interior* shall mean a lot which is or is intended to be a site for a rowhouse with a similar rowhouse attached on each side.

26) *Lot, Through* shall mean a lot having frontage on two (2) streets, but not a corner lot.

27) *Lot Width, Minimum* shall mean the distance measured along a straight line between the points at which the front setback line intersects the side lot lines.

28) *Lot, Zoning* shall mean one (1) or more buildable lots located within a single block, which is designated as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

29) *Lumen* (lm) shall mean a unit of measure for the luminous flux of a light source.

30) *Luminaire* shall mean a complete lighting unit, including the light source, housing, optics, electronics, decorative, and other necessary components for the purpose of providing outdoor illumination.

31) *Lux* (lx) shall mean the SI metric system unit of measure for illuminance.

Sec. 37-213. Definitions – M.

1) *Manual of Practice* shall mean the technical document, authorized by the City Engineer and Planning Director pursuant to Section 3-350, which implements, interprets and clarifies the requirements of these regulations.

2) *Manufactured Home* shall mean a structure, transportable in one (1) or more sections, which while in the traveling mode is eight (8) body feet wide or more in width or forty (40) body feet or more in

length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes must be compliant with State of Illinois and Housing and Urban Development (HUD) requirements.

3) *Manufactured Home Community* shall mean a tract of land or two or more contiguous tracts of land that contain individual pads available for lease for manufactured homes as defined herein. Manufactured Home Communities have commonly been referred to as Mobile Home Parks.

4) *Manufacturing, Heavy* shall mean the same processes as heavy manufacturing, intermediate, but these uses pose special health or safety hazards requiring special use review. Such uses include, acid manufacture, cement, lime, gypsum manufacture, explosive manufacture or storage, fertilizer manufacture, petroleum refining, petrochemical plant, smelting of tin, copper, zinc, or iron ores, stockyards, and other similar uses.

5) *Manufacturing, Intermediate* shall mean the converting of raw or partially processed materials into a product used for further processing or distribution. Examples include, lumber and paper mills, sewage treatment plants, stone, clay, glass product manufacturing, asphalt and concrete batch plants, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious by-products such as dust, fumes, hazardous waste products, noise, vibration and glare.

6) *Manufacturing, Light* shall mean the fabrication, assembling, altering, processing, converting, or finishing of preprocessed materials for food or consumer products. Operations are conducted mostly indoors with limited by-products. The definition shall not include establishments engaged in casting or forging.

7) *May* shall mean the word "may" is permissive and discretionary.

8) *Mayor* shall mean the Mayor of the City of Champaign.

9) *Microbrewery* is a brewery that produces less than 10,000 barrels of beer per year. A microbrewery may include a tasting room.

10) *Micro-Distillery* is a facility where grains and/or fruits are distilled into spirituous liquor not to exceed 50,000 proof gallons per year, and which may include bottling, packaging, canning, storage and aging facilities. A micro-distillery may have a tasting room.

11) *Minor Works* shall mean those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole.

12) *Mitigation Plan* shall mean a strategy developed by the property owner, and approved by the Zoning Administrator to alleviate or mitigate any existing or potential negative impacts of a nonconforming use on surrounding properties, and to provide a legal continuation of the use.

13) *Mixed Use* shall mean the use of a tract of land or structure with two (2) or more different principal uses. Each use must comply with the use regulations of this article.

14) *Month* shall mean a calendar month.

15) *Museum* shall mean an institution devoted to the procurement, care, study, and display of objects of lasting interest or value. Museums may be open to members or the general public.

Sec. 37-214. Definitions – N.

1) *Nadir* shall mean the downward vertical vector directly beneath a luminaire, opposite to zenith

2) *Net Area* shall mean the area within the development boundaries not including areas for public or private streets, driveways, or utility easements.

3) *Non-Commercial Freestanding Tower* shall mean a tower, satellite dish or similar freestanding structure constructed for the purpose of amateur radio, ham radio or residential television reception.

4) *Nonconforming Feature* shall mean a characteristic of a building or property such as signs, parking, loading, landscaping, performance standards, or condition of a special/provisional use which lawfully existed prior to the enactment of the requirements of this chapter, but does not comply with the current requirements of this chapter.

5) *Nonconforming Location* shall mean a use which lawfully existed prior to the enactment of the requirements of this chapter and is permitted in the zoning district, but does not meet the location requirements of the district.

6) *Nonconforming Lot* shall mean a lot which lawfully existed prior to the enactment of the requirements of this chapter, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

7) *Nonconforming Sign* or *Outdoor Advertising Sign Structure* shall mean a nonconforming sign or outdoor sign structure which is:

    a) A sign or outdoor advertising sign structure lawfully erected, constructed, installed, or maintained prior to the enactment of the regulations in this ordinance, which does not conform to the standards or requirements for permitted signs and is not specifically prohibited.

    b) A sign or outdoor advertising sign structure lawfully erected, constructed, installed, or maintained after the enactment of the regulations in this ordinance, which does not conform to existing standards or requirements for permitted signs because of annexation, change in zoning districts, or amendments to this article.

8) *Nonconforming Structure* shall mean a structure or part thereof which lawfully existed prior to the enactment of the requirements in this chapter, but is not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, or floor area ratio of the district in which it is

located.

9) *Nonconforming Use* shall mean a use of land or a building which lawfully existed prior to the enactment of the requirements of this chapter and which does not comply with the use restrictions of the zoning district in which it is located.

10) *Nonconformity* shall mean any nonconforming aspect of a structure, land, or use as defined in this section.

11) *Noncontributing Building* shall mean a building, site, structure, or object which does not add to the historic architectural qualities, historic association, or cultural values of the area because it was not present during the period of significance or does not relate to the documented significance of the property, due to alterations, disturbances, additions, or other changes, or because it no longer possesses historic integrity nor is capable of yielding important information about the period.

12) *Number* shall mean words used in the singular include the plural and the plural includes the singular.

Sec. 37-215. Definitions – O.

1) *Oath* shall mean any form of attestation by which a person signifies that he/she is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

2) *Obstruction, Land* shall mean any building, structure, apparatus, mechanical equipment, fence, or other construction of a long-term nature placed above or on the ground within a required yard, setback, or buffer area.

3) *Obstruction, Watercourse* shall mean any dam, wall, embankment, levee, dike, pile, abutment, soil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or other matter in, along across, or projecting into any channel, watercourse, or floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

4) *Occupant* shall mean tenant or person in actual possession.

5) *Occupation, Home*. See "Home occupation."

6) *Office* shall mean a structure or a series of rooms in a structure used for conducting the practice of a profession or for the conduct of business, provided that any retail sales are accessory to the principal office use.

7) *Office Conversion* shall mean a detached dwelling unit structure occupied by or converted for an office use.

8) *Office Park* shall mean a development that contains a number of separate office buildings, supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated

basis.

9) *Officer, Employee, Department, Board, Commission*, or *Other Agency* shall mean whenever any officer, employee, department, board, commission, or other agency, is referred to by title only, such reference shall be construed as if followed by the words "of the City of Champaign, Illinois." Whenever, by the provisions of this Code, any officer, employee, department, board, commission or other agency of the City is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission, or other agency shall mean and include such officer or any designee or authorized subordinate and shall also include the successor in function to such officer, employee, department, board, commission, or agency when such succession has been authorized or directed by the Council or City Manager.

10) *Off-premises Sign* shall mean a business sign which is not included in the definition of "Sign, On-premises."

11) *On-premises Sign* shall mean a business sign which relates solely to a use or business conducted upon, or to a principal product, service, or entertainment sold, provided, or offered upon the lot where the sign is located.

12) *Open Space*. See "Open space, usable."

13) *Open Space, Public* shall mean such uses as parks, cemeteries, playgrounds, and other similar public uses.

14) *Open Space Ratio* shall mean usable open space divided by the total floor area.

15) *Open Space, Usable* shall mean that portion of a lot that is unobstructed to the sky and unoccupied by mechanical equipment. This usable open space shall not be devoted to service driveways, off-street parking spaces, or loading berths. Such space shall be usable for landscaping and decoration, recreational space, and other leisure activities normally carried on outdoors.

16) *Operate* shall mean carry on, keep, conduct, maintain, manage, direct, or superintend.

17) *Ordinances* shall mean the ordinances of the City and all amendments and supplements thereto.

18) *Outdoor Advertising Sign Structure* shall mean a standardized outdoor advertising display, including the permanent framework, structural members, support, or support foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial displays and which is made generally available for display to the public by the owners on a short-term basis. Such structures shall be limited to the three (3) following standardized structures:

    a) The thirty (30) sheet poster panel or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members, is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet

of total display area.

b) The one hundred fifty (150) square foot face, commonly painted rather than posted.

c) The junior panel, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members, is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total face area.

19) *Overall Development Plan* shall mean a scaled drawing indicating the physical conditions and proposed improvements of a minimum twenty acre site within the Curtis Road Interchange Area Overlay District.

20) *Overlay District* shall mean a land use designation on the Zoning Map that modifies the applicable design, or development standards, or other regulations of this chapter otherwise applicable in some specific manner.

21) *Owner of Record* shall mean one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, trust, estate, life tenant in common, or joint tenant, of the whole or part of such building or land.

Sec. 37-216. Definitions – P.

1) *Parcel*. See "Lot."

2) *Park* shall mean an area that is predominately open space, used principally for active or passive recreation, and not used for profit-making purposes.

3) *Parking Lot* shall mean three (3) or more parking spaces served by internal circulation lane(s).

4) *Parking Space* shall mean an area surfaced with concrete or asphaltic concrete either within a structure or in the open, exclusive of driveways, or access drives, for the parking of a motor vehicle.

5) *Parking Stall*. See "Parking space."

6) *Parkway* shall mean the area between the street pavement and front property line.

7) *Pennant* shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

8) *Performance Standards* shall mean a set of criteria or limits relating to nuisance elements and other aspects of the use, which must be met by uses within a particular zoning district. Restrictions or conditions placed upon a use by the Zoning Board of Appeals as a condition of an extension of the termination date of a nonconforming use, under the provisions of Sections 37-312 and 37-312.1 of

the Amended Zoning Ordinance of 1965, shall be deemed to be performance standards as defined herein.

9) *Periodically Changing OASS* shall mean OASS contracts shall not exceed one year in length.

10) *Permitted Use* shall mean any use of a structure or land which is included in the list of permitted uses in the district in which the structure or land is situated.

11) *Person* shall mean any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer, or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

12) *Personal Property* shall mean any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

13) *Personal Service* shall mean an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, dry cleaners, hair and nail salons and tailor shops.

14) *Petitioner*. See "Applicant."

15) *Plan Commission* shall mean the Plan Commission of the City of Champaign.

16) *Planned Development* shall mean an area planned and developed in a unified manner in accordance with a project plan which meets the specifications of this Chapter.

17) *Planned Development Certificate* shall mean a written summary of a planned development's project description, drawings, deviations from usual development requirements, and other information as further described in this Chapter and maintained as a permanent record within the Planning and Development Department case file.

18) *Planned Regional Shopping Center* shall mean a commercial development that meets the following minimum standards:

    a) The buildings are erected on a single zoning lot of not less than forty (40) acres.

    b) Gross building floor area exceeds four hundred thousand (400,000) square feet.

    c) At least ten (10) separate business establishments operate within the buildings on the lot.

    d) At least two (2) separate points of ingress and two (2) separate points of egress for the entire center are provided.

e) On-site parking is provided for not less than one thousand five hundred (1,500) vehicles.

19) *Planned Regional Shopping Center Entrance* shall mean a direct public entrance from a commons area of a Planned Regional Shopping Center.

20) *Planned Regional Shopping Center Direct Exterior Access* shall mean any store or food court which has a public entrance for customers which leads directly outside of the Planned Regional Shopping Center.

21) *Planning and Development Department* shall mean the Planning and Development Department of the City of Champaign.

22) *Planning and Development Director* shall mean the Director of the Planning and Development Department of the City of Champaign.

23) *Planting Season* shall mean the time of year when new plants, crops, and trees are planted with the best chance of survival generally falling between the first and last frost of the year.

24) *Potential Primary Source* shall mean any wellhead at a facility or site not currently subject to a removal or remedial action which:

a) Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site.

b) Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste, and construction and demolition debris.

c) Is utilized for the landfilling, land treating, surface impounding, or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled, or operated by the same person.

d) Stores or accumulates at any time more than seventy-five thousand (75,000) pounds of any hazardous substance above ground, or more than seven thousand five hundred (7,500) pounds below ground of any hazardous substances.

25) *Potential Secondary Source* shall mean any wellhead at a facility or a site not currently subject to removal or remedial action, other than a potential primary source, which:

a) Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled, or operated by the same person, other than livestock and landscape waste, and construction and demolition debris.

b) Stores or accumulates at any time more than twenty-five thousand (25,000) but not more than seventy-five thousand (75,000) pounds above ground, or more than two thousand five hundred (2,500) but not more than seven thousand five hundred (7,500) pounds below ground, of any

hazardous substances.

c) Stores or accumulates at any time more than twenty-five thousand (25,000) gallons above ground, or more than five hundred (500) gallons below ground, of petroleum, including crude oil or a fraction thereof which is not otherwise specifically listed or designated as a hazardous substance.

d) Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets.

e) Stores or accumulates at any time more than fifty thousand (50,000) pounds of any de-icing agent.

f) Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act.

26) *Portable sign* shall mean a sign not permanently anchored or secured to either a building or the ground such as, but not limited to, A frame, inverted T-shaped signs, and signs affixed to a chassis with wheels for towing. Projecting yard sign shall mean a sign attached to and erected approximately perpendicular to the wall of a structure; including a sign erected at the corner of a structure and projecting into an open space or yard, but not projecting into the right-of-way of any street, sidewalk, alley, or other public property.

27) *Portable Storage Units* are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. This term shall not include recycling or refuse containers or storage containers having storage capacity of less than one hundred fifty (150) cubic feet.

28) *Porte Cochere* shall mean a porch or cover, under which a vehicle may be driven temporarily to protect the occupants when alighting. A porte cochere shall not be construed to be a "carport."

29) *Power Generation Facility* shall mean a standalone facility that has the sole purpose of generating power.

30) *Preceding* and *Following* shall mean next before and next after, respectively.

31) *Principal Building*. See "Structure, principal."

32) *Principal Use* shall mean the predominant use of land or a structure as distinguished from an accessory use. In a residential district, multiple tenants of a similar or related nature in a single building constitute one (1) principal use. Each tenant of the building must comply with the use regulations of this Chapter. In a commercial district, multiple tenants of a single building constitute individual principal uses. Each tenant of the building must comply with the use regulations of this Chapter.

33) *Prohibited Use* shall mean a use that is not permitted or provisional or a special use in a zoning district or location.

34) *Projecting Arm Sign* shall mean a sign attached to and erected approximately perpendicular to the wall of a structure; including a sign erected at the corner of a structure and projecting into an open space or yard, but not projecting into the right-of-way of any street, sidewalk, alley, or other public property.

35) *Property* shall mean a distinct parcel of real property which is assigned a separate tax parcel identification number by the Supervisor of Assessments of Champaign County.

36) *Property Line*. See "Lot line."

37) *Proprietor* shall mean an owner of the property or premises including any person, firm, association, corporation, club, partnership, or other group acting as a unit whether acting by themselves or by a servant, agency, or employee.

38) *Public Art* shall mean a fountain, sculpture, painting, mural, or similar object which is displayed as a focal point and is intended for the enjoyment of the general public.

39) *Public Improvement* shall mean any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television or similar essential services.

40) *Publicly Owned Emergency Communications Tower* shall mean any structure erected by a public entity for the sole purpose of broadcasting emergency communications.

41) *Public Place* shall mean open space including any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, bus, train or railroad depot, station, terminal, cemetery, open space adjacent thereto, or any other place commonly open to the public, including, but not limited to, areas on private property commonly open to the view by the public.

42) *Public-Private Setback Zone* means an area on a lot between a principal building on the lot and the lot line along a public street right-of-way or along public property. This area may be utilized for seating, outdoor dining, public art and/or other pedestrian amenities.

43) *Public Promotion Sign* shall mean a sign which promotes a general civic pride for the City, or a portion of the City, or a district of the City, or a specific charitable or not-for-profit event or organization. No business name, logo, device, symbol, or trademark shall be permitted on a public promotion sign.

44) *Public Way* shall mean any street or sidewalk.

Sec. 37-217. Definitions – Q.

Reserved.

Sec. 37-218. Definitions – R.

1) *Railroad Yard/Freight Terminal* shall mean transfer or processing node for rail transportation including the movement of freight.

2) *Real Estate Sign* shall mean a sign placed on property, which is actively marketed for sale, rental, or lease of the premises on which it is located.

3) *Real Property* shall mean land, together with all things attached to the land so as to become a part thereof.

4) *Recovery Home* shall mean a dwelling unit providing housing and social support services to residents with the purpose of substance abuse disorder rehabilitation or supporting formerly incarcerated individuals. A recovery home shall be limited to not more than eight individuals recovering from substance abuse disorder or formerly incarcerated individuals in addition to live-in staff members.

5) *Recreational* shall mean organized leisure time activities, often requiring equipment and taking place at prescribed places, sites, or fields which may be either indoor or outdoor locations.

6) *Recreational Vehicle* shall include but not limited to, every camping trailer, motor home, mini-motor home, travel trailer, truck camper, van camper, or boat with a trailer used primarily for recreational purpose and not used commercially nor owned by a commercial business.

7) *Recycling Center* shall mean a facility where discarded materials are separated and processed for transport to another location for future reuse. Salvage Yards are not Recycling centers.

8) *Rehabilitation* shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic or architectural values.

9) *Religious Institution* shall mean a place of public assembly of over forty-nine (49) seats in the principal assembly area, for the purposes of religious activities, and conducting worship services on a regular basis.

10) *Relocate* shall mean any repositioning of a building on its site or moving it to another site.

11) *Remodel* shall mean any improvement to the exterior or interior of a building which requires an electrical, plumbing, or HVAC permit and which is not a structural alteration, new construction, or enlargement.

12) *Repair* shall mean any change that does not require a building permit that is not construction, relocation, or alteration.

13) *Repair, Major* shall mean the repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing which exceeds twenty (20) percent of the replacement value of the building or structure.

14) *Repair, Minor* shall mean the repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing to an extent not exceeding twenty (20) percent of the replacement value of the building or structure.

15) *Research and Testing Facility* shall mean a facility for applied and developmental research, where product design fabrication and testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

16) *Residential Care Facility* shall mean a medical facility with congregate living facilities which provides twenty-four hour nursing and medical care, supervision, assistance, meals and lodging to residents on a temporary or permanent basis based on medical necessity, disability or infirmary.

17) *Residential Subdivision Identification sign* shall mean a sign placed on property that identifies the residential subdivision on which it is located.

18) *Restaurant* shall mean an establishment which is open to the general public and where food and beverages are prepared and offered for consumption on the premises where prepared whether or not the establishment holds a liquor license.

19) *Restaurant, Carry Out* shall mean a restaurant as defined above but where the establishment has limited to no seating on-site for the consuming of food and beverage and where prepared food and beverages are either delivered to the consumer or picked-up on-site by the consumer.

20) *Retail, Food and Drug* shall mean an establishment selling food or beverage for consumption primarily off-premises as well as an establishment that sells medication and merchandise. Such establishments may include, but not be limited to, supermarket, grocery store, drug stores, pharmacies, and similar establishments.

21) *Retail, General Merchandise* shall mean establishments that are retail operations providing goods directly to the consumer.

22) *Retail, Package Liquor* shall mean an establishment licensed to sell any and all alcoholic liquor in original package form for consumption off the premises where sold.

23) *Retail Sales* shall mean the direct sale of goods or merchandise to the ultimate consumer of the goods or merchandise.

24) *Right-Of-Way or ROW* shall mean the entire dedicated tract or strip of land that is legally used by the public for circulation and service.

25) *Roof Overhang* shall mean a roof-like structure projecting from the wall of the principal structure and which is not part of the roof of the structure.

26) *Roof Sign* or *Roof Outdoor Advertising Sign Structure* shall mean a sign or outdoor advertising sign structure erected upon the roof of any structure.

27) *Room, Habitable* shall mean a room occupied or designed to be occupied by one or more persons for living, sleeping, eating, or cooking, including kitchens serving a dwelling unit, but not including, bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage, and other similarly approved spaces that are not used frequently or for extended periods.

28) *Rooming House* shall mean a structure that meets the definition of a detached dwelling unit, except that it is occupied by more individuals than meet the definition of family in the Zoning Ordinance. Only a building originally designed and constructed as a detached dwelling unit before 1965 may be used as a rooming house.

Sec. 37-219. Definitions – S.

1) *Salvage Yard* shall mean a lot, land, building, structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, salvaging of machinery, appliances, or inoperable vehicles.

2) *School, K through 12* shall mean any public or private elementary school, middle school or high school, but shall not include, day cares or nursery schools except as accessory to such operations.

3) *School, Vocational* shall mean a structure, or part thereof, utilized for teaching persons in fields of knowledge, but excluding College or University and Schools, K through 12.

4) *Screening* shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

5) *Searchlight, Sign* shall mean for the purposes of this section, searchlights shall be considered signs which are used to announce, direct attention to, or advertise businesses.

6) *Seasonal Lighting* shall mean outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

7) *Service Dependent Population* shall mean those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship, but do not require medical or nursing care on-site. A service dependent population shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense.

8) *Setback* shall mean the distance between the street right-of-way and the front line of a building, parking lot, accessory building or other structure. The setback to the structure shall be measured from the outermost projection thereof, excluding uncovered steps.

9) *Setback Line* shall mean the line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which the regulated structure must be erected or placed.

10) *Shall* shall mean the word "shall" and is mandatory.

11) *Shopping Center* shall mean a group of retail and other commercial establishments developed, owned and managed as a single property.

12) *Sidewalk* shall mean that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed, and intended for the use of pedestrians to the exclusion of vehicles.

13) *Sign* shall mean a sign shall include any writing including a word or numeral; pictorial representation including illustration, emblem including device, symbol, or trademark; flag including banner or pennant; or any figure of similar character which is used to announce, direct attention to, or advertise, and which is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building or other structure. This definition shall not include the following:

    a) Outdoor advertising sign structure or signs displayed thereon.

    b) Writings, representations, or other figures of similar character within a building unless it is a flashing sign or signs with lights.

    c) Non-pictoral color treatments on the surface of a building which do not include writing or other direct forms of advertising.

14) *Sign, institutional* shall mean a sign, which by symbol or name identifies an institutional use and which may also provide for the announcement of services or activities to be held in a community facility.

15) *Sign, monument* shall mean a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

16) *Sign Triangle* or *sight triangle* shall mean an area at the street side of a corner lot which is measured by proceeding from the point of intersection of right-of-way property lines, along the lines for a distance of fifty (50) feet, and connecting these points forming a triangle at the corner of the lot.

17) *Signature* and *Subscription* shall mean the name of a person, mark or symbol appended by such person to a writing with intent to authenticate the instrument as one made or put into effect by such person.

18) *Signs for Special Events of State-wide Interest* shall mean a sign advertising or announcing a special event or activity of state-wide interest conducted by, or sponsored by, or on behalf of a unit of local government, the University of Illinois, or a not-for-profit corporation. A special event of state-wide interest is one which occurs not more than once in any twelve-month period, is a minimum of two (2) or more days in length and has an attendance projected in good faith of more than forty thousand (40,000) persons at the event. Such a sign may not include advertising for a for profit entity.

19) *Site* shall mean any plot or parcel of land or combination of contiguous lots or parcels of land.

20) *Site Area, Gross* shall mean the total area of a site with no exclusions for streets, easements, or other areas.

21) *Site Area, Net* shall mean the total area of a site excluding streets, easements, or water areas.

22) *Site Plan* shall mean a scaled drawing indicating the generalized physical conditions and proposed improvements of a property. A site plan shows compliance with applicable standards of the Zoning Ordinance.

23) *Site, Receiving* shall mean a lot or zoning lot on which floor area from a sending site is received and incorporated into the development of a principal structure.

24) *Site, Sending* shall mean the lot or zoning lot which contains a locally designated landmark or a lot located within a locally designated historic district from which floor area is to be transferred from. A sending site may also be eligible if the property is listed on the National Register of Historic Places or is a contributing structure within a National Register of Historic Places Landmark District.

25) *Solid Waste* shall mean unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

26) *Solid Waste Transfer Station* shall mean a facility where solid waste is collected and consolidated for subsequent transport to a permanent disposal site. Solid Waste Transfer Stations do not include long-term or permanent storage of solid waste or the incineration of waste.

27) *Space, Nonhabitable* shall mean space used as a pantry, laundry room, closet, bathroom, toilet room, restroom, dressing room, locker room, storage room, utility room, heater room, or boiler room, and other spaces used only for service and maintenance of a building and those spaces used for access and vertical travel between stories.

28) *Space, Occupied* shall mean space in a building other than a habitable room wherein people normally work, assemble, or remain for a period of time.

29) *Special Event Sign* shall mean a sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, the University of Illinois, a charitable organization or a not-for-profit corporation. A special community-wide event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, or customers throughout the City of Champaign and the City of Urbana.

30) *Special Use* shall mean a special use is potentially appropriate in and compatible with other uses in its zoning district, but due to the scale and nature of the use the special use has the potential to make a major negative impact on other uses in the district. Such uses necessitate close examination, site plan review, individual regulation, and notification of surrounding land owners. The proposed special use must serve a special need or be required at the specific location for the public convenience.

31) *Specialized Vehicle Beds* are defined as dumping beds, refrigerated box beds, vehicles with bodies modified for the preparation and sale of food, the installation of cranes, hooks or booms, or similar commercial modifications. Toolboxes or simple enclosures shall not be considered specialized beds.

32) *Sport/Recreation Lighting* shall mean light fixtures used to illuminate sports and recreational areas generally utilizing high light output fixtures, higher light levels and are mounted on higher than average freestanding poles

33) *State* shall mean the State of Illinois.

34) *Storage* shall mean a location where equipment, materials, or vehicles are stored for an uninterrupted period exceeding sixty (60) days without being used for its intended purpose or relocated off-site to another zoning lot.

35) *Stormwater Detention* shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

36) *Stormwater Management* shall mean any stormwater management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

37) *Story* shall mean that part of a building included between any floor and the floor or roof immediately above.

38) *Story, Half* shall mean the space within or under a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it.

39) *Street* shall mean all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this City, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use and has been accepted for such use by the City, or such other public property so designated in any law of this State.

40) *Street Classification Map* shall mean the map as designated in Chapter 31 of this code which identifies the classification for all streets in the City including, but not limited to, arterials, collectors, and local streets.

41) *Street, Arterial* shall mean any street designated as an arterial street on the Street Classification Map.

42) *Street, Collector* shall mean any street designated as a collector street on the Street Classification Map.

43) *Street, Local* shall mean any street designated as a local street on the Street Classification Map.

44) *Street, Private*. See "Internal circulation system."

45) *Street, Public* shall mean a street whose ownership or maintenance is under governmental jurisdiction.

46) *Street, Residential* shall mean any local street as defined in the City of Champaign Comprehensive Plan where the primary land use of lots with frontage on both sides of the street within the block is residential.

47) *Structure* or *Building* shall mean anything constructed, erected or built on or in the ground, or that is attached to something which has a permanent location on or in the ground.

48) *Structure, Accessory* or *Accessory Building* shall mean a structure or building that is subordinate in area, design, purpose, and located on the same lot as the principal structure and principal use on the property.

49) *Structure, Principal* or *Principal Building* shall mean a structure or building in which the principal use of the lot is located and conducted.

50) *Surface area, sign or outdoor advertising sign structure* shall mean the surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, or other figure of similar character or potential display area of an outdoor advertising structure, together with any material or color forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign.

Sec. 37-220. Definitions – T.

1) *Tasting Room* shall mean a dedicated space in a Brewery, Microbrewery, Distillery, Micro-Distillery, or any other alcohol producing facility open to the public for the retail sale of beer, ale, malt beverages, and spirits the majority of which are manufactured on-site.

2) *Tavern* or *Bar* shall mean a structure, or portion thereof, whose owners or lessees hold a Class "A" liquor license under the City's Liquor Ordinance and excludes an establishment that holds an "R" or" "RT" license as defined under the Liquor Ordinance. The term "tavern" shall not include any restaurant with a Class "A" liquor license that has filed an exemption of the prohibition against minors under age nineteen (19) pursuant to Section 5-45 of the Champaign Municipal Code.

3) *Temporary Sign* shall mean a sign not permanently affixed to a building or in the ground which is intended to be displayed for no more than ninety (90) days in a calendar year, unless otherwise

specified in this Article.

4) *Temporary Use* shall mean a use established for a limited period of time with the intent to discontinue such use upon the expiration of such time. Such uses are subject to the time restrictions contained in this chapter. No temporary use shall involve the construction or alteration of any permanent structure.

5) *Tenant* shall mean any person occupying the premises, building, or land of another in subordination to such other person's title and with the other person's express or implied assent, whether the tenant occupies the whole or a part of those premises, building or land, whether alone or with others.

6) *Tense* shall mean words used in the past or present tense including the future, past and present where applicable, unless the context clearly indicates otherwise.

7) *Theater* shall mean an establishment devoted to showing motion pictures or the performing arts. Theaters may include related services such as food and beverage sales and other concessions.

8) *Theater Marquee* shall mean a canopy with changeable letters which is attached to a building that currently functions or has historically functioned as a theater.

9) *Time* shall mean an hour of the day according to the official time of the City.

10) *Time of Performance* shall mean the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Saturday and Sunday or a legal holiday from midnight to midnight is excluded.

11) *Tower, Guy-wire* shall mean a structure that is of mono pole or lattice tower design that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

12) *Tower, Lattice* shall mean a structure that is self-supporting with multiple legs and cross-bracing of structural steel.

13) *Tower, Monopole* shall mean a structure that is a single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members.

14) *Tower, Stealth* shall mean a structure disguised in a way which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure.

15) *Transition* shall mean an area which acts as a buffer between two (2) land uses of different intensity.

16) *Transitional Housing* shall mean a building or structure which houses people in a dormitory-style setting on a temporary but long-term basis with on-site supervision by staff. Residents of transitional housing receive regular training, counseling, or coaching from on-site staff as a condition of residency to allow for eventual transition from these facilities into fully independent living situations.

Transitional housing may be designed to include communal kitchen and dining facilities, laundry or sanitary facilities for use by residents.

17) *Transparent* shall mean non-reflective glass with a visible transmittance rating of 0.50 or greater per the National Fenestration Rating Council. Visible Transmittance is a measure of how much light passes through a window. Visible Transmittance ranges from zero (0) (zero (0) percent - no light) to one (1) (one hundred (100) percent - all light).

18) *Truck Stop* shall mean land substantially devoted to fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, and/or restaurant facilities primarily for the use of customers.

19) *Truck Terminal* shall mean a structure or part thereof which is used for the short-term storage and transfer of truck trailers and/or cargo containers and which is designed to accommodate the simultaneous loading or unloading of five (5) or more trucks.

20) *Truck Wash* shall mean a washing facility for commercial motor vehicles. This definition includes facilities with automated washing as well as facilities employing personnel for washing.

Sec. 37-221. Definitions – U.

1) *University* shall mean University of Illinois.

2) *University District* shall mean that area within the following boundary: Start at University and First, proceed east along University south row line to Wright, proceed south on Wright (extended) along City limit line (located at the back of east curb) to Windsor, proceed west on Windsor along north row line to Neil, proceed north on Neil along east row line to Springfield, proceed east on Springfield along south row line to First, proceed north on First along east row line to beginning.

3) *University Research Park* shall mean the research complex generally located south of St. Mary's Road and east of the I.C.R.R. as described in the annexation agreement approved in April 2000 by Council Bill No. 2000-83.

4) *Usable open space*. See "Open space, usable."

5) *Utilitarian areas* shall mean utility areas accessory to a building, including but not limited to, loading docks, mechanical equipment, trash enclosures, and storage yards for construction materials, or other equipment or materials.

6) *Utility stations* shall mean an above ground structure and appurtenances to a utility system including energy transmission and distribution facilities, telephone exchange, cable/fiber exchange, pump stations, booster pumps, water supply facilities, sewer facilities and any other appurtenances that require a structure. Individual utility boxes necessary in the delivery of utilities to the end customer are not considered utility stations.

Sec. 37-222. Definitions – V.

1) *Vacant building* shall mean the cessation of all activity in a building. Said building shall not be considered vacant if the lessee of any building shall, at any time before the expiration of said lease, cease to occupy or use said building and the owner of said building is not entitled legally to regain possession of said building.

2) *Vacant land* shall mean that there is no building or structure, or vehicular surface areas within two hundred (200) feet, or any outstanding approved City permit or subdivision plat for the construction of the same, from any common property line of the developing property and the adjoining property. Public parks or common open space shall not be considered as vacant land.

3) *Value* shall mean the full, fair, cash market value.

4) *Vegetation* shall mean lawns, trees, shrubs, groundcover, annual or perennial flowers, or other natural growing plants.

5) *Vehicle, Commercial*. See chapter 33 of the City of Champaign Municipal Code.

6) *Vehicle, Inoperable*. See chapter 33 of the City of Champaign Municipal Code.

7) *Vehicle Sales* shall mean any establishment that sells or leases licensed vehicles such as automobiles, boats, recreational vehicles and motorcycles.

8) *Vehicle Storage Lot* shall mean a lot used for the storage of operable and inoperable vehicles commonly towed to the lot. Crushing, dismantling and disassembly of vehicles is prohibited. A Vehicle Storage Lot is not a Parking Lot as defined by Chapter 37 of the Champaign Municipal Code.

9) *Vexillum Flag* shall mean a vertical flag, fixed at the top and bottom to an anchored pole to minimize movement with wind currents and does not display a sign.

10) *Vexillum Sign* shall mean a vertical flag, mounted over the public right-of-way, fixed at top and bottom to an anchored pole to minimize movement with wind currents.

11) *Violation* shall mean no person shall construct, alter, use, maintain, or allow any building or property to be used or maintained in violation of the provisions of this chapter. In addition to any other actions which may constitute a violation, the following constitutes violations of this chapter and shall be strict liability offenses:

    a) The use, arrangement, or construction of a building, structure, or improvement to land does not conform with that authorized by approved plans.

    b) The improvement is constructed, or a use is operating without obtaining the appropriate permits or zoning approval.

c) The use of the building or land is nonconforming, unless such use has been established in accordance with Article XII, Nonconformities.

d) The use of the building or land which is a conforming use but does not meet the applicable district performance standards or other requirements of this chapter, unless otherwise provided for in Article XII, Nonconformities.

e) The use of the building or land which does not comply with conditions or standards enumerated in a provisional, or special use approval.

f) The sale, conveyance, or use of any portion of a lot is sold, conveyed, or used which reduces the following:

i) The lot area below the minimum area requirements of this chapter.

ii) The lot area to the extent that the floor area ratio is greater than the maximum permitted by this chapter.

iii) The usable open space areas below the open space ratio and usable open space requirements of this chapter.

iv) The depth or width of a yard to less than the minimum depth or width required by this chapter.

v) The subdivision of land was not done in accordance with Chapter 31 of the Municipal Code.

12) *Visibility Triangle* shall mean sight triangle. The area at an intersection that should remain unobstructed in order for motorists to have a clear vision of oncoming traffic.

Sec. 37-223. Definitions – W.

1) *Wall sign or outdoor advertising sign structure* shall mean a sign or outdoor advertising sign structure attached to, erected against or painted upon the wall of any building with the exposed face thereof in a plane parallel to the plane of such wall, and which sign is mounted at a distance measured perpendicular to such wall, no greater than eighteen (18) inches. A wall sign shall include signs suspended from the ceiling of a marquee, canopy or vestibule where such sign does not project into the street right-of-way or a freestanding sign or freestanding outdoor advertising sign structure any part of which is parallel to and any part of which is within twenty-four (24) inches of a wall.

2) *Warehouse* shall mean a building used for the storage of goods which will be subsequently transported to another location for sale, consumption or distribution.

3) *Warehouse, Self-Storage* shall mean a structure or group of structures, which are compartmentalized for personal or business storage.

4) *Waterbody* shall mean any natural or artificial collection of surface water, generally intended or functioning as a permanent feature.

5) *Watercourse* shall mean any drain, ditch, and stream, flowing in a definite direction or course in a bed with banks.

6) *Week* shall mean seven (7) days.

7) *Wholesale* shall mean an operation at which goods are sold for delivery on or from the premises to a person other than the ultimate consumer. If more than twenty (20) percent of the annual dollar volume of the sales made from an establishment is subject to the State Retailers Occupation Tax, the store shall be considered a retail operation.

8) *Words and phrases* shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

9) *Writing and written* shall mean any representation of words, letters, or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

Sec. 37-224. Definitions – X.

Reserved

Sec. 37-225. Definitions – Y.

1) *Yard* shall mean an open space, other than a court, that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as otherwise specified in this chapter.

2) *Yard, Front* shall mean a yard extending across the full width of the lot and measured between the front lot line and the closest point of the building to the front lot line.

3) *Yard, Rear* shall mean a yard extending across the full width of the lot and measured between the rear lot and the closest point of the building to the rear lot line.

4) *Yard, Side* shall mean a yard extending from the front yard to the rear yard and measured between the side lot line and closest point of the building to the side lot line.

5) *Yard Sign* shall mean a temporary sign, which is freestanding and self-supporting in nature. Such a sign is mounted on a stand and is placed into the ground. Such signs are used to advertise a special event of statewide interest.

6) *Year* shall mean a calendar year.

Sec. 37-226. Definitions – Z.

1) *Zoning Action* shall mean any action requiring application to the Planning and Development Department for review and approval. Zoning actions include, but are not limited to, map amendments, text amendments, appeals, variations, site plan review, special use approval, planned development

approval, landmark designation, Conservation or Historic District designation.

2) *Zoning Board of Appeals* or *Board* shall mean the Zoning Board of Appeals of the City of Champaign.

3) *Zoning District* or *District* shall mean a territory delineated on the Zoning Map for which the regulations and restrictions of this chapter governing the use of land and buildings, height of buildings, bulk of buildings, floor area, open space, size and location of yards, and off-street parking facilities are uniform.

4) *Zoning Administrator* shall mean the Zoning Administrator, Planning and Development Director, or any official City employee as designated by the Planning and Development Director with the responsibility for reviewing and administering the regulations of this chapter.

Article III – USE REGULATIONS

DIVISION 1. GENERAL PROVISIONS.

Sec. 37-300. Purpose and Application.

The purpose of this article is to establish zoning districts, regulations and performance standards related to the use of land and property within the City of Champaign consistent with the general purpose of the Zoning Ordinance enumerated in Sec. 37-103.

Sec. 37-301. Establishment of Zoning Districts.

1) The City of Champaign shall be divided into one of the zoning districts listed in Table III-A.

2) Property within the City may also be assigned to an overlay district.

3) Property outside the City of Champaign may be classified, or be compelled to be classified as a condition of an annexation agreement, development agreement or connection to infrastructure, to a specific zoning district from Table III-A.

4) Property annexed into the City of Champaign that is not subject to an annexation agreement shall automatically be reclassified to a City zoning district that corresponds to the property's Champaign County zoning district designation as specified in Table III-B. Where multiple City zoning districts are listed in Table III-B, the Planning Director may assign one of the listed zoning districts to the annexed property based on the following factors:

    a) The existing land use of the property.
    b) The site development characteristics of the property.
    c) The classification of the property in the Champaign Tomorrow 2021 Comprehensive Plan Future Land Use Map.
    d) Contiguity with surrounding City zoning districts.
    e) Other factors related to the current or future use of the property.

Sec. 37-302. Table III-A City of Champaign Zoning Districts.

TABLE III-A

Residential Zoning Districts	
R1	Residential Neighborhood 1
R2	Residential Neighborhood 2
MR1	Mixed Residential Neighborhood 1
MR2	Mixed Residential Neighborhood 2
MR3	Mixed Residential Neighborhood 3
RU1	University Neighborhood 1
RU2	University Neighborhood 2
MHC	Manufactured Housing Community
IT-R1	In Town Residential Neighborhood 1
IT-R2	In Town Residential Neighborhood 2
IT-MR1	In Town Mixed Residential Neighborhood 1
IT-MR2	In Town Mixed Residential Neighborhood 2
IT-MR3	In Town Mixed Residential Neighborhood 3

Commercial Zoning Districts	
CN1	Neighborhood Commercial
CN2	Neighborhood Office
CN3	Neighborhood Center
CG	General Commercial
CB1	Central Business
CB2	Downtown Business
CB3	Campustown Business

Industrial Districts	
CI	Commercial Industrial
RP	Research Park
IBP	Interstate Business Park
I1	Light Industrial
I2	Heavy Industrial

Overlay Districts	
CR	Curtis Road Interchange Area

Sec. 37-303. Table III-B County to City Zoning Conversions

TABLE III-B County to City Zoning Conversion

County Zoning	City Zoning
AG-1 Agriculture	R1 or R2
AG-2 Agriculture	R1, R2, or MR1
CR Conservation Recreation	R1 or R2
R-1 Single Family Residence	R1 or R2
R-2 Single Family Residence	R1 or R2
R-3 Two Family Residence	R2, MR1 or MR2
R-4 Multiple Family Residence	MR1, MR2, MR3, RP
R-5 Manufactured Home Park	MHC
B-1 Rural Trade Center	CN1, CN2, CO or CG
B-2 Neighborhood Business	CN1, CN2, CO or CG
B-3 Highway Business	CG, IBP, I1 or I2
B-4 General Business	MR1, MR2, MR3, CG, or I1
B-5 Central Business	CB1
I-1 Light Industry	I1 or I2
I-2 Heavy Industry	I1 or I2

Sec. 37-304. General Location Guidelines for Zoning District Designations.

All zoning districts should be located in:

1) General conformance to the Champaign Tomorrow 2021 Comprehensive Plan Future Land Use Map;

2) Areas with adequate access to sanitary sewer, power, water, telecommunication, and other utility infrastructure;

3) Appropriate service delivery areas for fire, police, street and other public services;

4) Locations which support or strengthen Champaign-Urbana Mass Transit District transit service, or locations where transit services can be reasonably extended.

Sec. 37-305. Other General Provisions.

1) The use of land as dedicated right-of-way or public easements for streets, alleys, sidewalks, trails, railroads, and other public infrastructure shall be permitted in all zoning districts;

2) The use of land as a dedicated right-of-way or public easement for public or publicly-licensed utility purposes for electric power lines, telephone lines, fiber optic cales, water mains, sanitary sewers, and storm drains, shall be permitted uses in all districts;

3) The use of a dedicated right-of-way for a freestanding telecommunications tower shall be permitted in compliance with the provisions of this Zoning Ordinance and Chapter 30 of this Code.

4) Publicly owned freestanding telecommunication towers erected for the sole purpose of emergency service communication shall be allowed in all zoning districts.

DIVISION 2. ZONING DISTRICT USE REGULATIONS.

Sec. 37-306. Zoning District Descriptions.

1) **R1 – Residential Neighborhood 1**. A low intensity neighborhood providing primarily detached residential development along with institutional, educational, religious or recreational uses to support resident quality of life.

2) **R2 – Residential Neighborhood 2.** A low intensity neighborhood providing detached and attached residential development along with institutional, educational, religious or recreational uses to support resident quality of life.

3) **MR1 – Mixed Residential Neighborhood 1.** A low intensity neighborhood providing a range of housing types, including detached and attached dwellings, townhomes and small apartments. This neighborhood is similar in scale and intensity to other low intensity neighborhood districts and may include institutional, educational, religious or recreational uses to support resident quality of life.

4) **MR2 – Mixed Residential Neighborhood 2.** A medium intensity neighborhood providing a range of housing types, including detached and attached dwellings, townhomes and apartments. This neighborhood supports taller residential buildings and can serve as a transition between commercial areas and major streets from lower intensity neighborhoods.

5) **MR3 – Mixed Residential Neighborhood 3.** A medium intensity urban neighborhood primarily supporting low- and mid-rise apartment buildings. Other housing types are also permitted along with institutional, educational, religious or recreational uses to support resident quality of life. This district can provide a transition between commercial areas and major streets from lower intensity neighborhoods.

6) **RU1 – University Neighborhood 1.** A high intensity urban neighborhood near the University of Illinois supporting mid-rise apartment buildings and other residential uses. The district is characterized by development and design standards which support an urban neighborhood character, a connected grid of streets, a variety of transportation choices for residents, and proximity to frequent transit service.

7) **RU2 – University Neighborhood 2.** A high intensity urban neighborhood in close proximity to the University of Illinois supporting mid-rise and high-rise apartment buildings and other residential uses. The district is characterized by development and design standards which support an urban neighborhood character, serves as a transition between the Central Business and Campustown Business districts, with direct frontage along transit corridors or public open space.

8) **MHC – Manufactured Housing Community.** A low intensity neighborhood that supports the development of manufactured housing in unified developments of leasable individual pads for owners of manufactured dwellings. Dwellings meet standards established by the State of Illinois and the US Department of Housing and Urban Development construction codes.

9) **IT-R1 – In Town Residential Neighborhood 1.** A low intensity neighborhood providing primarily detached residential development along with institutional, educational, religious or recreational uses to support resident quality of life. This district is located within the In Town Neighborhood.

10) **IT-R2 – In Town Residential Neighborhood 2.** A low intensity neighborhood providing detached and attached residential development along with institutional, educational, religious or recreational uses to support resident quality of life. This district is located within the In Town Neighborhood.

11) **IT-MR1 – In Town Mixed Residential Neighborhood 1.** A low intensity neighborhood providing a range of housing types, including detached and attached dwellings, townhomes and small apartments. This neighborhood is similar in scale and intensity to other low intensity neighborhood districts and may include institutional, educational, religious or recreational uses to support resident quality of life. This district is located within the In Town Neighborhood.

12) **IT-MR2 – In Town Mixed Residential Neighborhood 2.** A medium intensity neighborhood providing a range of housing types, including detached and attached dwellings, townhomes and apartments. This neighborhood supports taller residential buildings and can serve as a transition between commercial areas and major streets from lower intensity neighborhoods.

13) **IT-MR3 – In Town Mixed Residential Neighborhood 3.** A medium intensity urban neighborhood primarily supporting low- and mid-rise apartment buildings. Other housing types are also permitted along with institutional, educational, religious or recreational uses to support resident quality of life. This district can provide a transition between commercial areas and major streets from lower intensity neighborhoods. This district is located within the In Town Neighborhood.

14) **CN1 – Neighborhood Commercial.** A low intensity neighborhood businesses district allowing small scale pedestrian-oriented business locations within walkable neighborhoods. Businesses are designed and oriented towards pedestrian customer traffic rather than driving customers, and are located on a well-connected grid of streets proximate to bicycle infrastructure and transit services.

15) **CN2 – Neighborhood Office.** A low intensity neighborhood business district which allows a mix of office, employment, and residential uses. This neighborhood business district is similar in scale and intensity to other low intensity neighborhood districts and may be utilized as a transition between higher intensity districts or major street corridors.

16) **CN3 – Neighborhood Center.** A low intensity neighborhood business district that provides convenient services and shopping opportunities to nearby residents. Neighborhood commercial centers are primarily located along arterial and collector streets and are connected to neighborhoods through pedestrian and bicycle infrastructure. This neighborhood business district is similar in scale and intensity to other low and medium intensity neighborhood districts and may be utilized as a transition between higher intensity districts or major street corridors.

17) **CG – General Commercial.** A medium or high intensity business district allowing a wide range of commercial, retail, service and office uses serving a community or regional retail trade area. This business district is typically located along major arterial roadways or with proximate access to Interstate highways.

18) **CB1 – Central Business.** A medium intensity mixed use business district allowing a wide range of commercial, retail, service, office, residential and institutional uses within the commercial core of Champaign. The district is characterized by development and design standards which support low- and mid-rise building types, a strong pedestrian public realm, a traditional grid of streets, shared public parking and a wide range of transportation choice.

19) **CB2 – Downtown Business.** A high intensity mixed use business district allowing a wide range of commercial, retail, service, office, residential and institutional uses within the historic core of Downtown Champaign. This district supports the continued investment in Downtown Champaign as a regional destination for employment, entertainment, retail, housing and entertainment. The district is characterized by development and design standards which support low- mid- and high-rise building types, a strong pedestrian public realm, a traditional grid of streets, shared public parking and a wide range of transportation choice.

20) **CB3 – Campustown Business.** A high intensity mixed use business district allowing a wide range of commercial, retail, service, office, residential and institutional uses near the University of Illinois and along the Green Street corridor. The district is characterized by development and design standards which support high-rise building types, a strong pedestrian public realm, a traditional grid of streets, shared public parking and a wide range of transportation choice.

21) **CI – Commercial Industrial.** A low intensity commercial and industrial district allowing a wide range of commercial and industrial uses along railroad corridors and in commercial core of Champaign. This district will be phased out in the future and replaced with I1 Light Industrial, CG General Commercial, or CB1 Central Business.

22) **RP – Research Park.** A medium intensity mixed use business and employment district supporting a range of research, innovation, technology and employment uses within the University of Illinois Research Park. The district also supports a range of housing, institutional and entertainment uses

supporting the unique location near the University of Illinois.

23) **IBP – Interstate Business Park.** A medium intensity business district supporting a range of employment, office, or commercial uses in close proximity to Interstate highways. This district also supports a mix of residential, limited retail or service uses, and low impact light manufacturing.

24) **I1 – Light Industrial.** A medium intensity industrial and employment district supporting a range of wholesale, distribution, storage, light manufacturing and low-impact industrial uses. Manufacturing uses produce minimal hazardous or noxious impacts. The district is supported by a local street system designed for commercial truck traffic with connections to arterial streets.

25) **I2 – Heavy Industrial.** A high intensity industrial and employment district supporting a range of heavy industrial and manufacturing uses which produce significant off-site impacts, require significant storage of raw materials, heavy equipment, or hazardous materials. The district is supported by a local street system designed for commercial truck traffic with connections to arterial streets. The district should be separated from residential areas by landscaping, screening and setback buffers.

Sec. 37-307. Overlay District Descriptions.

1) **Curtis Road Interchange Area.** The purpose of the Curtis Road Interchange Area Overlay District is to establish design standards that implement the vision of the Curtis Road Interchange Area Master Plan, which will result in long-lasting, high quality development of the area surrounding the City's primary entryway from Interstate 57. Zoning District locations shall be in accordance with the Future Land Use Map of the Curtis Road Interchange Area Master Plan, adopted as an element of the Comprehensive Plan.

Sec. 37-308. Zoning District Performance Standards.

In addition to other applicable development standards, each use shall comply with the following performance standards based on their locations within their respective zoning district:

1) **R1 – Residential Neighborhood 1.** The following performance standards shall apply in the R1 Zoning District.

    a) There shall be only one principal residential use per lot.

    b) There shall be no more than two principal non-residential uses on a single lot.

    c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

    d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

    e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

2) **R2 – Residential Neighborhood 2.** The following performance standards shall apply in the R2 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

   e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

3) **MR1 – Mixed Residential Neighborhood 1.** The following performance standards shall apply in the MR1 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

   e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

4) **MR2 – Mixed Residential Neighborhood 2**. The following performance standards shall apply in the MR2 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

   e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the

property it is located upon.

5) **MR3 – Mixed Residential Neighborhood 3**. The following performance standards shall apply in the MR3 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

   e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

6) **RU1 – University Neighborhood 1**. The following performance standards shall apply in the RU1 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

7) **RU2 – University Neighborhood 2**. The following performance standards shall apply in the RU2 Zoning District.

   a) There shall be only one principal residential use per lot.

   b) There shall be no more than two principal non-residential uses on a single lot.

   c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

   d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

8) **MHC – Manufactured Housing Community.** The following performance standards shall apply in the MHC Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

9) **IT-R1 – In Town Residential Neighborhood 1.** The following performance standards shall apply in the IT-R1 Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

10) **IT-R2 – In Town Residential Neighborhood 2.** The following performance standards shall apply in the IT-R2 Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

11) **IT-MR1 – In Town Mixed Residential Neighborhood 1.** The following performance standards shall apply in the IT-MR1 Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

12) **IT-MR2 – In Town Mixed Residential Neighborhood.** The following performance standards shall apply in the IT-MR2 Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

13) **IT-MR3 – In Town Mixed Residential Neighborhood 3.** The following performance standards shall apply in the IT-MR3 Zoning District.

a) There shall be only one principal residential use per lot.

b) There shall be no more than two principal non-residential uses on a single lot.

c) There shall be no more than four bedrooms in any multiplex or apartment dwelling unit.

d) Non-residential uses allowed in this district shall not store construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

e) No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

14) **CN1 – Neighborhood Commercial.** The following performance standards shall apply in the CN1 Zoning District.

a) There shall be no on-site storage of construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

b) There shall be no outdoor storage or display of goods, supplies, products or equipment for sale.

c) No use shall emit any vibration, glare, heat, smoke, dust, electrical interference, nor odor detectable beyond the property line.

d) Loading docks shall be located in the rear yard or behind a principle structure.

e) Outdoor seating shall comply with the following requirements:

i) No amplified sound or speakers shall be permitted in the outdoor seating area.

ii) Outdoor seating is limited to twenty-four seats.

iii) Outdoor seating areas that include more than sixteen seats must also be at least one hundred feet from the nearest lot line of any residentially zoned lot that is immediately adjacent to the premises; or be screened from such an immediately adjacent lot by a building on the premises of the seating area; or be at least fifty feet from the nearest lot line of such a lot and be screened from such lot with an evergreen vegetative barrier which completely surrounds the perimeter of the seating area except for such gap as is necessary for required egress. The plantings in any required evergreen vegetative barrier must be of a type and arranged in such a manner that they will form a continuous barrier that by themselves, or in combination with an above ground planting box, will reach a height above the grade of the seating area of at least six feet at maturity.

f) There shall be no more than four bedrooms in any multiplex, apartment, ground floor, or upper story dwelling unit.

15) **CN2 – Neighborhood Office.** The following performance standards shall apply in the CN2 Zoning District.

a) There shall be no on-site storage of construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

b) There shall be no outdoor storage or display of goods, supplies, products or equipment for sale.

c) No use shall emit any vibration, glare, heat, smoke, dust, electrical interference, nor odor detectable beyond the property line.

d) Loading docks shall be located in the rear yard or behind a principal structure.

e) Outdoor seating shall comply with the following requirements:

i) No amplified sound or speakers shall be permitted in the outdoor seating area.

ii) Outdoor seating is limited to twenty-four seats.

iii) Outdoor seating areas that include more than sixteen seats must also be at least one hundred feet from the nearest lot line of any residentially zoned lot that is immediately adjacent to the premises; or be screened from such an immediately adjacent lot by a building on the premises of the seating area; or be at least fifty feet from the nearest lot line of such a lot and be screened from such lot with an evergreen vegetative barrier which completely surrounds the perimeter of the seating area except for such gap as is necessary for required egress. The plantings in any required evergreen vegetative barrier must be of a type and arranged in such a manner that they will form a continuous barrier that by themselves, or in combination with an above ground planting box, will reach a height above the grade of the seating area of at least six feet at maturity.

f) There shall be no more than four bedrooms in any multiplex, apartment, ground floor, or upper story dwelling unit.

16) **CN3 – Neighborhood Center.** The following performance standards shall apply in the CN3 Zoning District.

a) There shall be no on-site storage of construction materials, commercial vehicles, heavy equipment or bulk storage of hazardous materials.

b) There shall be no outdoor storage or display of goods, supplies, products or equipment for sale.

c) No use shall emit any vibration, glare, heat, smoke, dust, electrical interference, nor odor detectable beyond the property line.

d) Loading docks shall be located in the rear yard or behind a principle structure.

e) Outdoor seating shall comply with the following requirements:

i) No amplified sound or speakers shall be permitted in the outdoor seating area.

ii) Outdoor seating is limited to twenty four seats.

iii) Outdoor seating areas that include more than sixteen seats must also be at least one hundred feet from the nearest lot line of any residentially zoned lot that is immediately adjacent to the premises; or be screened from such an immediately adjacent lot by a building on the premises of the seating area; or be at least fifty feet from the nearest lot line of such a lot and be screened from such lot with an evergreen vegetative barrier which completely surrounds the perimeter of the seating area except for such gap as is necessary for required egress. The plantings in any required evergreen vegetative barrier must be of a type and arranged in such a manner that they will form a continuous barrier that by themselves, or in combination with an above ground planting box, will reach a height above the grade of the

seating area of at least six feet at maturity.

f) There shall be no more than four bedrooms in any multiplex, apartment, ground floor, or upper story dwelling unit.

17) **CG – General Commercial.** In addition to other applicable development standards, each use shall comply to the following standards:

a) Outdoor displays of goods shall be a minimum of twenty-five (25) feet from any property line and said display shall be no more than five (5) feet in height. Vehicle Sales uses are exempt from this provision.

b) No vehicle may be placed on a display stand which is higher than three (3) feet from ground level, within fifty (50) feet of any front property line. Said display stand may not move or rotate in any manner.

c) Outside sales or storage of materials shall be located a minimum of fifty (50) feet from any property line adjoining a residential use.

d) Neither a yard for the storage of wrecked or inoperable automobiles nor a salvage yard shall be considered to be an accessory use even though the principal use is a Vehicle Sales lot or a lot from which used or salvaged automobiles parts are sold.

18) **CB1 – Central Business.** Reserved.

19) **CB2 – Downtown Business.** Reserved.

20) **CB3 – Campustown Business.** Reserved.

21) **CI – Commercial Industrial.** In addition to other applicable development standards, each use shall comply to the following standards:

a) The use shall not exceed the vibration perception threshold at the lot line for any use. For the purpose of this chapter, the "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means, but not limited to sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion of velocity of 0.01 in/sec. over the range of 1 to 100 Hz;

b) There shall be no bulk storage of hazardous substances;

c) There shall be a maximum of four (4) loading bays for any use in the district.

22) **RP – Research Park.** In addition to other applicable development standards, each use shall comply to the following standards:

a) The use shall not exceed the vibration perception threshold at the lot line for any use. For the purpose of this chapter, the "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion of velocity of 0.01 in/sec. over the range of 1 to 100 Hz;

b) There shall be no bulk storage of hazardous substances;

c) Outdoor storage sale or display of goods are not permitted anywhere within view from a public right-of-way;

23) **IBP – Interstate Business Park.** In addition to other applicable development standards, each use shall comply to the following standards:

a) The use shall not exceed the vibration perception threshold at the lot line for any use. For the purpose of this chapter, the "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion of velocity of 0.01 in/sec. over the range of 1 to 100 Hz;

b) There shall be no bulk storage of hazardous substances;

c) Outdoor storage sale or display of goods are not permitted anywhere within view from a public right-of-way;

d) Unfinished concrete block or corrugated metal is not permitted as an exterior finish material for any building;

e) A minimum of ten (10) percent of the lot shall be planted areas consisting of trees, evergreens, shrubs, and groundcover. In addition, each lot shall be planted with at least one shade tree of two-inch caliper or an evergreen with a minimum height of five (5) feet at time of planting and a minimum height of fifteen (15) feet height at maturity, per five thousand (5,000) square feet of open space;

f) No principal structure shall be less than twenty thousand (20,000) square feet;

g) All entrance drives and street radii shall be designed to accommodate a WB-60 turning movement.

24) **I1 – Light Industrial.** The following performance standards shall apply in the I2 Zoning District.

a) Uses shall not exceed the vibration perception threshold at the property line for any use. For the purpose of this chapter, the "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by

such direct means, but not limited to sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion of velocity of 0.01 in/sec. over the range of 1 to 100 Hz.

b) No odor from the following sources shall be detectable at the lot line:

i) Dead or decaying matter;

ii) Storage of waste, garbage, or untreated sewage;

iii) Animal offal and similar by-products.

c) Explosive materials and the bulk storage of hazardous substances shall not be located within five hundred (500) feet from any residential, office, or business district. Any use handling such materials shall comply with Chapter 13, Fire Prevention and Protection and Hazardous Materials, of the Champaign Municipal Code.

25) **I2 – Heavy Industrial.** The following performance standards shall apply in the I2 Zoning District.

a) Uses shall not exceed the vibration perception threshold at the property line for any use. For the purpose of this chapter, the "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means, but not limited to sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion of velocity of 0.01 in/sec. over the range of 1 to 100 Hz.

b) No odor from the following sources shall be detectable at the lot line:

i) Dead or decaying matter;

ii) Storage of waste, garbage, or untreated sewage;

iii) Animal offal and similar by-products.

c) Explosive materials and the bulk storage of hazardous substances shall not be located within five hundred (500) feet from any residential, office, or business district. Any use handling such materials shall comply with Chapter 13, Fire Prevention and Protection and Hazardous Materials, of the Champaign Municipal Code.

Sec. 37-309. General Applicability of Table III-C.

Unless otherwise provided for in this chapter, no land, building, or structure may be used, erected, converted, altered or expanded in any Zoning District or Overlay District unless the use is listed as a permitted or special use within Table III-C.

1) The ‘Land Use’ column of Table III-C identifies land use categories and specific land uses that are defined in the Zoning Ordinance.

2) Uses identified with a “✓” are permitted by right in the subject zoning district, subject to compliance with the zoning district performance standards, specific use standards, and other applicable development standards of this Chapter;

3) Uses identified with an “S” are considered Special Uses and may be allowed subject to review and approval by the Plan Commission and City council in accordance with the standards, findings, and procedures of Division 4 of Article XII and other applicable development standards of this Chapter.

4) Uses identified with an en dash “–“ or uses which are not listed in Table III-C are prohibited.

5) The ‘Use Standards” column of Table III-C identifies use-specific standards that apply to permitted or special uses.

Sec. 37-310. Table III-C. Permitted and Special Use Table.

Sec. 37-311. Rules of Interpretation.

1) Unless otherwise noted, uses listed as permitted or special uses in a zoning district or overlay district may all be principal uses, accessory uses, or temporary uses on a lot.

    a) Two or more principal uses are permitted on a lot for all uses unless specifically restricted herein.

    b) Accessory uses are permitted in all districts for all land uses.

2) Unless otherwise noted, uses listed as permitted or special uses in a zoning district or overlay district may all be mixed uses in a building or structure.

3) If a use is not listed in Table III-C the Zoning Administrator shall make an interpretation determining which defined land use is most similar use and whether the similarly defined use is a permitted or special use. In making this determination, the Zoning Administrator may utilize:

    a) International Building Code or International Residential Code use classification;

    b) Character, scale, size, manner, and operations of the proposed use;

4) If it is determined by the Zoning Administrator that a proposed use not listed in Table III-C bears no resemblance to any defined land use, such use shall be deemed to be prohibited in all districts.

    a) A use that is not listed in Table III-C, or a use that bears no resemblance to any defined land use, may be approved as a Special Use subject to the review and approval procedures for Special Use Permits in Division 4 of Article XII.

Sec. 37-312. Conversion of 1996 Zoning Ordinance Districts.

Zoning Districts enabled under the provisions of the 1996 Zoning Ordinance shall be reclassified to the Zoning Districts established under this ordinance based on the conversions specified in Table III-D.

Sec. 37-313. Table III-D Conversion of Zoning Districts

Table III-D

1996 Zoning Ordinance	2026 Zoning Ordinance
SF1 Single-Family District	R1Residential Neighborhood 1
SF2 Single- and Two-Family District	R2 Residential Neighborhood 2
MF1 Multifamily Low-Density District	MR1 Mixed Residential Neighborhood 1
MF2 Multifamily Medium-Density District	MR2 Mixed Residential Neighborhood 1
MF3 Multifamily High-Density District	MR3 Mixed Residential Neighborhood 1
MFUniv Multifamily University District	RU1 University Neighborhood 1
MHC Manufactured Home Community	MHC Manufactured Home Community
IT-SF1 In-Town Single-Family District	IT-R1 In-Town Neighborhood 1
IT-SF2 In-Town Single- and Two-Family District	IT-R2 In-Town Neighborhood 2
IT-MR1 In-Town Mixed Residential-1 District	IT-MR1 In-Town Mixed Residential Neighborhood 1
IT-MR2 In-Town Mixed Residential-2 District	IT-MR2 In-Town Mixed Residential Neighborhood 2
IT-MX In-Town Mixed Use District	IT-MR3 In-Town Mixed Residential Neighborhood 3
CO Commercial Office District	CN2 Neighborhood Office

CN Commercial Neighborhood District	CN1 Neighborhood Commercial
CG Commercial General District	CG General Commercial
CB1 Central Business Urban Fringe District	CB1 Central Business
CB2 Central Business Downtown District	CB2 Downtown Business
CB3 Central Business Campustown District	CB3 Campustown Business
CI Commercial Industrial District	CI Commercial Industrial District
IBP Interstate Business Park	IBP Interstate Business Park
I1 Light Industrial District	I1 Light Industrial District
I2 Heavy Industrial District	I2 Heavy Industrial District

Sec. 37-314. Standards for Accessory Uses.

1) An accessory use shall be located on the same lot as the principal use.

2) An accessory use shall not be established prior to the establishment of a principal use.

3) The accessory use is related to the principal use.

4) The accessory use is incidental and subordinate to the principal use. The area occupied by all accessory uses shall not exceed fifty percent of the floor area occupied by the principal use.

5) A commercial or industrial use shall not be considered an accessory use to a detached dwelling or multiplex dwelling unless the commercial or industrial use meets the requirements for a home occupation in Sec. 37-312.

Sec. 37-315. Standards for Home Occupations.

A home occupation shall be considered a permitted accessory use in any zoning district which permits dwelling units subject to the following standards and limitations:

1) There shall be no on-site employment of persons who do not live at the residence.

2) A home occupation shall be conducted wholly within the principal building or an accessory structure.

3) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner that would cause the premises to differ from a residential character.

4) The total gross floor area which is used primarily for the operation of the home occupation shall not exceed twenty-five (25) percent of the gross floor area of the home.

5) The storage of merchandise, supplies, or products for off-premises sales is permitted. For the purposes of this section, any products shipped or delivered to the ultimate consumer of the goods or merchandise shall be considered off-premises sales.

6) No display of goods or services pertaining to such home occupations shall be visible from outside the building.

7) No home occupation or equipment connected with a home occupation, nor any storage of goods, merchandise, supplies, products, materials, shall be allowed outdoors.

8) No advertising sign, other than a non-illuminated sign, not exceeding one (1) square foot in total face area shall be displayed in connection with a home occupation. No other on-site advertising visible from the exterior shall be used that informs the public of the home occupation.

9) The home occupation shall not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety and housing codes and shall conform with all applicable requirements for business and occupational licensing.

10) There shall be no noise, vibration, glare, heat, smoke, dust, electromagnetic, or electrical interference, nor odor detectable beyond the confines of the subject property including transmittal through vertical or horizontal party walls.

11) The owner of a home occupation shall not allow more than six (6) clients or customers in the dwelling unit or on the premises during any period of sixty (60) consecutive minutes nor more than sixteen (16) in any given twenty-four-hour period.

12) The owner of a home occupation shall not allow vehicular traffic associated with the business to exceed two (2) vehicles on the property at any one (1) time. Sufficient parking shall be provided on the same lot as the dwelling for all business visitors.

13) The owner of a home occupation shall prohibit pedestrian and vehicular traffic generated by clients or customers of a home occupation on the premises between the hours of 10:00 p.m. and 7:00 a.m.

14) The owner of a home occupation shall not allow commercial deliveries related to the home occupation, other than the United States Postal Service and private package and letter delivery services. Under no circumstances shall commercial deliveries by semi-trailer trucks be permitted.

15) The owner of a home occupation shall limit the use of commercial vehicles in conjunction with a home occupation to two (2) vehicles, not to exceed one (1) ton maximum load weight each. Such vehicle must be parked in accordance with provisions elsewhere in this Code.

16) If more than one (1) home occupation is located within any single dwelling unit, the owner of each home occupation shall not allow the combined impact of those home occupations to exceed the standards contained in this section.

17) Retail sales to on-site customers is allowed only if clearly incidental to the home occupation.

Sec. 37-316. Standards for Temporary Uses.

A temporary use is a use established for a limited period of time with the intent to discontinue such use upon the expiration of such time. Such uses are subject to the time restrictions contained in this section. No temporary use shall involve the construction or alteration of any permanent structure.

Sec. 37-317. Standards for Specific Temporary Uses.

1) Temporary structures erected during permitted building construction at a site are permitted. These temporary structures must be moved or demolished upon completion of the construction.

2) Garage sale events in residential districts shall be permitted subject to the following limitations:

    a) Events shall be limited to four consecutive calendar days in duration.

    b) No more than events in a calendar year.

    c) Directional or advertising signs shall be limited to six square feet in area. Such signage shall be removed immediately upon closing of the sale.

3) Portable storage units in residential districts are permitted subject to the following requirements:

    a) Portable storage units placed in the front yard must be located on a driveway and be located at least five feet from the front property line.

    b) Such units shall not exceed outside dimensions of sixteen feet in length, eight feet in width, and nine feet in height.

    c) All portable storage unit must include a "placard" which is clearly visible from the right-of-way which includes the container identification number, date of its placement on the property, date that removal will be required, and local telephone number.

    d) Portable storage units may only be located in the front yard for up to thirty (30) days unless the Zoning Administrator or the Building Safety Supervisor grants an extension of time because of storage needs associated with an active building permit or other extenuating circumstance such as damage to a building on the property from a storm, fire or flood.

ARTICLE IV – DEVELOPMENT STANDARDS

DIVISION 1: GENERAL PROVISIONS

Sec. 37-400. Purpose and Application.

The purpose of this article is to establish lot and building design standards related to the development of property within the City of Champaign consistent with the general purpose of the Zoning Ordinance enumerated in Sec. 37-103.

Sec. 37-401. General Applicability of Table IV-A.

Except as otherwise specified in this Chapter, all lots, uses and principal structures are subject to the applicable development standards of Table IV-A.

Sec. 37-402. Table IV-A Development Standards for Principal Structures on Lots.

DIVISION 2: STANDARDS FOR PRINCIPAL STRUCTURES

Sec. 37-403. Principal Structures on a Lot.

1) Every principal structure erected or structurally altered shall be located on a lot.

2) Two or more principal structures are permitted on a lot for all uses except for detached dwellings and duplex dwellings, subject to the Administrative Site Plan Review procedures of this Chapter.

Sec. 37-404. Lot Standards.

1) All lots shall meet the minimum lot width and minimum lot area requirements of Table IV-A.

2) All lots shall provide frontage along a public street.

3) Lots legally created prior to September 2, 2026 which do not meet the minimum lot area and lot width standards may:

    a) Be developed with any permitted use allowed within the district where it is located provided that the development meets the other applicable development standards of Table IV-A;

    b) Utilize the Additional Development Standards found in Division III of this Article.

Sec. 37-405. Setback Standards.

1) All lots shall meet the applicable setback requirements of Table IV-A.

2) Through lots where a lot extends through the block from street to street must provide a front setback along each street frontage.

3) Lots may utilize the Additional Development Standards found in Division III of this Article.

Sec. 37-406. Building Height Requirements

1) All principal buildings must meet the applicable height requirements of Table IV-A.

2) No building may exceed the maximum number of feet or building stories listed in Table IV-A.

3) Where a zoning district specifies a minimum height requirement, a principal structure must meet the minimum building height in feet and stories.

    a) Existing buildings which were legally constructed prior to September 2, 2026 located in districts with a minimum height requirement are considered legal non-conforming and are exempt from the minimum height requirements when obtaining a building permit to alter, renovate, or rehabilitate an existing building.

4) Basements and cellars are not considered a story.

5) Mezzanines and loft areas are considered a story.

6) Principal buildings which were built prior to September 2, 2026 which exceed the maximum height standards of Table IV-A are considered legally non-conforming and may obtain an Administrative Mitigation Plan to document and legalize the non-conforming height.

Sec. 37-407. Floor Area Ratio

1) All principal buildings must meet the applicable maximum Floor Area Ratio requirements of Table IV-A where such a requirement is specified.

2) Maximum Floor Area Ratio requirements of Table IV-A may be increased consistent with the Transfer of Development Rights provisions of this Article.

Sec. 37-408. Open Space Ratio

1) All principal buildings must meet the applicable minimum Open Space Ratio requirements of Table IV-A where such a requirement is specified.

2) In the CN1, CN2, CN3, RP, and IPB Zoning Districts, the minimum Open Space Ratio requirements of Table IV-A only apply to residential uses. Other uses are not required to provide minimum open space.

3) Decks, unenclosed porches, paved patios, rooftop amenity spaces, and balconies may count towards usable open space.

Sec. 37-409. Maximum Building Width

1) All principal buildings on a lot must meet the applicable Maximum Building Width requirements of Table IV-A where such a requirement is specified.

2) This requirement does not apply to detached dwellings, duplex dwellings or townhouse dwellings.

3) Building width is measured horizontally and parallel to the lot line along a street from one end of the building to the other.

4) A principal building may exceed the building width along an elevation by stepping back the mass of the principal building to achieve the appearance of separate buildings provided that the following standards are met:

    a) The width of the building break must be at least 50% of the Maximum Building Width required in the zoning district.

    b) The depth of the building break must be a minimum of 25% Maximum Building Width required in the zoning district.

Sec. 37-410. Maximum Lot Coverage

1) All principal buildings on a lot must meet the applicable Maximum Lot Coverage requirements of Table IV-A where such a requirement is specified.

2) Lot coverage is measured cumulatively for all principal buildings on a lot.

Sec. 37-411. Maximum Building Footprint

1) All individual principal buildings must meet the applicable Maximum Building Footprint requirements of Table IV-A where such a requirement is specified.

2) One lots where an individual principal building has met the maximum building footprint but has not met the maximum lot coverage limitations of the district, an additional principal building may be built on the lot. Such additional building is limited to the applicable Maximum Building Footprint requirements of Table IV-A limited by the Maximum Lot Coverage requirements.

3) When two or more buildings are connected via upper story skywalk or passageway which does not extend to the ground, the connected buildings shall be deemed a single individual principal building.

DIVISION 2: DISTRICT BUILDING DESIGN STANDARDS

Sec. 37-412. Design Standards in the RU1 and RU2 Zoning Districts

All principal buildings in the RU1 and RU2 Zoning Districts are subject to the following design standards:

1) Off-street parking design is subject to the following requirements:

    a) Vehicular access to parking must be taken from the alley for any lot abutting a public alley.

        i) The Planning and Development Director may waive this requirement after determining that the adjacent alley prevents safe and efficient access to the lot. In making this determination, the Planning and Development Director may utilize the following criteria:

            (1) The alley is a dead end;

            (2) The alley is less than 16.5 feet in width;

            (3) The alley contains immovable obstacles;

            (4) The alley surface condition has degraded beyond repair and cannot support the increased vehicular traffic for the proposed redevelopment of the adjacent property;

    b) Ground level parking may not be located in front of the primary or secondary façade of a building.

        i) Ground level parking must be separated from the exterior wall of the primary façade by interior floor area with a minimum depth of twenty-four (24) feet.

        ii) Ground level parking must be screened on the secondary façade by a wall at least four (4) feet in height extending along the entire length of the parking area. This wall may be interrupted by one driveway not to exceed twenty-three (23) feet in width, as well as one additional pedestrian access point;

    c) Upper level parking must be screened along any primary or secondary façade by an exterior wall extending from floor to ceiling along the entire length of the wall. This wall may contain windows

and ventilation grilles.

2) A minimum of twenty percent (20%) of the area of every floor frontage facing a public street must consist of transparent glass.

3) Each building shall have a primary entrance facing a public street allowing pedestrian access via a connection to a public sidewalk. The primary entrance shall be covered by a shelter that is at least two (2) feet six (6) inches in depth and five (5) feet in width. This shelter may be provided with a projection from the wall, an inset into the wall, or a combination of the two.

4) No material other than brick shall constitute more than seventy percent (70%) of any façade facing a public street, exclusive of the windowed portion of the façade.

Sec. 37-413. Design Standards in the CB1, CB2 and CB3 Zoning Districts.

All principal buildings in the CB1, CB2, and CB3 Zoning Districts are subject to the following design standards:

a) Vehicular access to parking must be taken from the alley for any lot abutting a public alley.

i) The Planning and Development Director may waive this requirement after determining that the adjacent ally prevents safe and efficient access to the lot. In making this determination, the Planning and Development Director may utilize the following criteria:

(1) The alley is a dead end;

(2) The alley is less than 16.5 feet in width;

(3) The alley contains immovable obstacles;

(4) The alley surface condition has degraded beyond repair and cannot support the increased vehicular traffic for the proposed redevelopment of the adjacent property;

b) Ground level parking may not be located in front of the primary or secondary façade of a building.

i) Ground level parking must be separated from the exterior wall of the primary or secondary façade by interior floor area with a minimum depth of twenty-four (24) feet.

c) Upper level parking must be screened along any primary or secondary façade by an exterior wall extending from floor to ceiling along the entire length of the wall. This wall may contain windows and ventilation grilles.

d) Vehicular access to off-street parking and loading areas not taken from an alley may be approved subject to Special Use Permit approval;

2) A minimum of thirty percent (30%) of the area of every ground floor frontage facing a public street must consist of transparent glass. A minimum of twenty percent (20%) of every upper floor frontage

facing a public street must consist of transparent glass.

3) All ground floor building frontages facing a public street, excluding alleys, shall extend along a minimum proportion of the lot width as measured along the property line, except to the extent that this minimum width must be reduced to accommodate a driveway that is otherwise permitted by this chapter. The width of such a driveway shall not exceed twenty-three (23) feet. The minimum proportion in each district is as follows:

    a) CB1 District: Eighty percent (80%).
    b) CB2 District: Ninety percent (90%).
    c) CB3 District: Ninety percent (90%).

DIVISION 3: ADDITIONAL DEVELOPMENT STANDARDS

Sec. 37-414. Average Front Setback Reduction

In any residential zoning district, the front setback may be reduced to the average setback alignment of structures on the same side of the street when fifty percent of residential buildings on the block extend into the front setback.

Sec. 37-415. Side Yard Reductions

On lots less than 60 feet wide the required side yard may be reduced one and one half inches for each foot such lot is less than sixty feet in width. The minimum interior street side setback may be reduced up to three feet and the minimum street or alley side setback may be reduced up to five feet.

Sec. 37-416. Projections and Encroachments Into Setbacks

Unless otherwise provided in this chapter, no building or structure, portion of any building, structure, or mechanical equipment shall be erected in, occupy, or obstruct a required front, rear, or side setback except for the following:

1) Site Improvements.

    a) Fences may be built up to the property line.

    b) At-grade walkways of any surface may be built within any required setbacks.

    c) Residential driveways may encroach up to one foot from the side property line.

    d) Window wells for basement egress may encroach up to fifty percent into the required side setback and twenty-five percent into the required front and rear setbacks.

2) Building Improvements.

    a) Cornices and eaves may encroach up two feet six inches into any required setback. On a legally nonconforming building, cornices and eaves may encroach up to two feet six inches from the building façade.

b) Building entrance stairs that are above grade may encroach twenty-five percent into the required front or side setbacks.

c) Covered porches and covered decks which are unenclosed may encroach twenty-five percent into the required front and rear setbacks.

d) Uncovered porches and uncovered decks, built no greater than one foot above grade may encroach into required side and rear setbacks consistent with the following standards:

i) 100% of the required side or rear yard when screened by an eight-foot-high opaque fence.

ii) 50% of the required side or rear yard when not screened by an eight-foot-high opaque fence.

e) Uncovered decks or uncovered porches, built no greater than three feet above grade, may encroach twenty-five percent into the required front, side, or rear yard.

f) Residential balconies and exterior staircases may encroach fifty percent into the required rear setback.

g) ADA ramps may be built within any required setback.

h) Ornamental architectural features may encroach up to two feet into any required setback. Ornamental architectural features shall not add gross floor area to the interior of the building, or be greater than twenty-five percent of the horizontal length of the building façade.

i) Chimneys which are less than twenty-five percent of the width of the building facade may encroach three feet into the required side setback.

3) Mechanical Improvements.

a) Public utility equipment my encroach up to two feet from any property line.

b) Mechanical equipment, other than public utility equipment, may encroach up to three feet from the side or rear property line.

c) Ground air conditioning units may encroach up to fifty percent of the required side yard and twenty-five percent into the required rear yard. On a legally nonconforming building, ground air conditioning units may encroach up to fifty percent of the distance between the existing building line and the side or rear property line.

Sec. 37-417. Height Modifications

Height standards stipulated in Table IV-A of this article may be modified in the following conditions:

1) Religious institutions, schools, and government facilities in the R1, R2, IT-RI and IT-R2 Districts may exceed the maximum feet height allowed in the district by increasing the side and rear setbacks by one foot for every three feet of additional height above the maximum height allowed in the district.

2) Barns, silos, other farm structures, spires, belfries, cupolas, domes, monuments, water-storage tanks, fire and hose towers, electrical transmission and distribution towers, telephone poles, windmills, chimneys, smoke stacks, flag poles, freestanding telecommunication towers, and parapet walls extending not more than four feet above the limiting height of the building.

3) Fixed mechanical equipment, roof structures covering fixed mechanical equipment (including elevator equipment), cooling towers, rooftop access structures, and scenery lofts, provided that no linear dimension shall exceed fifty percent of the corresponding lot line frontage. All such structures above the height otherwise permitted in the district shall not occupy more than twenty-five percent of the area of the lot.

Sec. 37-418. Development Standards for Accessory Structures

1) In any residential district and commercial district, detached accessory structures, including detached garages, must meeting the following conditions:

    a) No accessory structure shall be located between the front building line of the principal structure and a property line along a public street.

    b) A detached accessory structure must be separated by a minimum of three feet from the principal structure and other detached accessory structures.

    c) A detached accessory structure must be setback a minimum two feet from any side or rear property line.

    d) The maximum height of a detached accessory structure shall be eighteen feet or the height of the principal structure, whichever is less.

    e) The aggregate maximum gross floor area of all accessory structures shall be limited to fifty percent of the gross floor area of the principal structure.

        i) When a detached dwelling is less than 1,300 square feet, the total gross floor area of all detached accessory structures may be increased up to a maximum of 650 square feet.

2) In any industrial district, the applicable standards for principal buildings in Table IV-A shall apply to accessory structures.

Sec. 37-419. Standards for Sidewalks

No zoning permit shall be issued for construction requiring sidewalk installation or repair under Chapter 30 of the City of Champaign Municipal Code unless plans for installation or repair have been approved by the City Engineer in accordance with the current sidewalk standards contained in the Manual of Practice or this Code.

DIVISION 4: TRANSFER OF DEVELOPMENT RIGHTS

Sec. 37-420. Purpose

The purpose of these regulations are to promote the preservation and rehabilitation of local landmarks by allowing the transfer of undeveloped floor area from lots containing locally designated landmarks, or from

properties eligible to become local landmarks due to their listing on the National Register of Historic Places, to other lots being redeveloped.

Sec. 37-421. Application for Transfer of Development Rights

Any property owner of an eligible sending site may file an application for a transfer of rights agreement from a sending site to an eligible receiving site.

Sec. 37-422. Administrative Review of Applications.

The Planning Director shall review and process any application for transfer of development rights agreement consistent with the process and procedures outlined in Division 4 of Article XI.

Sec. 37-423. Calculating Unused Development Potential on Sending Sites

The maximum amount of undeveloped floor area that may be transferred from the sending site shall be the difference between the gross floor area of development on the sending site and the maximum gross floor area permitted by the zoning district in which the sending site is located.

1) Sending sites located in zoning districts which regulate building bulk through Floor Area Ratio (FAR) shall determine the maximum building square footage allowed on the sending site (Lot Area x FAR) and the total gross square footage of the local landmark structure.

2) Sending sites located in the In-Town Zoning Districts zoning districts which regulate building bulk through Maximum Building Footprint and Maximum Lot Coverage shall determine the maximum building size permitted on the sending site. This maximum footprint area shall be multiplied by the number of stories allowed in the zoning district and subtract the total gross square footage of the local landmark structure. [(Maximum Building Footprint or Lot Coverage x Stories) – (Local Landmark Gross Square Footage)]

3) Sending sites located in zoning districts which regulate building bulk only through setbacks and heights, reduce the lot area by any applicable setbacks and multiply this area by the number of stories allowed then subtract the gross square footage of the local landmark structure.

Sec. 37-424. Receiving Site Floor Area Ratio Increase

Receiving sites may increase the maximum FAR permitted by the base zoning district by twenty five percent.

Sec. 37-425. Increasing Maximum Height.

Receiving sites indicated in Table IV-B may increase the maximum height permitted by the base zoning district based on the allowances in Table IV-B, limited to the total floor area transferred from a sending site. A receiving site not located in a zoning district listed in Table IV-B is not eligible for a height increase.

Sec. 37-426. Table IV-B Receiving Site Maximum Height Increases

Receiving Site Zoning District	Height Increase (feet)	Height Increase (stories)
MR2	+12 ft.	+1
MR3	+24 ft.	+2
IT-MR2	+12 ft.	+1

IT-MR3	+24 ft.	+2
RU1	+48 ft.	+4
RU2	+48 ft.	+4
CG	+48 ft.	+4
CB1	+48 ft.	+4
CB2	+48 ft.	+4
CB3	+48 ft.	+4

Sec. 37-427. Transfer of Development Rights Conditions.

An approved application for the transfer of development rights will include the flowing conditions and guarantees:

1) The development potential of a sending site shall be reduced by the amount of floor area being transferred to the principal structure on the receiving site.

2) A sending site may transfer a portion or all of the development potential to one or more receiving sites. Development potential that has not been transferred may be subsequently transferred to a different receiving site.

3) A transfer of development rights agreement shall be recorded with the property as a conservation easement which specifies the reduction of development potential of the sending site and the location of the receiving site.

4) A transfer of development rights agreement between a sending site and a receiving site remains in effect for twenty years. After this agreement expires the development potential of the sending site reverts back to the sending site and can be utilized in a subsequent transfer of development rights for a new receiving site.

5) The owner of the receiving site must utilize the development rights on the receiving site within two years of approval. An additional year of approval may be administratively authorized by the Planning Director. If the development rights are not used within three years they revert back to the sending site and may be utilized in a subsequent transfer of development rights for a new receiving site.

6) The owner of the receiving site may move development potential from one receiving site to a different receiving site through an administrative amendment authorized by the Planning and Development Director.

7) Following the approval of a transfer of development rights, the historic structure on the sending site, if not designated as a local landmark, is required to apply for designation as a Local Landmark within ninety days.

8) The transfer of development rights shall not result in the demolition of a structure on a receiving site that is designated as a local landmark, listed on the national register of historic places as an individual landmark, or is a contributing building within a landmark district.

9) The Planning and Development Director may impose additional conditions reasonable and necessary to protect the public health, safety, welfare and interest and to ensure compliance with the general purpose and intent of the Zoning Ordinance and with the Comprehensive Plan.

DIVISION 5: LAND EROSION, GROUNDWATER PROTECTION AND FLOOD CONTROL

Sec. 37-428. Erosion Control

All developments of five (5) acres or more, shall take measures to control erosion in accordance with the provisions in Chapter 31 of the Municipal Code.

Sec. 37-429. Floodplain Requirements.

All developments within a floodplain shall be subject to the provisions in Chapter 9 of the Municipal Code.

Sec. 37-430. Stormwater Management.

All developments of five (5) acres or more, shall comply with stormwater management measures in accordance with the provisions in Chapter 31 of the Municipal Code.

Sec. 37-431. Groundwater Protection Regulation Intent.

The intent of the regulations regarding properties adjacent to watercourses and waterbodies is to:

1) Preserve the quality and quantity of groundwater resources.

2) Assure a safe and adequate water supply for present and future generations.

3) Preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

Sec. 37-432. Primary and Secondary Source Prohibition

1) Except as provided otherwise in this article, no person shall place a potential primary source, or potential secondary source within the minimum setback zone.

2) Except as provided in this article, no person shall place a potential primary source within the maximum setback zone.

3) If the owner of a potential primary source or potential secondary source, is granted an exception, waiver, or Certificate of Minimal Hazard under the provisions of the State of Illinois Environmental Protection Act, or if such use is excluded from the State of Illinois Environmental Protection Act, such person or use shall be deemed to have a waiver, exception, or exclusion to the same extent as provided for in the State of Illinois Environmental Protection Act.

4) In no case shall a landfill or land treating operation be subject to such waivers, exceptions or exclusions.

Sec. 37-433. Setbacks Adjacent to Watercourses and Waterbodies.

1) For purposes of determining the required rear or side yard setback as established in Article IV, Development Standards, the setback shall be measured from the edge of the structure to the top of the bank of the watercourse or waterbody.

2) In no case shall any structure, fence, accessory building, or similar obstruction be located within five (5) feet of the top of the bank of any watercourse. This area shall be referred to as the setback area.

3) For purposes of this section, the bank shall mean the natural or man-made slope immediately bordering the watercourse or waterbody containing and/or confining the normal water flow.

4) For purposes of this section, the top of the bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation or outlet control structure that controls the water elevation of a body of water.

Sec. 37-434. Maintenance of Watercourse and Waterbody Setback Areas

1) The setback area shall be kept free of trash, litter, and weeds.

2) No shrubs shall be allowed in the setback area. Only trees from the plant list in the technical appendix may be planted in the setback area. The setback area must be covered with groundcover, non-living decorative material such as bark, woodchips, decorative rock or stone, or other similar materials. Garden plots, alternative landscapes, and walkways are permitted within the setback area.

3) The owner shall maintain all plant materials and decorative treatments in such a manner as to protect their functional integrity. The owner shall replace all plant materials that have died within one year.

4) There shall be no trash or dumpster areas, no storage of hazardous materials, no vehicle maintenance operation, or other source of non-point pollution contained within the setback area.

DIVISION 6: STANDARDS IN THE CURTIS ROAD INTERCHANGE AREA OVERLAY DISTRICT

Sec. 37-435. Purpose

The purpose of this section is to establish substantive standards for development of land identified as being in the Curtis Road Interchange Area Overlay District in the Curtis Road Interchange Area Master Plan, an element of the City's Comprehensive Plan, and to establish a zoning approval process. Developments within the Curtis Road Interchange Area Overlay District that are located within the corporate boundaries of the City, or that are subject to an annexation agreement with the City that sets forth the City zoning requirements that will apply to the development of the property subject to said agreement, are required to meet higher standards for design than in other areas in the City. This is the City's primary southern entryway from Interstate-57. Development within these districts is subject to the provisions of the specific zoning district, as well as to the following provisions within this article.

Sec. 37-436. General Requirements for Development in the Curtis Road Interchange Area Overlay District

The development of land within the Curtis Road Interchange Area Overlay District that is within the corporate limits of the City, or that is subject to an annexation agreement that applies City zoning regulations to the property that is subject to said agreement, shall be subject to the following requirements:

1) The development shall be in accordance with an Overall Development Plan approved pursuant to the process and compliant with the substantive standards required in this Division.

2) The Overall Development Plan shall depict proposed plans for development of a minimum of twenty acres, provided that overall Development Plans for parcels less than twenty (20) acres in size platted as of October 1, 2015 shall at a minimum include the entire parcel;

3) The Overall Development Plan must meet the requirements listed in Sec. 37-437.

4) Development of sites, principal buildings and accessory structures are subject to the Site and Building Design Standards listed in Sec. 37-438.

Sec. 37-437. Overall Development Plan Standards

All development within the Curtis Road Interchange Area shall comply with the following standards for overall development plans:

1) **General Requirements.** The purpose of the Overall Development Plan is to mitigate traffic and land use conflicts within the development and ensure compatibility with the surrounding property. The site plan shall ensure accessibility for users of all modes of transportation. The Overall Development Plan shall be designed to create a cohesive arrangement of infrastructure, buildings and site improvements, which minimizes impacts from or on surrounding land uses as well as on the environment. The Overall Development Plan shall be designed to facilitate active choices to ensure the health of users.

    a) No structure shall be built within fifty (50) feet of the Interstate 57 right-of-way.

    b) Along the Interstate 57 right-of-way, a ten (10) foot wide multi-use trail shall be built within a twenty-five (25) foot public access easement. This multi-use trail shall connect to the bicycle and pedestrian bridge over Interstate 57 and be integrated into the pedestrian and bike network.

    c) Street lighting shall conform to the University District standard except the luminaire shall be dark sky compliant and the light source shall be LED. The luminaire oriented toward the street shall be a cobra-head style, while the luminaire oriented toward the sidewalk shall conform to the amended University District standard. Light poles may have a maximum height of twenty-seven (27) feet along collector level streets and twelve (12) feet along local streets.

    d) Street furniture and fixtures on public streets shall conform to the University District standard, as approved by the City Engineer.

    e) Each Overall Development Plan shall include an infrastructure phasing plan showing how infrastructure will be extended for future development. The infrastructure phasing plan is subject to approval by the City Engineer.

    f) No person shall construct any fence to a height greater than eight (8) feet above the ground level, or construct on such area an opaque fence to a height greater than three (3) feet between the front building line, where set by ordinance, and the street. Chain link, wire mesh or similar types of transparent fences may be constructed to a height no greater than six (6) feet between the front building line, where set by ordinance, and the street. Where a through lot has two (2) front building lines by definition, this subsection shall be construed to refer only to the side of the lot

actually used as the front yard. On through corner lots a sight triangle as defined in Section 37-219(16) shall be maintained.

2) **Transportation.** The layout of the circulation system is basic to the design of a development within the Curtis Road Interchange Area Overlay District. The transportation and circulation system shall be publicly accessible and provide for efficient and safe movement of pedestrians, bicycles, transit and vehicles, through and adjacent to the development.

   a) A minimum of one public street connection to adjacent parcels must be shown for each 20 acres of development.

   b) Access points onto Staley, Duncan and Curtis Roads shall be located in accordance with the Curtis Road Interchange Area Master Plan, Transportation Map, Figure 2.1. The design of the access points is subject to standards provided by the Manual of Practice and shall be the result of a Traffic Impact Analysis approved by the City Engineer.

   c) The development shall be designed with the minimum number of access points to public streets necessary to serve the traffic generated by the proposed use, as demonstrated by the required traffic impact analysis.

   d) Wendover Place will only connect to local streets serving residential development. The street must make a minimum of two turning movements before connecting to an arterial street, such as Duncan or Curtis Roads.

   e) All development shall be arranged in a pattern of interconnecting streets in a grid-like pattern to facilitate transit and mobility of all users. Streets that terminate in a cul-de-sac design are not permitted.

   f) In each quadrant, a paved landing area to accommodate a transit stop shall be provided near the primary intersection of collector streets. The location shall be determined in conjunction with the Champaign-Urbana Mast Transit District.

   g) Approval of any development in the District shall be conditioned upon the applicant's agreement to annex the property subject to the development into the Champaign-Urbana Mass Transit District service area. An annexation agreement with the Champaign Mass Transit District shall be required if the parcel is not within the service area.

   h) Street cross-sections shall follow the right of way, pavement and sidewalk widths shown in 4.3 of this table, and the Champaign Manual of Practice.

3) **Outdoor Gathering Spaces and Public Parks.** Development shall provide for both the preservation of natural areas and the creation of open spaces that are close to work and home for active and passive recreation to improve public health and quality of life. These spaces shall be provided on private property, through a public access easement, or through dedication to the Champaign Park District.

a) Any Development that includes one or more parcels zoned R1, R2, MR1 and MR2 that have a total area of 10 or more acres shall include one or more parcels that have been dedicated to the Champaign Park District for recreational purposes. The minimum total area of all parcels dedicated for said purpose shall be calculated at the rate of three-quarters (3/4) of an acre per 10 acres of residential development. Publicly dedicated multi-use trails may account for up to 50% of the minimum area required for said recreational purposes. No parcel dedicated for said purposes shall be less than one and one-half acres in size.

b) In addition to areas dedicated to the Park District for recreational purposes, or otherwise dedicated or reserved for streets, sidewalks, trails or other public ways or for parking lots, each overall Development Plan that includes at least five acres shall include and designate a minimum amount of open space on privately owned parcels or on privately controlled commons areas which will be designed and available for outdoor gatherings of users of said non-residential uses and shall meet or exceed the design standards in 3.2 below. The minimum total area for said required outdoor gathering spaces shall be calculated at the rate of 15,000 square feet per 20 acres of land devoted to non-residential purposes. Said required outdoor gathering spaces may be distributed throughout the site, but no single contiguous area designated as an outdoor gathering space may have an area of less than 5,000 square feet. At least one outdoor gathering space shall be centrally located and a focal point for the development, with the remaining development designed around this element. The outdoor gathering spaces shall be accessible to users via sidewalk and/or trail connections.

c) Outdoor Gathering Space will be designed to serve customers and employees of adjacent businesses and employers. The Overall Development Plan shall include an attachment illustrating the character, square footage, general location and design concept for each Outdoor Gathering Space. This attachment shall describe the basic landscaping elements, hardscape features and amenities and shall include an ownership and management plan for the space(s). At a minimum, landscaping, shade trees, seating, and trash receptacles shall be incorporated into the design.

4) Pedestrian and Bicycle Network. The required pedestrian and bicycle network provides mobility choices for employees, customers and residents of this area. The thoughtfully designed network provides safe and convenient access to destinations within the area and nearby to facilitate active transportation and recreation.

a) A site plan or other design drawing depicting the pedestrian and bicycle network shall be included in the Overall Development Plan. The pedestrian and bicycle network shall connect businesses, neighborhoods, outdoor gathering spaces, and other destinations within and adjacent to the development. This network shall be designed in accordance with the Curtis Road Interchange Area Master Plan, Figure 2.3 - Sidewalks and Multi-Use Trails. Primary multi-use trails, defined as trails that connect directly to the Interstate 57 bicycle and pedestrian overpass and public parks shall be publicly dedicated and shall be ten (10) feet in width. Secondary multi-use trails, defined as trails that primarily serve the internal pedestrian circulation network may be privately owned and shall be a minimum of eight (8) feet in width. Where the pedestrian network includes planned connections through a development parcel, these connections shall be depicted on the site plan for the parcel submitted with the building permit for said parcel.

b) Required sidewalks along Duncan Road, Staley Road and Curtis Road shall have a minimum width of ten (10) feet and shall otherwise be designed to accommodate pedestrians and bicycles, provided that sidewalks adjacent to parcels developed prior to June 1, 2016, may be reduced to eight (8) feet in width if needed to accommodate existing site improvements. Wherever possible, the sidewalk shall be located within the road right-of-way. If location within the road right-of-way is not possible, the Developer shall dedicate or otherwise grant a public access easement to the City for that purpose. Said public access easement shall have a minimum width of twelve (12) feet to accommodate any sidewalk less than ten feet in width, and a minimum width of fifteen (15) feet to accommodate sidewalks meeting the minimum ten (10) foot width requirements.

c) Along the north side of Curtis Road, a sidewalk having a minimum width of ten (10) feet shall be located in a public access easement adjacent to the Interstate 57 on/off ramps, having a minimum width of fifteen (15) feet. Said public access easement and sidewalk shall, connect to a bicycle and pedestrian overpass located approximately one-quarter mile north of Curtis Road, as determined by the Illinois Department of Transportation. Upon completion of the sidewalk and bicycle and pedestrian overpass, the sidewalk and easement will be dedicated to the Champaign Park District. The dedicated bicycle and pedestrian overpass provides the sidewalk connection over Interstate 57.

d) Sidewalks shall be in compliance with Figure 2.2 Street Cross Sections, and Manual of Practice with five (5) foot wide sidewalks on local residential streets and minor commercial streets and eight (8) foot wide sidewalks on main commercial collector streets. Striped crosswalks are required at all intersections. Sidewalks continuing across commercial entrances shall be highlighted via pavement treatment clearly delineating the continuity of the sidewalk.

5) **Green Infrastructure.** Development shall be constructed with regard for the environment to avoid adverse impacts on existing natural features, drainage, erosion, water quality, and to improve habitat.

a) Detention and stormwater facilities will be designed to serve the entire Overall Development Plan area. They will be designed to minimize the total number of stormwater detention basins and promote the sharing of said basins by multiple properties. The size and design of these facilities shall comply with the requirements of the City's Subdivision Regulations and Manual of Practice, provided that where enhanced or relaxed design requirements are expressly provided in this Division, said enhanced or relaxed requirements shall apply. The general location and size of stormwater detention shall be shown on the Overall Development Plan and said Plan shall include a detailed ownership and management plan for said facilities.

b) A vegetative buffer of native and pollinator supporting plantings having a minimum width of twenty (20) feet shall surround all detention and drainage ways.

c) Detention and stormwater facilities will be located and designed to improve the appearance and views throughout the site. No basin may be surrounded by opaque or chain link fencing.

d) If it can be demonstrated that post-development runoff from the 2-year storm will be completely detained by low impact technologies within the development, then either the release rate described in section 23.02 D of the Manual of Practice or the release rate described below can be

used to determine the required detention storage volume.

i) Alternate Release Rate. The controlled release rate of stormwater runoff from developments subject to this section shall not exceed the subject property's rate of runoff from a 100-year storm prior to the proposed development. The design rate at which stormwater runoff is delivered to a designated stormwater storage area shall be based on a 100-year storm after full development. The storm sewers, however, shall be designed to deliver a runoff resulting from a 10-year storm, flowing under gravity conditions. The balance of runoff is to be delivered by overland flow or in the storm sewers under surcharge conditions.

e) In the event the natural downstream channel or storm sewer system is inadequate to accommodate the required release rate, the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system without overflowing its banks or surcharging of sewers.

i) Storage Volume. The volume of storage capacity provided in detention facilities shall be sufficient to control the excess stormwater runoff, resulting from a 100-year rainfall as published by the Illinois State Water Survey in Technical Letter 13.

ii) Outlet Structures. Outlet structures for detention facilities shall be designed with multiple stages so that the fully developed release rate of stormwater runoff for the 2-year, 10-year, 25-year and 100-year storms does not exceed the pre-development rate of runoff from those storms.

f) Trees of four-inch (4") caliper or greater shall be incorporated in the site design and protected from damage during construction and from future use of the development whenever possible.

6) **Parking.** Vehicular parking facilities shall be designed so that they will not be the dominant feature in the development. Surface parking lots shall be minimized in size through parking maximums set forth below and shared parking and will be screened from view by buildings and landscaping.

a) Parking areas shall be designed to be shared by multiple uses, especially uses with differing peak parking times, in compliance with Article VI.

b) Parking lots shall provide no less than 75% and no more than 125% of the minimum number of parking spaces that would otherwise be required in Article VI. Residential uses are exempt from the maximum. The Planning and Development Director may approve an alternative number of parking spaces if an analysis of parking demand demonstrates justification for such alternative.

Sec. 37-438. Site and Building Design Standards in the Curtis Road Interchange Area Overlay District

For any development within the Curtis Road Interchange Area Overlay District, a site plan is required to be submitted and shall be consistent with the approved Overall Development Plan. Any person or entity seeking approval of any development in the Curtis Road Interchange Area Overlay District shall comply with each of the requirements of this section. Property with R1 and R2 Zoning Districts are not subject to

these standards Where the standards differ between this Section and other standards of Chapter 37 of the Champaign Municipal Code, the standards of this section will supersede the conflicting standard.

1) **Building Design.** To ensure buildings within the Curtis Road Interchange Overlay District are composed of durable materials and have a cohesive and compatible architectural design.

    a) No structure shall exceed seven stories or ninety feet in height.

    b) Where a structure exceeds a height of forty (40) feet, the building must be setback from any adjacent residentially zoned parcel by a minimum of 200 feet.

    c) Any exterior walls 125 feet in length or greater that face a public street, private street or outdoor gathering space must include a minimum of two (2) feet in variation of the vertical plane of wall at intervals of seventy-five (75) feet or less. At least 50% of the vertical surface area of each horizontal interval must be recessed, projected, or offset to meet this requirement. Intervals do not need to be equal in length.

    d) Each building shall have a primary entrance facing a public street, private street or outdoor gathering space. The facade containing the primary entrance shall be the primary facade of the building. The entrance shall connect to a public sidewalk, adjacent trail or outdoor gathering space in the most direct route, as determined by the Zoning Administrator, via an on-site pedestrian walkway. The pedestrian walkway shall meet the following requirements:

        i) The walkway must be a minimum of five (5) feet wide. Where the walkway is parallel to a parking row, it must be buffered by a minimum of three (3) feet from walkway edge to back of curb. The buffered area may be turf or landscape plantings.

        ii) Where a pedestrian walkway crosses a drive aisle or vehicle lane, the pedestrian walkway material shall differ from the drive aisle material by composition, texture, or through the use of a differing color that is integral to the material.

    e) The primary entrance shall be covered by a shelter that is no less than three (3) feet in depth and five (5) feet in width. This shelter may be provided with a projection from the wall, an inset into the wall, or a combination of the two.

    f) Exterior building cladding must be of one or more of the following materials: true brick, genuine stone, precast concrete, glass, wood and rigid fiber cement product. Synthetic materials such as synthetic stucco (e.g. EIFS), vinyl siding, and pre-fabricated metals are permitted to comprise up to a maximum of twenty percent (20%) of a building's façade, excluding areas for glazing.

    g) Buildings two stories or more in height must have an expression line, such as a cornice, delineating the first floor. A one-story building shall have an expression line delineating the first floor or shall have an expression line located at the top of the building.

    h) Where the principal use buildings share one lot and are less than twenty (20) feet from one another, the height of any cornice or expression line delineating the first floor shall be placed at

the same height.

i) Awnings are permitted and shall be constructed of durable materials. Awnings may not be constructed of plastic nor be internally illuminated.

j) A minimum of 35% of the area of the ground floor of the primary facade must consist of transparent glass. A minimum of 35% of the area of the ground floor of a second facade, selected by the applicant, must also consist of transparent glass. The Planning and Development Director may, at his or her discretion, approve a reduction of the minimum requirement for transparent glass of the ground floor of the second facade to no less than 17%. This waiver may only be approved if the applicant provides a site and building analysis demonstrating that utility, loading or other unsightly features either within or outside the building cannot be located in such a way to enable the required standard to be met. The calculation shall be measured from the ground to the top of the building, unless the building is two stories or greater.

k) For buildings two stories or greater, a minimum of 17% of the area of each upper floor building facade must consist of transparent glass. No more than two facades are subject to this requirement. The calculation shall be measured from the expression line delineating the upper floor to the top of the building.

l) Mirror reflective glass is prohibited. The percentage of glazing for each facade area subject to this requirement shall be provided on the building permit.

m) Loading docks, overhead doors, and other vehicular service entries shall be screened and not be located on a façade facing the public right-of-way, outdoor gathering space or commons area.

n) Each site must include space to adequately store all refuse, including recycling, until such time as the refuse is collected by a licensed waste hauler.

o) Refuse storage areas integrated into a building shall not be accessed from the side of the building that faces a public right-of-way.

p) Refuse storage areas separated from the building shall be consolidated and sized to adequately accommodate all refuse, including recycling, containers. Refuse storage areas shall be enclosed on all sides, with an opaque wall exceeding the height of the dumpster lid when opened. Refuse storage areas shall also include gates, or doors, that can be opened to access refuse and recycling containers. Refuse storage areas shall be clad in the same materials used on the exterior of the main building.

q) Refuse storage areas shall include a horizontal cover or screen over the top of the enclosure. The horizontal screen or cover shall be integrated into the enclosure design. In lieu of a horizontal cover or screen, specialty dumpsters or waste receptacles may be used in place of traditional dumpsters or waste receptacles. The specialty dumpster(s) or waste receptacle(s) must include the following: a fully enclosed design with a disposal lid comprised of heavy-gauge metal that opens and closes via gravity when dumped and deposit doors comprised of heavy-gauge metal that are self-closing. The manufacturer's specifications of the specialty dumpster must be

attached to the building permit.

r) Entities that offer food or other goods that are commonly consumed or used on site shall provide an outdoor wastebasket within ten feet of each public entrance, drive-through window, and outdoor seating area. Such uses may include, but are not limited to: mini-mart/service station, restaurant, and retail uses.

s) Exterior mechanical equipment, including but not limited to, HVAC, utility meters or electrical cabinets must be screened from view using either built materials or landscaping from the approved plant material list. Exterior mechanical equipment cannot be located on a primary façade.

2) **Parking and Access Design.** To ensure a safe and efficient traffic network that reduces conflicts between vehicles, pedestrians and bicyclists as well as to improve the aesthetic quality of the area.

a) Parking areas, loading areas and access drives must be sited and designed in accordance with the standards outlined in Article VI of the Zoning Ordinance, as well as the requirements under Sections 37-437 and 37-438.

b) Parking lots shall provide no less than 75% and no more than 125% of the minimum number of parking spaces that would otherwise be required in Article VII, Division 4. Residential uses are exempt from the maximum. The Planning and Development Director may approve an alternative number of parking spaces if an analysis of parking demand demonstrates justification for such alternative.

c) When more than one principal use is established on a single lot, parking shall be shared in compliance with Article VI.

d) A minimum of 50% of the vehicular parking spaces shall be located to the side or rear of the principal building. The Planning and Development Director may approve an alternative parking design if an analysis of parking demand demonstrates justification for such alternative.

e) For uses containing a drive-through, order boxes, menu boards, and pick-up or drop-off windows are prohibited in the front yard and on the front façade of the building. If the property is on a corner lot, the order box, menu board and pick-up or drop-off windows may be located on the building’s side façade or yard facing the street only when located at the rear two-thirds of the façade or yard. Menu boards shall contain landscaping around the menu board.

3) **Landscaping and Screening.** To beautify the district with landscaping materials and to adequately screen parking, storage and utility areas. Landscaping and screening is also provided to protect the natural environment through the use of "best management practices", including shade trees, low impact stormwater management techniques and pollinator supporting plants.

a) Landscaping and screening shall be in compliance with the standards set forth in Article X, as well as the requirements of this Section.

b) Selection of plant materials shall be in conformance with the Approved Plant List, found in the Appendix of the Champaign Municipal Code. A minimum of 50% of species selected shall be those designated in the Approved Plant List as "pollinator supporting."

c) Stormwater management plans shall demonstrate a Low Impact Design (LID) approach as a component of the overall stormwater management system for the site. LID includes stormwater management practices such as rain gardens, bio-retention areas, green roofs, and parking lot absorption islands. The site plan shall include best management practices designed to retain the 24-hour, 1-year storm with a discharge rate at or below the pre-development discharge rate. The stormwater management system is subject to approval by the City Engineer.

d) Parking Lot Perimeter. Parking lot perimeters shall meet the following standards:

    i) Parking lots shall be setback from the property line by a minimum of ten (10) feet and shall be screened with plantings.

    ii) Parking lot perimeter screening shall have a minimum height of thirty-six (36) inches. Where the parking lot perimeter faces a public street, screening shall not exceed forty-two (42) inches in height. Screening provided by plantings shall obtain that height through natural growth within three years of the planting date.

    iii) The Landscape Plan shall demonstrate a screening plan with plantings that will achieve a continuous hedge along 85% of the perimeter of the parking lot, where adjacent to a public or private street. The continuous hedge shall be achieved through natural growth within three years of the planting date. To achieve a continuous hedge, a minimum of one tree per twenty-five (25) feet and a minimum of five shrubs between each tree are required. At access points, screening may be reduced to allow for an adequate sight triangle.

    iv) Decorative fences or walls shall be allowed to provide up to fifty (50) percent of the required screening for the areas where they are used. Where decorative fencing is installed, one tree per twenty-five (25) feet is required. Required plantings shall be installed on the side of the decorative fence or wall that faces the street. Decorative fences shall be at least seventy-five (75) percent opaque and shall adhere to the following requirements:

        (1) Materials. The decorative fence or wall shall consist of treated wood or naturally resistant wood such as redwood, cypress, or cedar, decorative split face concrete blocks or brick masonry;

        (2) Braces, supports or posts shall be located on the side of the property providing the screening;

        (3) In the front yard, fences may not exceed three feet in height, in the rear yard, fences may not exceed ten feet in height. Decorative fences or walls shall utilize the definitions and standards outlined in Division 3 - Yards and Setback Requirements.

v) Parking lot design shall implement low-impact methods for stormwater management. This includes curb inlets coupled with parking lot edge zones that capture, filter and slow the flow of stormwater runoff. The final design of the parking lot edge zones, including the selected plantings, shall be approved by the City Engineer.

vi) The reference elevation for the base of the required screen shall be the surface of the parking area that is to be screened.

e) Parking Lot Interior. Parking lot perimeters shall meet the following standards:

i) Landscape islands shall be located at the ends of all rows of parking. For rows greater than 20 spaces, there shall be additional islands at a rate of one per fifteen (15) spaces. Fifteen spaces is along one side of a parking island.

ii) Landscape islands shall have an average minimum width of eight (8) feet wide from back of curb to back of curb and 150 square feet and shall be protected by a barrier curb.

iii) Each Landscape Island shall contain at least one tree approved for parking lot interiors from the approved plant list in the Appendix of the Champaign Municipal Code. A minimum of 75 percent of trees selected shall be designated as shade trees. There must be a minimum of two tree species selected.

iv) A continuous planting strip between parking rows may be substituted for the required landscaped islands. The planting strip shall be a minimum of eight (8) feet in width and shall be protected by a barrier curb with inlets allowing stormwater to drain into the planting strip. The planting strip shall be designed as a bioretention area that is depressed from the grade of the parking lot to capture and reduce the flow rate pollutant load of stormwater using Low Impact Design principles. A minimum of one tree for every six (6) parking spaces shall be planted in any such strip, with a tree at the end of each strip.

v) Landscape Islands shall be designed to capture and reduce the flow rate of stormwater using Low Impact Design principles. A minimum of 75% of the total square footage of parking lot Landscape Islands shall be designed as bioretention areas and depressed from the grade of the parking lot. Inlets in the barrier curb shall be constructed to allow stormwater runoff to drain into the island. The final design of the Landscape Islands, including the selected plantings, shall be approved by the City Engineer.

f) In parking lots with five or more parallel parking rows of 18 spaces or more, OR parking lots over 150 spaces, a continuous median island with pedestrian walkway must be provided running the length of the parking lot, connecting the primary public entrance to the building with the public sidewalk. The continuous median island shall adhere to the following standards:

i) Total width shall be a minimum of thirteen (13) feet from back of curb to back of curb. The island shall contain a minimum eight (8) foot planting area with a five (5) foot pedestrian sidewalk.

ii) A minimum of one tree for every six parking spaces shall be planted in the space, with a tree at each end of the island.

iii) An access point from the drive aisle to the walkway must be provided a minimum of every twelve spaces. The access point must meet ADA standards for accessibility.

iv) Where a pedestrian walkway crosses a drive aisle or vehicle lane, the pedestrian walkway material shall differ from the drive aisle material by composition, texture, or through the use of a differing color that is integral to the material.

v) An additional median island shall be provided for each additional 200 spaces. In lieu of the additional median island, alternative pedestrian facilities that function to slow parking lot traffic and safely convey pedestrians from the main public entrance to the main public thoroughfare may be approved at the discretion of the Planning and Development Director.

vi) The continuous median island with pedestrian walkway may be substituted for the required landscaped islands described in 3.4 (above) for the parking rows impacted.

g) Service and storage areas may not be located at the front of buildings. Service and storage areas shall be screened from any public or private street, or adjacent property with a 100 percent opaque masonry or wood fence, landscaping or any combination thereof which provides a minimum height of six (6) feet.

h) Street trees along public streets and private access drives shall be provided in the public right-of-way at a ratio of at least one (1) tree per fifty (50) feet of frontage.

i) The use of barbed and/or razor wire is prohibited.

4) **Signage.** To allow for an appropriate amount of signage but yet not detract from high-quality aesthetics for development in the Curtis Road Interchange Overlay District.

a) Signs in the Curtis Road Interchange Overlay District shall meet the requirements of Article VIII, with the following exceptions:

i) Freestanding Signs. Freestanding signs shall only be monument-style signs and signs shall not be mounted on a pole. Freestanding signs for three or fewer businesses shall have a maximum height of six (6) feet. Freestanding signs for four or more businesses shall have a maximum height of twenty (20) feet. When located within the sight triangle required by Section 37-219(16), the maximum height shall be three (3) feet.

ii) Shopping Center Signage. Signage for shopping centers will follow the standards outlined in Article VII, and shall be a maximum height of twenty (20) feet.

iii) OASS and Interstate Highway Signs, as otherwise provided therein, are not permitted in the Curtis Road Interchange Overlay District.

5) **Lighting.** Lighting standards are intended to provide adequate lighting for safety, security and convenience of users, yet reduce impacts of light pollution on occupants of adjacent properties and the environment.

   a) All private exterior lighting, including lighting on buildings as well as parking lot lights, shall at a minimum, meet the requirements set forth by the International Dark Sky Association and the Illuminating Engineering Society of North America in their 2011 Model Lighting Ordinance.

   b) Where street lights are required to be installed in the public right-of-way, the street lights used shall conform to those required in the University District as provided in the Champaign Municipal Code, except that the luminaire shall be dark sky compliant and the light source shall be LED. An alternative light source that has greater energy efficiency than an equivalent LED light source may be permitted with the approval of the City Engineer. The luminaire oriented toward the street shall be a cobra-head style, while the luminaire oriented toward the sidewalk shall conform to the amended University District standard. Light poles may have a maximum height of twenty-seven (27) feet along collector level streets and twelve (12) feet along local streets.

   c) Under-canopy lighting shall be fully recessed into the canopy to minimize light trespass. During business hours, canopy lighting shall not exceed five (5) footcandles. After business hours, canopy lighting shall not exceed one footcandle. Lighting level shall be measured at the property line.

   d) Parking lot lighting shall be mounted no higher than twenty-six (26) feet high and shall be fully shielded. Luminaires shall be certified as "Dark Sky Compliant" by the International Dark Sky Association. The light source shall be LED. An alternative light source that has greater energy efficiency than an equivalent LED light source may be permitted with the approval of the City Engineer.

   e) All development applications are required to include a photometric lighting plan. Photometric lighting plans shall show maximum average lighting levels per lot of five (5) footcandles for commercial and office uses. Multifamily residential uses shall have maximum average lighting levels per lot of one (1) footcandles. In addition, lighting plans shall show a maximum of 0.2 footcandles at the property line when property line is within or adjacent to the MF1 or MF2 zoning district or within 250 feet of any lot zoned SF-1 or SF-2, land outside of the municipal boundaries of the City of Champaign that is designated for low-density residential use in the generalized future land use map of the Comprehensive Plan, and future zoning of SF-1 or SF-2 as specified in a recorded annexation agreement.

   f) On lots which abut residentially zoned property or property that is designated by the Comprehensive Plan for future residential land use, all outdoor lighting fixtures must be set back a minimum of thirty (30) feet from the nearest residentially zoned property line.

   g) After 11:00 pm, parking lot lighting must be turned off or reduced by at least fifty percent (50%) of full operational level. For safety purposes, entities that provide services after 11:00 p.m. must provide parking lot lighting levels of not less than 0.2 footcandles as measured horizontally at the

surface on which the light pole is mounted. The manufacturers specifications demonstrating that specified light fixtures include this capability shall be attached to the building permit.

ARTICLE V – USE STANDARDS

DIVISION 1: GENERAL PROVISIONS

Sec. 37-500. Purpose and Application.

1) The purpose of this article is to establish use, design and development standards that apply to specific land uses within the City of Champaign.

2) A use must meet the use standards contained within this Article in addition to the other provisions within this Chapter and all other provisions of the Municipal Code.

DIVISION 2: STANDARDS FOR RESIDENTIAL USES

Sec. 37-501. Standards for Accessory Dwelling Units (ADUs)

1) There shall be a maximum of one accessory dwelling unit per lot.

2) The maximum gross floor area of an accessory dwelling unit is based on lot area.

    a) Accessory Dwelling Units located on lots with less than 7,200 square feet in area are limited to 600 square feet of gross floor area.

    b) Accessory Dwelling Units located on lots greater than 7,200 square feet in area are limited to 800 square feet of gross floor area.

3) Detached Accessory Dwelling Units are not allowed to be combined with any accessory structure other than a detached garage.

    a) For Accessory Dwelling Units combined with a detached garage, the floor area of the Accessory Dwelling Unit shall count toward the size allowance for Accessory Dwelling Units and the square footage of the garage shall count toward the size allowance for Accessory Structures as provided for in this Chapter.

    b) In no case shall the floor area of an Accessory Dwelling Unit combined with either a new or existing Accessory Structure exceed the size allowance for Accessory Dwelling Units.

4) The maximum height of any detached ADU shall be 24 feet.

5) Internal Accessory Dwelling Units and Attached Accessory Dwelling Units must comply with the setback and maximum height requirements of Table IV-A.

6) Internal Accessory Dwelling Units and Attached Accessory Dwelling Units contribute to the gross floor area when calculating floor area ratio, open space ratio, maximum lot coverage and maximum building footprint and are subject to the standards in Table IV-A.

7) Detached Accessory Dwelling Units shall comply with the setback standards of table IV-A except that no Detached Accessory Dwelling Unit shall be located between the front building line of the principal structure and the front lot line.

8) If a Detached Accessory Dwelling Unit is to be established in an existing detached Accessory Structure, either in combination with the Accessory Structure or by fully converting the Accessory Structure to an ADU, and the Accessory Structure was originally constructed over ten years prior to the application of a building permit for the Accessory Dwelling Unit, and the existing structure does not meet the Setback requirements for Principal Structures in the underlying zoning district, then the Detached Accessory Dwelling Unit is exempt from those Setback standards. This provision also applies to new construction of a Detached Accessory Dwelling Unit on the foundation of an existing Accessory Structure built ten years prior. In these cases, the existing encroachment into the setback cannot be increased or extended with the new Detached Accessory Dwelling Unit.

9) Detached Accessory Dwelling Units located behind Principal Structures must be accessible from the public right-of-way for emergency purposes with at least three (3) feet of width between the Principal Structure and the lot line.

10) The maximum occupancy of an Accessory Dwelling Unit shall be no more than two (2) persons unrelated to each other by blood, marriage or legal adoption.

11) Home Occupations, or any other business use, shall not be permitted within an Accessory Dwelling Unit.

12) Accessory Dwelling Units shall not be sold separately from the Principal Structure and must be located on the same lot as a principal residential use.

13) The construction of an Accessory Dwelling Unit shall be in compliance with all building code requirements and be approved for a building permit prior to construction.

Sec. 37-502. Standards Guest Residences.

1) Reserved.

Sec. 37-503. Detached Dwelling

1) Detached Dwellings in the R2, MR1, MR2, MR3, RU1, RU2 may reduce the minimum lot area to 4,000 square feet and reduce the minimum lot width to 38 feet.

2) Detached Dwellings in the MR1, MR2, MR3, RU1, RU2, IT-MR1, IT-MR2, and IT-MR3 districts may reduce interior side setbacks to 6 feet.

Sec. 37-504. Multiplex Dwelling

5) Multiplex dwellings in the IT-R1, IT-R2, IT-MR1, IT-MR2 and IT-MR3 Districts built after September 18, 2018 are subject to the following standards:

    a) The primary façade of the building shall front on a public street.

b) Buildings that have dwelling units situated above ground-level dwelling units shall be designed to have one or more common-entrance(s) on the primary façade of the building whereby apartments are accessed from the interior of the building through common hallways. Buildings designed as rowhouses or townhouses that do not contain dwelling units above the ground-level dwelling units may have entrances to individual units.

c) Each building entrance shall contain a dedicated hard-surfaced pedestrian walkway at least four feet in width that connects directly to the street sidewalk in the right-of-way.

d) Building entrances shall be covered by a shelter that is at least five (5) feet in depth and eight (8) feet in width. This shelter may be provided with a projection from the wall, an inset into the wall, or a combination of the two.

e) A building, or any attachments to or ornamentation upon a building, may encroach into the side and rear yard setbacks by up to three feet, provided that the total length of such encroachments shall not exceed 50% of the total horizontal length of the building facade.

f) Buildings designed to have a flat roof shall include a cornice along the entire frontage of any street facing façade of the building. The cornice shall be placed no lower than the ceiling height of the top floor and be designed to protrude from the face of the building a minimum of four (4) inches.

g) Buildings designed to have a pitched roof shall include eaves on all sides of the building with a minimum eave depth of eighteen (18) inches.

h) Buildings over two (2) stories in height shall not have a roof pitch greater than 3/12.

i) Buildings over two (2) stories in height shall have an expression line delineating the first floor.

j) A minimum of thirty percent (30%) of the area of every floor on the primary facade must consist of transparent glass.

k) A minimum of twenty percent (20%) of the area of every floor on any secondary façade must consist of transparent glass.

l) The height to width size ratio of any window shall be a minimum 2:1.

m) A minimum of sixty-five percent (65%) of the windows on the primary façade shall be grouped with at least two (2) windows per grouping. The spacing between individual windows in a grouping shall be no less than four (4) inches and no greater than eight (8) inches when measured between window mullions.

n) Windows are required to have sills and lintels that extend past the casing of the window.

o) No more than thirty (30%) of any primary or secondary building façade may contain balconies as measured by horizontal length.

p) Exterior building materials shall consist of one or more of the following:

   i) True brick;
   ii) Stone;
   iii) Wood or wood composite;
   iv) Fiber Cement Board.

q) When available, vehicular access must be taken from a public alley.

r) Vehicular parking must be provided either at grade or below grade. Parking shall not be provided in a structure above grade.

s) Vehicular parking may only be provided underneath a building at grade when it is the rear one-half of the building, or less, as measured by the depth of the building from the primary facade. Vehicular parking may be provided underneath the front one-half of the building only if the parking facility is fully below grade.

t) Outdoor trash and recycling collection areas shall not be visible from the street containing the primary façade.

u) Where available, trash and recycling shall be placed so it can be collected from a public alley.

v) Trash and recycling areas shall be screened with opaque fencing at least six feet in height.

w) Air conditioner condensers shall be screened with either opaque fencing or landscaping at least four feet in height.

Sec. 37-505. Townhouse Dwelling

1) The fee simple transfer of ownership of that portion of a lot improved with a rowhouse, townhouse, or duplex for the purpose of establishing separate ownership of common-lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this chapter and of Chapter 31 of the Champaign Municipal Code.

2) Lots platted for townhouse dwellings shall be used exclusively for townhouse dwellings, except that detached dwellings are allowed on such lots that comply with the minimum lot size and width requirements as set forth in Table IV-A of this chapter. Any change in the use of said platted lot(s) from either a common-lot-line dwelling or a single-family home shall require approval of a new subdivision plat.

3) All fee simple transfers of ownership that were recorded prior to the adoption of this chapter, shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision

plat to be established as townhouse dwelling units.

4) Subdivisions which contain townhouse dwelling units shall be subject to and comply with the standards set forth in this article, except as provided in Section 37-505.

5) Each lot which contains a townhouse dwelling unit shall be considered separate and independent from adjoining townhouse dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), and setbacks.

6) In the R2 and IT-R2 Districts, where a townhouse dwelling unit structure is constructed for sale, with each unit on an individual lot, for individual ownership, such townhouse dwelling is subject to Table IV-A, Standards for Principal Structures except that no side setback is required for the interior portion of a lot for a townhouse dwelling, and the minimum individual lot width at the front setback line for a duplex or townhome under these circumstances shall be twenty-five (25) feet.

7) In the MR1, MR2, MR3, RU1, RU2, IT-MR1, IT-MR2 and IT-MR3 Districts, where townhouse dwellings are permitted and one of these structures is constructed for sale, with each unit on an individual lot, to individual owners, such structures shall not be subject to the minimum lot area per dwelling unit requirements of Table IV-A, but instead shall be subject to the following minimum requirements:

    a) A townhouse or common-lot-line dwelling shall be developed on a subdivided lot with no more than seven (7) dwelling units per structure. No structure shall exceed one hundred fifty (150) feet in length.

    b) Minimum lot area per unit shall be not less than one thousand eight hundred (1,800) square feet and shall have a minimum lot width at the front setback line of not less than eighteen (18) feet.

    c) Minimum yards:

        i) Front yard. On a lot containing a common lot line dwelling there shall be a front yard of not less than twenty (20) feet.

        ii) Side yard. On a lot containing a common lot line dwelling, no side yards shall be required for interior lots. Exterior lots at the end of each structure shall have a side yard setback of not less than six (6) feet and shall have a minimum distance between structures of not less than twelve (12) feet.

        iii) Rear yard. There shall be a rear yard setback consistent with Table IV-A.

Sec. 37-506. Apartment Dwelling

1) Apartment dwellings in the IT-R1, IT-R2, IT-MR1, IT-MR2 and IT-MR3 Districts built after September 18, 2018 are subject to the following standards:

    a) The primary façade of the building shall front on a public street.

b) Buildings that have dwelling units situated above ground-level dwelling units shall be designed to have one or more common-entrance(s) on the primary façade of the building whereby apartments are accessed from the interior of the building through common hallways. Buildings designed as rowhouses or townhouses that do not contain dwelling units above the ground-level dwelling units may have entrances to individual units.

c) Each building entrance shall contain a dedicated hard-surfaced pedestrian walkway at least four feet in width that connects directly to the street sidewalk in the right-of-way.

d) Building entrances shall be covered by a shelter that is at least five (5) feet in depth and eight (8) feet in width. This shelter may be provided with a projection from the wall, an inset into the wall, or a combination of the two.

e) A building, or any attachments to or ornamentation upon a building, may encroach into the side and rear yard setbacks by up to three feet, provided that the total length of such encroachments shall not exceed 50% of the total horizontal length of the building facade.

f) Buildings designed to have a flat roof shall include a cornice along the entire frontage of any street facing façade of the building. The cornice shall be placed no lower than the ceiling height of the top floor and be designed to protrude from the face of the building a minimum of four (4) inches.

g) Buildings designed to have a pitched roof shall include eaves on all sides of the building with a minimum eave depth of eighteen (18) inches.

h) Buildings over two (2) stories in height shall not have a roof pitch greater than 3/12.

i) Buildings over two (2) stories in height shall have an expression line delineating the first floor.

j) A minimum of thirty percent (30%) of the area of every floor on the primary facade must consist of transparent glass.

k) A minimum of twenty percent (20%) of the area of every floor on any secondary façade must consist of transparent glass.

l) The height to width size ratio of any window shall be a minimum 2:1.

m) A minimum of sixty-five percent (65%) of the windows on the primary façade shall be grouped with at least two (2) windows per grouping. The spacing between individual windows in a grouping shall be no less than four (4) inches and no greater than eight (8) inches when measured between window mullions.

n) Windows are required to have sills and lintels that extend past the casing of the window.

o) No more than thirty (30%) of any primary or secondary building façade may contain balconies as measured by horizontal length.

p) Exterior building materials shall consist of one or more of the following:

i) True brick;
ii) Stone;
iii) Wood or wood composite;
iv) Fiber Cement Board.

q) When available, vehicular access must be taken from a public alley.

r) Vehicular parking must be provided either at grade or below grade. Parking shall not be provided in a structure above grade.

s) Vehicular parking may only be provided underneath a building at grade when it is the rear one-half of the building, or less, as measured by the depth of the building from the primary facade. Vehicular parking may be provided underneath the front one-half of the building only if the parking facility is fully below grade.

t) Outdoor trash and recycling collection areas shall not be visible from the street containing the primary façade.

u) Where available, trash and recycling shall be placed so it can be collected from a public alley.

v) Trash and recycling areas shall be screened with opaque fencing at least six feet in height.

w) Air conditioner condensers shall be screened with either opaque fencing or landscaping at least four feet in height.

Sec. 37-507. Manufactured Home Dwelling

1) Reserved.

Sec. 37-508. Manufactured Home Community

1) Manufactured Home Communities shall meet the following standards:

a) All Manufactured Home Communities must receive site plan approval consistent with the Site Plan Approval process outlined in Article X.

b) Manufactured home communities must comply with the following standards:

i) Manufactured Home Individual Sites.

(1) The required setback from the manufactured home to the boundary line of the manufactured home site shall be twenty feet in the front, ten feet on the side and ten feet

in the rear.

(2) The minimum size of a manufactured home site shall be three thousand two hundred (3,200) square feet for a single-wide unit and five thousand (5,000) square feet for a double-wide unit.

(3) The manufactured home stand, anchor, and skirting shall be constructed in accordance with local building regulations and applicable State and Federal regulations.

(4) Each manufactured home site shall be provided with an outdoor living area. Such area shall either be paved or constructed of masonry or concrete blocks to create a single usable surface adjacent to the manufactured home. The area shall be a minimum of one hundred sixty (160) square feet, with a minimum dimension of eight (8) feet.

(5) Any additions or alterations made to a manufactured home unit including porches, awnings, and overhangs shall not exceed one hundred sixty (160) square feet, shall be setback a minimum distance of fifteen (15) from an adjacent manufactured home, conform in color with the existing unit, and be of compatible material.

ii) Service Buildings and Accessory Uses.

(1) All manufactured home developments shall provide a management office, a maintenance storage facility, and any other facilities as required by State Law.

(2) Laundries, daycare, and other permitted uses accessory to the manufactured housing development may only be established as part of an approved site plan for the provisional use.

(3) Accessory storage structures for individual manufactured home sites shall not exceed two hundred fifty (250) square feet in area and shall not be located within two (2) feet of any edge of the manufactured home site.

iii) Open Space, Landscaping and Screening.

(1) Not less than ten (10) percent of the gross site area of the manufactured housing community shall be devoted to recreational open space.

(2) The area of each parcel designated as recreational open space, shall not be less than six thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension.

(3) Unpaved areas between manufactured homes shall have permanent lawns or groundcover as approved in the Plant List which is available for inspection in the office of the city clerk. Such areas shall be maintained in accordance with Article X, Landscaping and Screening.

(4) Manufactured housing communities shall meet the requirements for screening contained in Article X, Landscaping and Screening.

iv) Waste Disposal and Utilities.

(1) All refuse shall be stored in watertight containers located on each mobile home site or at a common collection site within one hundred fifty (150) feet of each site.

(2) Solid waste shall be collected and disposed of in conformance with applicable State and City regulations.

(3) Water, sanitary sewer, electrical, telephone, and cable television services shall be provided in accordance with State and local regulations.

(4) Stormwater management shall be provided in accordance with the City of Champaign Subdivision Regulations regulating this aspect of the development.

(5) Fire hydrants shall be provided in accordance with State and local regulations.

v) Streets, Parking and Lighting Standards.

(1) All manufactured housing communities shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.

(2) Public street dedications within or abutting mobile home parks shall be constructed in accordance with the Subdivision Regulations of the Municipal Code.

(3) Entrance drives shall meet the requirements for residential access drives contained in Article VII, Parking, Loading, and Access Drives.

(4) Individual walkways to each mobile home stand from the parking area is required and shall be a minimum of two (2) feet in width. The walkway shall either be paved or constructed of masonry or concrete blocks to create a single usable surface. Location of the parking area adjacent to the mobile home stand is sufficient to meet this standard.

(5) Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible and shall be constructed to the same standards as an individual walkway.

(6) All internal access drives shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least five thousand (5,000) lumens, and the light poles shall be not more than two hundred fifty (250) feet apart.

2) Existing Manufactured Home Communities shall meet the following standards:

a) Manufactured housing communities in existence on the date of adoption of this chapter, may be altered to bring such communities into greater conformity with this article upon approval of an Administrative Mitigation Plan in accordance with this article. Such developments may be exempted from some of the design standards in this article upon demonstrating that as many of the nonconforming elements as possible have been brought into compliance. In no case, however, shall an existing manufactured housing community be altered to increase the nonconformity for any standard increase density above that permissible in this article.

b) Additions made to manufactured housing communities in existence on the date of adoption of this chapter, shall only be allowed in conformity with the design standards of this section and the other requirements of this Article. The total area of the manufactured housing community including such additions or alterations, shall consist of at least three (3) acres.

c) If any site in a manufactured housing community is designed to accommodate a single-wide unit, it shall not be replaced by a double-wide unit unless all applicable setbacks and area requirements for a double-wide unit are met and the stand is modified to accept the double-wide unit.

Sec. 37-509. Ground Floor Dwelling Unit

1) Reserved.

Sec. 37-510. Upper Story Dwelling Unit

1) Reserved.

Sec. 37-511. Residential Conversion

1) Reserved.

Sec. 37-512. Cottage Court Development

1) Reserved.

DIVISION 3: GROUP/SUPPORTIVE LIVING

Sec. 37-513. Assisted/Independent Living Facility

1) Reserved.

Sec. 37-514. Community Living Facility

1) Reserved.

Sec. 37-515. Emergency Shelter

Emergency shelters shall meet each of the following standards:

1) If the emergency shelter or facility for transitional housing is located in the CG, CB1, CB2, CB3, or CI Districts, and if the property was acquired by the current owner on or after November 1, 1989, the operator of the emergency shelter or facility for transitional housing shall provide the Zoning Administrator with an Illinois Responsible Property Transfer Act disclosure statement signed by the owner.

2) The owner must conform with any other applicable governmental regulations regarding the siting and operation of emergency shelters or facility for transitional housing.

3) The length of stay in an emergency shelter shall be limited to no more than sixty (60) consecutive days, with a minimum of thirty (30) days between stays. The period between October 31 and March 31 shall not be subject to this provision.

4) The length of stay in a facility for the transitional housing shall be limited to no more than two (2) consecutive years, with a minimum of one year between residency periods. Each person residing in the facility shall be enrolled in a required rehabilitation and/or training program.

5) Such facilities located within the MF2, Multifamily Medium Density District shall be limited to no more than twenty (20) persons or the limitation of the Building Code, whichever is less. Such facilities within the MF3, Multifamily Medium Density District shall be limited to no more than sixty (60) people or the limitation of the Building Code, whichever is less.

Sec. 37-516. Recovery Homes

1) Reserved.

Sec. 37-517. Residential Care Facilities

Residential Care Facilities shall meet the following standards:

1) The side yard and landscape setback of a nonresidential land use applicable to the district in which the residential care facility is located shall be met.

2) The residential care facility shall be located with direct access to an arterial or collector street as identified in the Street Classification Map. This requirement does not entitle the use to an access point as a matter of right or without meeting the requirements of the Subdivision Regulations.

3) A minimum lot area of six hundred (600) square feet per each bed shall be maintained.

4) The use shall meet all applicable State and Federal requirements.

Sec. 37-518. Rooming Houses

Rooming Houses in the MR2, MR3, IT-MR2, IT-MR3, RU1, RU2 shall meet the following standards

1) The use must be established prior to July 2, 2019.

Sec. 37-519. Transitional Housing

Transitional housing shall meet each of the following standards:

1) If the emergency shelter or facility for transitional housing is located in the CG, CB1, CB2, CB3, or CI Districts, and if the property was acquired by the current owner on or after November 1, 1989, the operator of the emergency shelter or facility for transitional housing shall provide the Zoning Administrator with an Illinois Responsible Property Transfer Act disclosure statement signed by the owner.

2) The owner must conform with any other applicable governmental regulations regarding the siting and operation of emergency shelters or facility for transitional housing.

3) The length of stay in an emergency shelter shall be limited to no more than sixty (60) consecutive days, with a minimum of thirty (30) days between stays. The period between October 31 and March 31 shall not be subject to this provision.

4) The length of stay in a facility for the transitional housing shall be limited to no more than two (2) consecutive years, with a minimum of one year between residency periods. Each person residing in the facility shall be enrolled in a required rehabilitation and/or training program.

5) Such facilities located within the MF2, Multifamily Medium Density District shall be limited to no more than twenty (20) persons or the limitation of the Building Code, whichever is less. Such facilities within the MF3, Multifamily Medium Density District shall be limited to no more than sixty (60) people or the limitation of the Building Code, whichever is less.

Sec. 37-520. University Group Housing

1) Reserved.

DIVISION 4: STANDARDS FOR INSTITUTIONAL/EDUCATIONAL FACILITIES

Sec. 37-521. Colleges or Universities

1) Colleges or Universities in the R1 and R2 Districts, the following standards shall apply:

   a) The college or university is located on a contiguous campus of twenty (20) acres or more;

   b) Direct access to a collector or arterial street as designated by the Street Classification Map;

Sec. 37-522. Eleemosynary Student Foundation

1) Eleemosynary Student Foundations shall meet the following standards.

   a) The use is located within the University District.

Sec. 37-523. Museums

1) Reserved.

Sec. 37-524. K-12 Schools

1) K-12 Schools in the R1 and R2 Districts must meet the following standards:

   a) The use is located within five hundred feet of an arterial or collector street as designated in the Street Classification Map.

2) K-12 Schools in the CN2 District must meet the following standards:

   a) The City Engineer or City Engineer's designee, hereinafter referred to collectively as the "City Engineer", shall review and approve of the design of vehicular parking and loading areas on the school site to ensure that the design provides adequate capacity to promote pedestrian and

vehicular safety and minimize traffic congestion. The City Engineer shall consider the maximum permissible enrollment of the proposed school, and the following additional factors when reviewing said design:

i) Whether adequate stacking spaces are provided on the site for student drop-off.

ii) Whether safe drop-off and parking areas are provided for anticipated school bus traffic.

iii) Whether traffic conflicts with nearby uses are minimized.

iv) Whether safe ingress from and egress to public streets is provided.

b) Prior to the City Engineer's review of design of the parking and loading area, the City Engineer may require the developer to submit a written study or report prepared by a qualified engineer licensed in the State of Illinois that documents how the proposed design addresses the aforementioned factors.

c) Such facility shall be designed and used so that there is no play equipment, nor recreation or instruction of children in the front or side yard setback.

d) Outdoor activities shall only be permitted between 8:00 a.m. and 6:00 p.m.

e) Schools, K—12 shall not be located on a lot greater than six acres.

Sec. 37-525. Standards for Vocational Schools

1) Reserved.

DIVISION 5: COMMUNITY FACILITIES

Sec. 37-526. Community Center

1) Community Centers in the R1 and R2 Districts must meet the following standards:

a) The Community Center is located with direct access to a collector or arterial street as designated by the Street Classification Map.

Sec. 37-527. Government Facility

1) Government facilities in the R1 and R2 District, the following standards shall apply:

a) Located with direct access to a collector or arterial street as designated by the Street Classification Map.

Sec. 37-528. Religious Institution

1) In the R1 Zoning Districts, the following standards shall apply:

a) Religious institutions under two hundred seats are permitted by right;

b) Religious institutions with more than two hundred seats is permitted provided the use is located within five hundred (500) feet of an arterial or collector street as designated in the Street Classification Map;

Sec. 37-529. Cemetery

1) Reserved.

Sec. 37-530. Community Garden

1) Reserved.

Sec. 37-531. Standards for Parks

1) Reserved.

DIVISION 6: LODGING, HOSPITALITY, AND ENTERTAINMENT USES

Sec. 37-532. Bed and Breakfast

1) Bed and Breakfasts in the R1 District shall meet the following standards:

a) The property shall be owner-occupied and the owner shall be the operator of the establishment.

b) The maximum length of stay for any guest for any consecutive period of time shall be seven (7) days.

c) The maximum number of bedrooms for a bed and breakfast use shall not exceed three (3).

d) No cooking facilities shall be permitted in any of the rented rooms.

e) Breakfast may be served to overnight guests only. No other meals shall be served to guests and no other food service is allowed.

f) No advertising sign, other than a nameplate, which does not exceed one square foot in total face area, shall be displayed in connection with the bed and breakfast facility.

g) All bed and breakfast establishments shall meet all applicable requirements of the Illinois Compiled Statutes.

Sec. 37-533. Country Club

1) Reserved.

Sec. 37-534. Lodge Club

1) Reserved.

Sec. 37-535. Indoor Commercial Recreation

1) Reserved.

Sec. 37-536. Outdoor Commercial Recreation

1) Reserved.

Sec. 37-537. Event Center

1) Event Centers shall meet the following standards:

    a) Facilities with permanent outdoor seating for less than two hundred (200) people are not further regulated.

    b) Facilities with permanent outdoor seating for more than two hundred (200) people and less than one thousand (1,000) people, shall be located a minimum of two hundred (200) feet from the property line of any residentially zoned lot.

    c) Facilities with permanent indoor or outdoor seating equal to or greater than one thousand (1,000) people shall be located a minimum of five hundred (500) feet from the property line of any residential zoned lot.

    d) For purposes of this section, the distance separating the facility from residential zoned lots shall be measured from the nearest point of a lot line to a residential zoned lot to the nearest point of the fence, structure, bleachers, or other portion of the structure comprising the stadium, arena, or outdoor assembly facility.

Sec. 37-538. Fitness Center

1) Reserved.

Sec. 37-539. Golf Course

1) Reserved.

Sec. 37-540. Hotel

Hotels in the CI and I1 Districts shall meet the following standards:

1) The lot is located within two thousand feet of the right-of-way of an Interstate exit ramp.

Sec. 37-541. Restaurant and Carry Out Restaurants

1) Restaurants in the MR3 District shall meet the following standards:

    a) For multifamily structures with less than one hundred (100) dwelling units or office buildings less than five (5) stories in height. Such accessory services shall not exceed, in the aggregate, five (5) percent of the total floor area of the principal building. Such uses may only locate in the basement or first floor.

    b) For multifamily complexes or buildings with one hundred (100) or more units, or office buildings with five (5) or more stories in height, the accessory use shall not exceed ten (10) percent of the total floor area of the building or four thousand (4,000) square feet, whichever is greater. Such use may be located in the basement, first floor, or uppermost floor of the building.

    c) Such accessory uses shall not include a retail or wholesale store, outlet, or distributor of goods or merchandise.

d) There shall be no display of goods or services outside of the building in which such accessory services are housed, and no advertising pertaining to such use shall be visible from the exterior of the building.

e) The loading and unloading of trucks and service vehicles shall be conducted inside a building, or if outside the building, any loading or unloading of trucks, and any area used or designated to be used primarily for trucks and service vehicles shall be no less than fifty (50) feet from the nearest lot line located in or abutting an SF1, SF2, MF1, IT-SF1, IT-SF2, IT-MR1, or IT-MR2 Districts.

2) Restaurants in the CN2, CI and IBP Districts shall meet each of the following standards:

a) Restaurants shall not exceed seven thousand, five hundred (7,500) square feet.

b) Restaurants shall not serve food or alcohol between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday, or 12:00 p.m. to 6:00 a.m. Friday and Saturday.

c) Restaurants shall not be permitted to hold a liquor license of a designation higher than an "R" (Restaurant) license.

d) Restaurants shall be separated from any other restaurant within a CN2 District by a minimum of seven hundred fifty (750) feet, lot line to lot line.

e) Restaurants shall not be permitted to have any outdoor amplified sound including loudspeakers or music, nor outdoor unamplified music.

3) Restaurants in the I1 and I2 Districts shall meet the following standards:

a) The lot is located within two thousand (2,000) feet of the right-of-way of an interstate exit ramp;

b) Restaurants shall not exceed seven thousand, five hundred (7,500) square feet.

c) Restaurants shall not serve food or alcohol between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday, or 12:00 p.m. to 6:00 a.m. Friday and Saturday.

d) Restaurants shall not be permitted to hold a liquor license of a designation higher than an "R" (Restaurant) license.

e) Restaurants shall be separated from any other restaurant within a CN2 District by a minimum of seven hundred fifty (750) feet, lot line to lot line.

f) Restaurants shall not be permitted to have any outdoor amplified sound including loudspeakers or music, nor outdoor unamplified music.

Sec. 37-542. Taverns and Bar

1) Taverns and Bars in the CN1, CN3, RP, and IBP Districts shall meet the following standards:

a) The floor area for on premise liquor service and consumption shall not exceed three thousand (3,000) square feet.

b) Taverns and Bars shall not sell or serve alcoholic liquor or beverages between the hours of 12:00 midnight and 11:00 a.m. daily.

c) Taverns and Bars shall close and not permit the public to remain within the premises between the hours of 12:30 a.m. and 11:00 a.m. daily.

d) On New Year's Eve, Bars and Taverns may serve alcoholic liquors until 1:00 a.m. of New Year's Day and permit the public to remain on the premises until 1:30 a.m. of New Year's Day.

e) There shall be no amplified sounds or speakers outside the establishment.

f) All exterior lighting visible from the outside of the Tavern or Bar, such as illuminated signs, awnings, and exterior lighting for outdoor seating areas, shall be turned off after the close of business hours. Security lighting is not subject to this requirement.

g) No accessory parking for a Tavern or Bar may be located in a residential district.

Sec. 37-543. Theaters

1) Reserved.

DIVISION 7: STANDARDS FOR MEDICAL USES

Sec. 37-544. Clinic

Clinics in the RU1, RU2, IT-MR1, IT-MR2, District must meet the following standards:

1) The clinic is located with direct access to a collector or arterial street as designated on the Street Classification Map.

Sec. 37-545. Hospital

1) Hospitals in the Curtis Road Interchange Area Overlay District are not subject to additional height limitations or setbacks specified within the Overlay District.

DIVISION 8: STANDARDS FOR GENERAL RETAIL SALES AND SERVICE USES

Sec. 37-546. Animal Clinic

Animal clinics in the CN1 and CN2 District must meet the following standards:

1) The use is separated a minimum of one hundred feet from any residential zoning district.

2) There is no outdoor areas designated for animals.

3) There shall be no boarding of animals except for treatment.

Sec. 37-547. Minor Auto Repair

1) Minor Auto Repair in the CB1 and CB2 Districts must meet the following standards:

a) All auto repair work is conducted indoors.

b) There is no outside storage of inoperable vehicles.

Sec. 37-548. Major Auto Repair

1) Reserved.

Sec. 37-549. Broadcast Studio

1) Reserved.

Sec. 37-550. Car Wash

1) Reserved.

Sec. 37-551. Contractor Shop

1) Contractor Shops in the CG Districts shall meet the following standards:

a) Any outdoor activities and storage of merchandise, materials, or equipment be enclosed by an opaque fence of not less than eight feet in height.

b) Screening between adjacent land uses shall comply with the Landscape and Screening Standards

Sec. 37-552. Currency Exchange

1) Reserved.

Sec. 37-553. Day Care Center

1) Child Day Care Centers and Adult Day Care Centers shall meet the following standards:

a) All day care centers, child, shall hold a license from the State of Illinois. Lack of a license shall be a per se zoning violation.

b) All day care centers shall provide a minimum of four (4) vehicular spaces for off-street drop-off and loading.

c) All day care centers shall be designed and used so that there is no play equipment in the front or side yard setback.

d) Outdoor activities at all day care centers shall only be permitted between 8:00 a.m. and 6:00 p.m.

e) No point on a lot on which a day care center is a principal use and located in a Residential District shall be located within six hundred (600) feet from any point on another lot that is the site of a day care center that is a principal use.

Sec. 37-554. Financial Institution

1) Financial institutions in the IT-MR3, CI and I1 Districts shall meet the following standards:

a) The floor area of a financial institution in these districts shall not exceed five thousand (5,000) square feet.

b) Financial institutions in the IT-MR3 may be permitted to have drive-throughs only if the lot has frontage on an arterial street. Any financial institution in the CI, I1 and IT-MX Districts shall be limited to a maximum of three (3) lanes.

c) Financial institutions in these districts shall be separated by a minimum of five hundred (500) feet.

d) Financial institutions in these districts shall not be open between the hours of 9:00 p.m. to 7:00 a.m.

e) Automatic teller machines are excluded from the hours of operation requirement, as long as the facility is inside the principal structure or if the property has frontage on an arterial street or is zoned CI or I1.

Sec. 37-555. Funeral Home

1) Reserved.

Sec. 37-556. Gas Station

1) Gas stations in the CN1, CN3, CG, CB1, CB2, CB3, CI, I1, and I2 Districts shall meet the following standards:

2) A Special Use Permit is required in the CN1, CN3, CB1, CB2, and CB3 Districts.

3) Fuel pumps shall be set back at least twenty (20) feet from the right-of-way line or from any residential property line, and at least eighty-five (85) feet from any school, hospital, church, or other place of public assembly.

4) No part of the operation, including the queuing of vehicles at the fuel pump, or display of merchandise, shall encroach within the public right-of-way, buffer yard, or required area for parking spaces and aisles.

5) All auto repair and service functions shall take place in an enclosed area. No inoperable vehicles may be stored on-site for more than two (2) weeks. No more than three (3) visibly inoperable vehicles may be stored outside of a completely enclosed area at any one time. "Completely Enclosed" for these purposes means completely surrounded by a solid fence a minimum of eight (8) feet in height. No more than three (3) vehicles may be displayed for sale at one time, and vehicle sales are limited to those connected with mechanics liens.

6) Outdoor storage and display of merchandise associated with the use is permitted in the CN District, but may not exceed a total area of one hundred and fifty (150) square feet nor five (5) feet in height, and must be set back a minimum of twenty-five (25) feet from any property line.

Sec. 37-557. Kennel

Kennels shall be subject to the following provisions:

1) Any building used as a kennel shall be soundproofed so as not to produce clearly audible sound beyond the boundary line of the property.

2) Drop-off and pick-up areas shall be screened or separated from areas where animals are kept.

3) The animals and facility must be kept free of odors or stench which is offensive to a person of ordinary sensibility detectible from neighboring properties.

Additionally, any outdoor animal yards shall be subject to the following provisions:

1) Any kennel with an outdoor animal yard shall be on a lot with a minimum area of one (1) acre.

2) Animals shall be permitted outdoors only between the hours of 7:00 a.m. and 10:00 p.m.

3) Outdoor animal yards shall be surrounded by an eight-foot tall tight board fence, and landscaping shall be provided around the exterior perimeter of the fence equivalent to one (1) tree and five (5) shrubs for each twenty (20) feet of frontage.

4) Outdoor animal yards shall be separated from residential structures or undeveloped residential lots by a minimum of three hundred (300) feet.

Sec. 37-558. Commissary Kitchen

1) Commissary Kitchens in the CG, CB1, CB2, CB3, RP, I1 and I2 Districts shall meet the following criteria:

    a) Dine-in and carry-out food service are accessory uses limited to 25% of Gross Floor Area.

    b) Food trucks shall be stored in designated parking spaces.

    c) Outdoor food truck storage shall be screened by an eight-foot opaque fence.

Sec. 37-559. Office

1) In the MR3 District the following standards shall apply:

    a) The total floor area in the building devoted to office space shall not exceed ten thousand (10,000) square feet.

    b) Vehicle access is taken from an arterial or collector-level street as designated on the Street Classification Map.

Sec. 37-560. Office Conversion

1) Office Conversions in the IT-MR1, IT-MR2 and IT-MR3 districts shall meet the following standards:

    a) There shall be no change in the residential appearance of the structure except as required by the Building Safety Division to meet minimum code requirements to convert the structure for office use.

b) Uses allowed shall be those allowed in an office, provided that no more than six (6) employees shall occupy an individual office conversion.

c) In no case shall an office conversion be open to customers or clients at a time earlier than 8:00 a.m. or later than 8:00 p.m.

d) No commercial deliveries, other than the United States Postal Service and private package and letter delivery services shall be permitted. Under no circumstances shall commercial deliveries by semi-trailer trucks be permitted.

e) The regulations pertaining to signs are the same as in the MF1 District.

f) There shall be no storage of equipment or supplies associated with office use outside the structure.

g) No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable outside the structure.

Sec. 37-561. Personal Service

1) Personal Service in the MR3 Zoning District shall meet the following standards:

a) For multifamily structures with less than one hundred (100) dwelling units or office buildings less than five (5) stories in height. Such accessory services shall not exceed, in the aggregate, five (5) percent of the total floor area of the principal building. Such uses may only locate in the basement or first floor.

b) For multifamily complexes or buildings with one hundred (100) or more units, or office buildings with five (5) or more stories in height, the accessory use shall not exceed ten (10) percent of the total floor area of the building or four thousand (4,000) square feet, whichever is greater. Such use may be located in the basement, first floor, or uppermost floor of the building.

c) Such accessory uses shall not include a retail or wholesale store, outlet, or distributor of goods or merchandise.

d) There shall be no display of goods or services outside of the building in which such accessory services are housed, and no advertising pertaining to such use shall be visible from the exterior of the building.

e) The loading and unloading of trucks and service vehicles shall be conducted inside a building, or if outside the building, any loading or unloading of trucks, and any area used or designated to be used primarily for trucks and service vehicles shall be no less than fifty (50) feet from the nearest lot line located in or abutting an R1, R2, MR1, IT-R1, IT-R2, IT-MR1, or IT-MR2 Districts.

Sec. 37-562. Food and Drug Retail

1) Food and Drug Retail in the MR3 District shall meet the following standards:

a) For multifamily structures with less than one hundred (100) dwelling units or office buildings less than five (5) stories in height. Such accessory services shall not exceed, in the aggregate, five (5) percent of the total floor area of the principal building. Such uses may only locate in the basement or first floor.

b) For multifamily complexes or buildings with one hundred (100) or more units, or office buildings with five (5) or more stories in height, the accessory use shall not exceed ten (10) percent of the total floor area of the building or four thousand (4,000) square feet, whichever is greater. Such use may be located in the basement, first floor, or uppermost floor of the building.

c) Such accessory uses shall not include a retail or wholesale store, outlet, or distributor of goods or merchandise.

d) There shall be no display of goods or services outside of the building in which such accessory services are housed, and no advertising pertaining to such use shall be visible from the exterior of the building.

e) The loading and unloading of trucks and service vehicles shall be conducted inside a building, or if outside the building, any loading or unloading of trucks, and any area used or designated to be used primarily for trucks and service vehicles shall be no less than fifty (50) feet from the nearest lot line located in or abutting an SF1, SF2, MF1, IT-SF1, IT-SF2, IT-MR1, or IT-MR2 Districts.

2) Food and Drug retail in the CN2 District shall meet the following standards:

a) Retail food and drug in the CN2 District shall not exceed three thousand (3,000) square feet or more than twenty-five (25) percent of the floor area of any building.

b) Retail food and drug in the CN2 District shall not be open to the public between the hours of 10:00 p.m. and 6:00 a.m.

Sec. 37-563. General Merchandise Retail

1) Reserved.

Sec. 37-564. Package Liquor Retail

1) Package Liquor Retail in the CN1, CN3, and RP Districts shall meet the following standards:

a) The total floor area in the establishment to be used for the display of packaged alcoholic liquors on the premises shall not exceed three thousand (3,000) square feet.

b) Package Liquor Retail establishments shall not sell or serve alcoholic liquor or beverages between the hours of 12:00 midnight and 10:00 a.m. daily.

c) Package Liquor Retail establishments shall close and not permit the public to remain within the premises between the hours of 12:30 a.m. and 10:00 a.m. daily.

d) There shall be no amplified sounds or speakers outside the establishment.

e) All exterior lighting visible from the outside of the Package Liquor Retail establishment, such as illuminated signs, awnings, and exterior lighting shall be turned off after the close of business hours. Security lighting is not subject to this requirement.

f) No accessory parking for a Package Liquor Retail may be located in a residential district.

Sec. 37-565. Shopping Centers

1) Shopping Centers in the CN1, CN2 and CN3 District are subject to the following requirements:

a) Total area of the shopping center may not exceed ten acres.

Sec. 37-566. Planned Regional Shopping Centers

1) Reserved.

Sec. 37-567. Vehicle Sales

1) Vehicle Sales in the CB1 District shall meet the following standards:

a) Indoor showrooms shall be limited to 10,000 square feet in area.

b) Outdoor display area or storage of vehicles offered for sale shall be limited to 540 square feet in area.

DIVISION 9: STANDARDS FOR CANNABIS BUSINESS ESTABLISHEMENTS

Sec. 37-568. Standards for All Cannabis Business Establishments.

1) All cannabis business establishments, including Dispensaries, Infusers, Processors, Transporters, Craft Growers, and Cultivation Centers, shall comply with all statutory requirements of the Act.

2) All cannabis business establishments shall provide a copy of the State-approved license and license application documentation required by the Act to the Planning and Development Director.

DIVISION 10: STANDARDS FOR AGRICULTURE USES

Sec. 37-569. Farm, Grain Elevator, and Greenhouse/Nursery

1) Reserved.

DIVISION 11: STANDARDS FOR INDUSTRIAL AND PRODUCTION USES

Sec. 37-570. Biomanufacturing

1) Biomanufacturing in the I1 District shall meet the following provisions:

a) The total combined capacity of all fermentation tanks is limited to 500,000 liters.

Sec. 37-571. Brewery

1) Reserved.

Sec. 37-572. Data Center

1) Data Centers in the I1 District shall meet the following provisions:

a) The principal building is setback two hundred (200) feet from residentially zoned property.

b) On-site utility substations are setback sixty (60) feet from residential uses.

Sec. 37-573. Distillery

1) Reserved.

Sec. 37-574. Gravel Processing

1) Reserved.

Sec. 37-575. Microbrewery

1) Microbreweries in the CG, CB1, CB2, and CB3 Districts must meet the following standards:

a) The brewing system is no larger than a 30-barrel brewing system.

b) Outdoor storage of merchandise, materials, or equipment shall be enclosed by an opaque screen fence of not less than eight (8) feet in height. Screening shall be provided in accordance with Article X, Landscaping and Screening.

c) Should the tasting room exceed 750 square feet, the property must adhere to the adopted IBC Building Codes for Group A-2. (Assembly uses intended for food and/or drink consumption.).

Sec. 37-576. Micro-Distillery

1) Micro-Distilleries in the CG, CB1, CB2, and CB3 Districts must meet the following standards:

a) Outdoor storage of merchandise, materials or equipment shall be enclosed by an opaque screen fence of not less than eight (8) feet in height. Screening shall be provided in accordance with Article X, Landscaping and Screening; and

b) Should the tap or tasting room exceed 750 square feet, the property must adhere to the adopted IBC Building Codes for Group A-2. (Assembly uses intended for food and/or drink consumption.).

Sec. 37-577. Light Manufacturing

1) Reserved.

Sec. 37-578. Intermediate Manufacturing

1) Reserved.

Sec. 37-579. Heavy Manufacturing

Heavy Manufacturing shall meet the following standards:

1) Such uses shall be located a minimum of five hundred (500) feet from any residential zoning district and two hundred (200) from any office zoning district.

2) There shall be a minimum setback of one hundred (100) feet from the lot line to any structure on the lot.

3) As part of the findings for the special use, the Plan Commission shall determine that the proposed use will not adversely affect the public health, safety, or general welfare of adjoining properties.

Sec. 37-580. Recycling Center

1) Recycling Centers shall meet the following standards:

   a) The processing of materials shall be completely indoors.

   b) No solid waste may be stored on-site.

   c) Any recyclable or related materials to be stored outdoors shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use. Any outside storage area for recyclable materials or processed materials shall be enclosed by a minimum eight (8) foot high opaque fence or solid wall. Screening shall be in accordance with Article IX.

   d) Screening requirements for said use shall be equal to Type E screening (see Article IX) in the front yard. Screening in the side and rear yard shall only be required when the use adjacent to the property is a less intense use that would normally require screening.

   e) Parking and storage of all vehicles related to the business shall be on an approved surface in accordance with the provisions of Article VI.

   f) Such use shall be located a minimum of four hundred (400) feet from any lot in a residential zoning district.

   g) Such use shall provide the Zoning Administrator with evidence that it has complied with all Federal and State licenses, certifications, and other regulations.

   h) There shall be a plan for regular shipping or reprocessing of recyclable materials, such that the size of the storage yard is minimized in relationship to the amount of recyclable materials estimated to be received. In no event shall any recyclable material remain on-site for a period exceeding one (1) year. Such plan shall be submitted to the Zoning Administrator as part of the provisional use approval.

   i) Any drop-off areas for recyclable materials shall meet the stacking requirements for drive-through uses in Section 37-619. Each dumpster is equivalent to a drive through window. Any dumpsters for drop-off materials must be screened on three (3) sides by an eight-foot high opaque fence or solid wall.

Sec. 37-581. Research Testing Facility

1) Research and Testing Facility within the CG, CB1, CB2, CB3, RP, IBP, CI, I1 and I2 Districts shall meet the following standards:

   a) Principal activities shall be located indoors, except training activities.

   b) There shall be no manufacturing of parts on-site.

c) Any outdoor storage of materials shall be one hundred (100) percent screened with opaque fencing.

Sec. 37-582. Solid Waste Transfer Station

1) Solid Waste Transfer Stations in the I1 and I2 Districts shall meet the following standards:

a) The processing of materials shall be completely indoors.

b) No solid waste may be stored on-site.

c) Any recyclable or related materials to be stored outdoors shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use. Any outside storage area for recyclable materials or processed materials shall be enclosed by a minimum eight (8) foot high opaque fence or solid wall. Screening shall be in accordance with Article X, Landscaping and Screening.

d) Screening requirements for said use shall be equal to Type E screening (see Article X) in the front yard. Screening in the side and rear yard shall only be required when the use adjacent to the property is a less intense use that would normally require screening.

e) Parking and storage of all vehicles related to the business shall be on an approved surface in accordance with the provisions of Article VII, Parking, Loading, and Access Drives.

f) Such use shall be located a minimum of four hundred (400) feet from any lot in a residential zoning district.

g) Such use shall provide the Zoning Administrator with evidence that it has complied with all Federal and State licenses, certifications, and other regulations.

h) There shall be a plan for regular shipping or reprocessing of recyclable materials, such that the size of the storage yard is minimized in relationship to the amount of recyclable materials estimated to be received. In no event shall any recyclable material remain on-site for a period exceeding one (1) year. Such plan shall be submitted to the Zoning Administrator as part of the provisional use approval.

i) Any drop-off areas for recyclable materials shall meet the stacking requirements for drive-through uses in Section 37-619. Each dumpster is equivalent to a drive through window. Any dumpsters for drop-off materials must be screened on three (3) sides by an eight-foot high opaque fence or solid wall.

Sec. 37-583. Warehouse

1) Warehouses in the CG, RP, and IBP District shall meet the following standards:

a) The size of the lot be limited to three (3) acres.

b) Outdoor storage shall not be permitted.

c) For landscape screening purposes, as described in Article X of this Ordinance, the use be considered a medium impact use.

d) Buildings shall be finished on all sides with split faced block, brick, or masonry; wood, vinyl, or aluminum siding; or architectural metal or masonry panels. Concrete block or pole barn construction shall not be permitted.

e) Heat and plumbing shall be provided to all individual units of the facility.

f) Parking shall be provided at a rate of one space per one thousand (1,000) square feet.

g) Each individual unit shall contain at least one side-hinged swinging door for ingress-egress.

h) No overhead door in a warehouse facility shall front upon an arterial street.

Sec. 37-584. Self-Storage Warehouse

1) All self-storage warehouses in the CG, I1, and I2 Districts shall meet the following requirements:

a) Parking for warehouse, self-storage facilities shall be required and designed in accordance with Article VII, Parking, Loading and access drives for the office portion of the facility only. If a residential unit for an on-site manager is constructed, two parking spaces for the residential unit shall also be required.

b) There shall be a vehicle queue space of at least sixty (60) feet from the property line to the entry gate or fence.

c) There shall be a minimum of twenty-five (25) feet between structures for driveway aisles and parking along the warehouse, self-storage units. All aisles and intersections of aisles shall accommodate a vehicle with a wheelbase of at least twenty (20) feet (WB20).

d) Each unit may have a single electrical light, but no unit shall have plumbing or electricity outlets.

e) All paved areas shall have a landscaping setback in accordance with section 37-555, Parking Lot Screening—Perimeters.

Sec. 37-585. Wholesale

1) Reserved.

DIVISION 12: STANDARDS FOR TRANSPORTATION AND UTILITY USES

Sec. 37-586. Distribution Facility

1) Reserved.

Sec. 37-587. Drive Through or Drive In

1) Reserved.

Sec. 37-588. Freestanding Parking Lot

1) Reserved.

Sec. 37-589. Freestanding Parking Structure

1) Reserved.

Sec. 37-590. Freestanding Telecommunication Tower

1) Freestanding Telecommunication Towers located in the R1, R2, MR1, MR2, MR3, RU1, RU2, MHP, IT-R1, IT-R2, IT-MR1, IT-MR2, IT-MR3, CN1, CN2, CN3 or located within three hundred feet of these zoning districts must obtain a Special Use Permit and are subject to the following standards:

    a) If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.

    b) A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.

    c) No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.

    d) The tower shall be a monopole or stealth type tower and limited to one hundred twenty (120) feet in height.

    e) All towers must provide the degree of screening based on the following standards:

        i) Fencing shall be required for all towers located a distance greater than five hundred (500) feet of a residentially zoned parcel. The fence shall be constructed to a minimum height of eight (8) feet and enclose the tower and all associated structures.

        ii) Opaque fencing shall be required for all towers located at a distance between two hundred (200) and five hundred (500) feet of a residentially zoned parcel. An opaque fence shall be constructed of wood, masonry, or synthetic material, be a minimum height of eight (8) feet, and enclose the tower and all associated structures.

        iii) Opaque fencing and landscaping shall be required for all towers located at a distance less than two hundred (200) feet of a residentially zoned parcel. Opaque fencing of wood, masonry, or synthetic materials at a minimum height of eight (8) feet and enclosing the tower and all associated structures shall be constructed. Tree and/or shrubs shall also be provided around the outside perimeter of the fenced area. Trees and shrubs may be combined but in no case shall there be a gap between landscaping materials of more than three (3) feet.

    f) Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.

    g) A tower constructed completely within an existing building shall be allowed by right.

h) An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

2) Freestanding Telecommunication Towers located in the CG, CB1, CB2, CB3, and RP Districts shall meet the following standards:

a) If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.

b) A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.

c) No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.

d) The tower shall be a monopole, stealth, lattice, or guy-wire type tower and limited to two hundred (200) feet in height.

e) All towers must provide the degree of screening based on the following standards:

i) Fencing shall be required for all towers located a distance greater than five hundred (500) feet of a residentially zoned parcel. The fence shall be constructed to a minimum height of eight (8) feet and enclose the tower and all associated structures.

ii) Opaque fencing shall be required for all towers located at a distance between two hundred (200) and five hundred (500) feet of a residentially zoned parcel. An opaque fence shall be constructed of wood, masonry, or synthetic material, be a minimum height of eight (8) feet, and enclose the tower and all associated structures.

iii) Opaque fencing and landscaping shall be required for all towers located at a distance less than two hundred (200) feet of a residentially zoned parcel. Opaque fencing of wood, masonry, or synthetic materials at a minimum height of eight (8) feet and enclosing the tower and all associated structures shall be constructed. Tree and/or shrubs shall also be provided around the outside perimeter of the fenced area. Trees and shrubs may be combined but in no case shall there be a gap between landscaping materials of more than three (3) feet.

f) Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.

g) A tower constructed completely within an existing building shall be allowed by right.

h) An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

3) Freestanding Telecommunication Towers located in the IBP, CI, I1, and I2 Districts shall meet the following standards:

   a) If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.

   b) A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.

   c) No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.

   d) The tower shall be a monopole, stealth, lattice, or guy-wire type tower and limited to three hundred (300) feet in height.

   e) All towers must provide the degree of screening based on the following standards:

      i) Fencing shall be required for all towers located a distance greater than five hundred (500) feet of a residentially zoned parcel. The fence shall be constructed to a minimum height of eight (8) feet and enclose the tower and all associated structures.

      ii) Opaque fencing shall be required for all towers located at a distance between two hundred (200) and five hundred (500) feet of a residentially zoned parcel. An opaque fence shall be constructed of wood, masonry, or synthetic material, be a minimum height of eight (8) feet, and enclose the tower and all associated structures.

      iii) Opaque fencing and landscaping shall be required for all towers located at a distance less than two hundred (200) feet of a residentially zoned parcel. Opaque fencing of wood, masonry, or synthetic materials at a minimum height of eight (8) feet and enclosing the tower and all associated structures shall be constructed. Tree and/or shrubs shall also be provided around the outside perimeter of the fenced area. Trees and shrubs may be combined but in no case shall there be a gap between landscaping materials of more than three (3) feet.

   f) Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.

   g) A tower constructed completely within an existing building shall be allowed by right.

   h) An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

Sec. 37-591. Intermodal Transportation Facility

1) Reserved.

Sec. 37-592. Power Generation Facility

1) Power Generation Facilities must obtain a Special Use Permit in the I1 and I2 Districts.

Sec. 37-593. Railroad Yard/Freight Terminal

1) Reserved.

Sec. 37-594. Salvage Yard

1) Salvage Yards must obtain a Special Use Permit and are subject to the following standards.

    a) Crushing and demolition of automobiles shall be separated 500 feet from any residential zoning district.

    b) Dismantling, disassembly, or storage of automobiles shall be separated 300 feet from any residential zoning district.

    c) The area used for any outdoor storage shall be enclosed by an opaque screen fence of not less than eight (8) feet in height. There shall be no outdoor storage between the fence and the street.

    d) Screening shall be provided in accordance with Article X, Landscaping and Screening.

Sec. 37-595. Truck Stop

1) Truck Stops in the CG, I1, and I2 Districts are subject to the following standards:

    a) The lot is located within 2000 feet of the right of way of an Interstate exit ramp.

    b) Truck stops are not permitted within the Curtis Road Interchange Area Overlay District

Sec. 37-596. Truck Terminal

1) Reserved.

Sec. 37-597. Utility Station

1) In the all zoning districts, the following standards will apply to Utility Stations:

    a) The minimum lot size is twenty thousand (20,000) square feet.

    b) A minimum setback of sixty feet from the nearest property line of an adjacent residential use.

Sec. 37-698. Vehicle Storage Lot

1) Vehicle Storage Lots shall be subject to the following provisions:

    a) Vehicle Storage Lots are not subject to the requirements of Article X, Landscaping and Screening, except that all Vehicle Storage Lots shall be enclosed with an 8-foot-high opaque fence.

    b) There shall be no storage of vehicles or other materials or equipment outside the required opaque fencing, including between the Vehicle Storage Lot and the property boundaries.

    c) The surface of a Vehicle Storage Lot must be a weed-free surface made of gravel, crushed stone, asphalt, Portland cement, or brick pavers as approved by the Zoning Administrator.

d) The surface of the entry/apron to the Vehicle Storage Lot must be paved with Portland cement as specified by Chapter 25 of the Manual of Practice.

ARTICLE VI: PARKING, LOADING AND ACCESS DRIVES

DIVISION 1: GENERAL PROVISIONS

Sec. 37-601. Purpose

The purpose of this Article is to regulate the design, construction, and maintenance of off-street parking facilities, loading areas, access drives, and bicycle parking.

Sec. 37-602. No Off-Street Parking Required

No off-street vehicle parking is required for any use in the City of Champaign.

Sec. 37-603. General Provisions and Requirements

1) The requirements of this article shall apply to all vehicle parking areas, bicycle parking areas, access drives, and loading areas when such facilities are provided.

2) When new off-street parking areas are built, they shall comply with the requirements of this Article.

3) When an existing parking lot is enlarged, the added area shall comply with the requirements of this Article.

4) When a motor vehicle and bicycle parking lot is enlarged by more than fifty (50) percent in area. Or when the number of off-street parking spaces is increased by more than twenty five (25) percent, both the existing and new portions of the parking lot shall conform with these requirements.

5) All parking lots shall provide handicapped parking spaces in conformance with the State of Illinois Vehicle Code and the Americans With Disabilities Act.

Sec. 37-604. Site Plan Required For Parking Lots

A site plan is required prior to the construction or redesign of any accessory parking lot or any parking lot in excess of three (3) parking spaces. Said site plan may be part of a larger site plan for the development of the property. The site plan shall be reviewed and approved by the Zoning Administrator to ensure compliance with the provisions of this article. The site plan shall contain the following components:

1) The site plan shall be drawn to scale or with accurate measurements and dimensions indicating the location and dimensions of all pavement, parking stalls, aisles, walkways, driving lanes, and loading areas.

2) The location and type of screening and landscaping materials shall be provided in accordance with Article X, Landscaping and Screening.

3) The lighting details indicate the location, height, and type of lighting in accordance with requirements in Article XI, Supplementary Regulations.

4) The location and dimensions of any handicap or long-term spaces.

5) The location, dimensions, and design type of all required bicycle parking.

6) For parking lots with a surface area exceeding one acre, a drainage plan is required in accordance with Chapter 29.

7) For parking lots with a surface area of one (1) acre or less, a grading plan with curbing shall be indicated.

8) An indication of adjoining land uses.

Sec. 37-605. Site Plan Required for Access Drives

A site plan is required prior to construction or redesign of any access drive over, across, or upon any public sidewalk or parkway. The site plan may be part of a larger site plan for the development of the property. The site plan information for access drives may also be included in the site plan for parking lots if such a plan is required. The stie plan shall contain the following components:

1) The north arrow, scale, and date.

2) The property lines of the property for which the access drive approval is requested including existing street and right-of-way lines.

3) Immediately adjacent properties on the same frontage, and adjacent properties on the opposite frontage, indicating location of ingress and egress to such properties.

4) The exact location and dimensions of facilities of ingress and egress to the subject property, existing and proposed curb cuts, if any, and the proposed direction of traffic flow on the subject property to and from public ways.

5) The location of any visual obstructions in the right-of-way adjoining the property such as street lights, traffic control devices, or similar devices.

6) The location and dimensions of existing and proposed access drives on the subject property.

7) Details of construction in the public right-of-way.

Sec. 37-606. Parking Lot Permitted Locations

1) When parking lots or facilities are provided for a permitted use within a residential zoning district, the parking lots or facilities must be located on the same lot as the use.

2) When parking lots or facilities are provided for other uses permitted in a residential zoning district, the parking must be provided on the same lot as the use or on an immediately adjacent lot within the same zoning district.

3) When parking lots or facilities are provided for a permitted use within a commercial or industrial zoning district, the parking lots or facilities may be located on the same lot or immediately adjacent lots within the same zoning district as the use.

4) Off-site parking is only allowed in zoning districts which permit Freestanding Parking Lots or Freestanding Parking Garages as a permitted use or authorize such uses through a Special Use Permit.

Sec. 37-607. Restrictions of Oversized Vehicles, Watercraft and Construction Equipment

1) There shall be no parking or storage of any of the following on any lot in a Residential zoning district:

   a) Any vehicle having a Gross Vehicle Weight Rating in excess of twelve thousand (12,000) pounds as defined in Chapter 33 of this Code;

   b) Any truck tractor, semi-trailer or pole trailer;

   c) Any vehicles with FARM category license plates, unless the principal use of the property is Farm;

   d) Any bus as defined in Chapter 33 of this Code;

   e) Any vehicle with specialized vehicle beds;

   f) Any construction equipment, such as bulldozers and backhoes, unless said equipment is on the property for on-site work pursuant to a building permit.

2) Two-Axle, Six-Tire, Single-Unit Trucks which have a D plate designation or lower and a non-specialized bed are permitted.

3) No more than one (1) recreational vehicle or watercraft may be stored outdoors at any one (1) time. Such vehicles or watercraft stored to the side or front of the principal structure must provide an approved surface for the vehicle or watercraft which shall consist of either approved pavement, bricks, or concrete pavers set into the ground. Dirt, wood, or sod surfaces are prohibited. Parking of recreational vehicles or watercraft on gravel is only permitted in the rear yard. If gravel is used, the surface must be surrounded with a solid form to hold the gravel in place.

4) No vehicle shall be used for living, sleeping, or housekeeping purposes while stored on the property or upon public right-of-way.

DIVISION 2: PARKING DESIGN STANDARDS

Sec. 37-608. General Parking Lot Design Standards

1) Parking lots shall be graded and constructed with an approved surface consisting of:

   a) Bituminous concrete a thickness of at least three (3) inches over a base of at least four (4) inches of compacted stone or crushed rock; or

   b) Portland cement concrete to a thickness of not less that five (5) inches or equivalent.

c) Gravel is not an approved surface. Existing gravel parking lots shall be brought into compliance with these standards prior to the issuance of a building permit.

d) For head-in parking spaces, where the surface area is within six (6) feet of the property line, wheelstops of precast concrete or other manufactured material shall be placed two (2) feet from the end of the parking space. Wheelstops shall be at least four (4) inches, but no more than six (6) inches above the grade of the adjoining parking spaces.

2) Parking Lots shall comply with the Parking Lot Landscaping Standards in Article IX.

3) Parking Lots shall comply with the Parking Lot Lighting Standards in Division 5 of Article IX.

4) Off-street parking lots shall meet the minimum dimension standards of Table VI-A for parking spaces, aisles and modules.

5) The edge of the parking lot shall include a minimum six-inch curb or barrier.

6) All ramps providing vehicle access to underground parking or above ground parking facilities shall be designed in conformance with Chapter 25 of the Manual of Practice and approved by the City Engineer.

Sec. 37-609. Table VI-A Minimum Parking Dimensions

TABLE VI-A

Parking Space Angle	Parking Space Width	Parking Space Depth	Access Aisle Width	Parking Module Width (Two Rows of Parking)
45	8’ 9”	17’ 6”	14’ 0”	49’ 0”
60	8’ 9”	19’ 0”	16’ 0”	54’ 0”
75	8’ 9”	19’ 6”	18’ 6”	57’ 6”
90	8’ 9”	18’ 6”	23’ 0”	60’ 0”
Parallel	8’ 9”	22’ 0”	13’ 0”	30’ 0”

Sec. 37-610. Stormwater Detention Requirements

1) A combination of stormwater storage and controlled release is required for parking areas which exceed one (1) acre of impervious surface area. A permit shall be obtained for any connection to the City's stormwater drainage system, in accordance with chapter 29 of this Code. The required stormwater storage and controlled release rate shall comply with the design criteria set forth in the administrative rules implementing the Subdivision Ordinance, even if the Subdivision Ordinance is not otherwise applicable to the activity for which the parking area is being created.

2) Stormwater storage and controlled release of stormwater is not required for parking areas which are less than, or equal to, one (1) acre of impervious surface area. However, the creation of impervious surface area shall not create any adverse impacts to or additional stormwater runoff onto adjacent properties. Any additional stormwater runoff created by the impervious surface area may be stored

on-site, or may be discharged onto public rights-of-way if in the opinion of the City Engineer such rights-of-way can accept the stormwater runoff without adverse impact to the stormwater collection system.

a) If the property owner elects to control the stormwater release of a parking area, which is less than or equal to one (1) acre of impervious surface area, by discharge to the City's stormwater drainage system, a permit from the City Engineer in accordance with Chapter 29, of this Code shall be required.

DIVISION 3: BICYCLE PARKING STANDARDS

Sec. 37-611. Bicycle Parking Required

1) Required Bicycle Parking shall be provided in compliance with Table VII-B of this chapter.

   a) Bicycle parking is only calculated and required for residential uses located within the first, second and third floors of a principal building when said building contains an elevator.

   b) In the CB1, CB2, CB3 districts, bicycle parking is not required when each of the following conditions is met:

      i) The use is located in an existing principal building as of September 2, 2026;

      ii) The use is not building off-street vehicle parking;

2) For mixed uses on a property or in a principal building, the total required bicycle parking shall be calculated cumulatively for each use subject to the exceptions contained herein.

3) In the cases of uses where floor area is the unit for determining the required number of bicycle parking spaces, such floor area shall mean gross floor area measured to the outside walls, but shall not include such floor area as may be used for parking facilities within the principal building.

Sec. 37-612. Table VI-B Bicycle Parking Requirements

TABLE VI-B Bicycle Parking

RESIDENTIAL USES	NUMBER OF BICYCLE SPACES REQUIRED
Detached Dwelling	None
Multiplex Dwelling	2 per eight bedrooms
Duplex Dwelling	None
Townhouse Dwelling	None
Apartment Dwelling	2 per eight bedrooms
Manufactured Home Dwelling	None
Manufactured Home Community	2 per acre
Ground Floor Dwelling	2 per eight bedrooms
Upper Story Dwelling	2 per eight bedrooms
Residential Conversion	2 per eight bedrooms
Cottage Court Development	None

GROUP/SUPPORTIVE LIVING	NUMBER OF BICYCLE SPACES REQUIRED
Assisted/Independent Living Facility	2 per eight bedrooms/sleeping units
Community Living Facility	None
Dormitory	2 per eight bedrooms/sleeping units
Emergency Shelter	2 per eight bedrooms/sleeping units
Recovery Home	None
Residential Care Facility	2 per 12,000 square feet
Rooming House	2 per eight bedrooms
Transitional Housing	2 per eight bedrooms/sleeping units
University Group Housing	2 per eight bedrooms

INSTITUTIONAL/EDUCATIONAL FACILITIES	NUMBER OF BICYCLE SPACES REQUIRED
College or University	2 per 20,000 square feet
Eleemosynary Student Foundation	2 per 20,000 square feet
Museum	2 per 20,000 square feet
School, K-12	2 per 12,000 square feet
School, Vocational	2 per 12,000 square feet

COMMUNITY FACILITIES	NUMBER OF BICYCLE SPACES REQUIRED
Community Center	2 per 20,000 square feet
Daytime Shelter	2 per 20,000 square feet
Government Facility	2 per 20,000 square feet
Religious Institution	2 per 24,000 square feet
Cemetery	None
Community Garden	None
Park	2 per acre

LODGING/HOSPITALITY/ENTERTAINMENT USES	NUMBER OF BICYCLE SPACES REQUIRED
Bed and Breakfast	None
Country Club	2 per 3 tees
Lodge Club	2 per 2,000 square feet
Indoor Commercial Recreation	2 per 8,000 square feet
Outdoor Commercial Recreation	2 per acre
Event Center	2 per 20,000 square feet
Fitness Center	2 per 8,000 square feet
Golf Course	2 per 3 tees
Hotel	2 per 20,000 square feet
Restaurant	2 per 2,000 square feet
Carry Out Restaurant	2 per 2,000 square feet
Tavern or Bar	2 per 2,000 square feet
Theater	2 per 24,000 square feet

MEDICAL USES	NUMBER OF BICYCLE SPACES REQUIRED
Clinic	2 per 12,000 square feet
Hospital	2 per 24,000 square feet

GENERAL RETAIL SALES AND SERVICES	NUMBER OF BICYCLE SPACES REQUIRED
Animal Clinic	2 per 12,000 square feet
Auto Repair, Minor	2 per 12,000 square feet
Auto Repair, Minor	2 per 12,000 square feet
Broadcast Studio	2 per 24,000 square feet
Car Wash	2 per 12,000 square feet

Contractor Shop	2 per 12,000 square feet
Currency Exchange	2 per 12,000 square feet
Day Care Center, Adult	2 per 24,000 square feet
Day Care Center, Child	2 per 24,000 square feet
Financial Institution	2 per 12,000 square feet
Funeral Home	2 per 12,000 square feet
Gas Station	2 per 4 pumps
Kennel	2 per 24,000 square feet
Kitchen Commissary	2 per 12,000 square feet
Office	2 per 12,000 square feet
Office Conversion	None
Personal Service	2 per 12,000 square feet
Retail, Food + Drug	2 per 12,000 square feet
Retail, General Merchandise	2 per 12,000 square feet
Retail, Package Liquor	2 per 12,000 square feet
Shopping Center	2 per 12,000 square feet
Shopping Center, Planned Regional	2 per 12,000 square feet
Vehicle Sales	2 per 40,000 square feet

CANNABIS BUSINESS ESTABLISHMENTS	NUMBER OF BICYCLE SPACES REQUIRED
Dispensary	2 per 12,000 square feet
Infuser	2 per 12,000 square feet
Processor	2 per 12,000 square feet
Transporter	2 per 40,000 square feet
Craft Grower	2 per 40,000 square feet
Cultivation	2 per 40,000 square feet

AGRICULTURE	NUMBER OF BICYCLE SPACES REQUIRED
Farm	None
Grain Elevator	None
Greenhouse/Nursery	2 per 40,000 square feet

INDUSTRIAL AND PRODUCTION	NUMBER OF BICYCLE SPACES REQUIRED
Biomanufacturing	2 per 40,000 square feet
Brewery	2 per 40,000 square feet
Data Center	2 per 40,000 square feet
Distillery	2 per 40,000 square feet
Gravel Processing	2 per 40,000 square feet
Microbrewery	2 per 40,000 square feet
Micro-Distillery	2 per 40,000 square feet
Manufacturing, Light	2 per 40,000 square feet
Manufacturing, Intermediate	2 per 40,000 square feet
Manufacturing, Heavy	2 per 40,000 square feet
Recycling Center	2 per 40,000 square feet
Research Testing Facility	2 per 40,000 square feet
Solid Waste Transfer Station	2 per 40,000 square feet
Warehouse	2 per 40,000 square feet
Warehouse, Self-Storage	2 per 40,000 square feet
Wholesale	2 per 40,000 square feet

TRANSPORTATION AND UTILITIES	NUMBER OF BICYCLE SPACES REQUIRED
Distribution Facility	2 per 40,000 square feet
Drive Through or Drive In Uses	None

Freestanding Parking Lot	1 per 24 parking spaces
Freestanding Parking Structure	1 per 24 parking spaces
Freestanding Telecommunication Tower	None
Intermodal Transportation Facility	2 per 12,000 square feet
Power Generation Facility	2 per 24,000 square feet
Railroad Yard/Freight Terminal	2 per 40,000 square feet
Salvage Yard	2 per 40,000 square feet
Truck Stop	2 per 4 pumps
Truck Terminal	2 per 40,000 square feet
Utility Station	None
Vehicle Storage Lot	2 per 40,000 square feet

Sec. 37-613. Bicycle Parking Facilities

1) Required bicycle parking facilities must be designed as an "Inverted U," "Post and Loop," an "A" type of facility. One “Inverted U,” “Post and Loop,” or “A-Type” structure counts for two bicycle parking spaces.

    a) “Comb-style,” “Toast-style,” or Wave-style” bicycle parking facilities are not permitted.

2) Bicycle lockers are permitted as a substitute for bicycle loops as required bicycle parking facilities. The number of spaces provided with bicycle lockers must be equivalent to the number of spaces provided with a bicycle loop. Bicycle lockers shall be secure enclosures which protect bicycles from the weather.

3) All bicycle parking areas must constructed of asphaltic cement concrete, Portland cement concrete, or manufactured paving materials, such as brick.

4) Any use which is required to provide twenty (20) or more bicycle parking spaces shall be required to cover at least fifty (50) percent of its required bicycle parking with an awning or other feature that will cover the entire bicycle while parked at the facility. K—12 schools are exempt from this requirement.

5) Garages are permitted as a substitute for bicycle loops as required bicycle facilities for residential uses, provided that each garage is secure and exclusive for a particular dwelling unit.

6) Bicycle parking may be provided in the public right-of-way subject to the review and approval of such facilities, their location, and construction by the City Engineer and which meet the applicable standards of this Ordinance and the Manual of Practice.

Sec. 37-614. On-Site Bicycle Parking Locations

1) Required bicycle parking facilities shall be located as follows:

    a) Required bicycle parking facilities shall be located within one hundred (100) feet of a main building entrance as measured along a reasonable walking route. Required bicycle parking shall be visible and accessible from the public right-of-way.

    b) Required bicycle parking facilities may not be located above the ground floor.

2) All bicycle parking facilities shall observe the following location standards:

   a) Bicycle parking shall not extend into a pedestrian walkway or vehicular lane.

   b) A four-foot aisle width shall be maintained between multiple rows of bike parking facilities with a two-foot six-inch space between bike spaces for circulation while using the facility.

   c) Twenty-four (24) inches of unobstructed paved surface shall surround the bicycle loops to allow the wheels of the parked bicycles to rest on a paved surface and to allow for a minimum distance from adjacent walls or structures.

Sec. 37-615. Alternative Bicycle Parking Plan

In the event a property owner wishes to provide required bicycle parking in a manner not provided for in this Article, they may apply to the Planning Director for approval for an alternative method of compliance. The following findings shall be met before approval of an alternative bicycle parking plan:

1) The bicycle parking plan achieves the intent of the ordinance specifically in regards to location and type.

2) The proposal is at least the equivalent of that specifically prescribed by this Article in quality, effectiveness, and durability of the facilities provided.

3) The number of spaces provided by the alternative bicycle parking plan shall be equal to or greater than the number of spaces required by the proposed use as defined in Table VII-C of this chapter.

DIVISION 4: ACCESS DRIVES

Sec. 37-616. Access Drives Compliance

No person shall hereafter construct, build, establish or maintain any access drive over, across, or upon any public sidewalk or parkway in any business or industrial district, without first obtaining a permit to do so in accordance with the provisions of this article.

Sec. 37-617. Commercial and Industrial Access Drives

Access drives for commercial and industrial uses shall conform with the following requirements:

1) No property shall have more than two (2) access drives per frontage. For the purpose of this section a property shall be defined as:

   a) A platted lot under single ownership which is of record on July 29, 1968; or

   b) Two (2) or more platted lots or combinations of lots and portions of lots with continuous frontage under single ownership which are of record on July 29, 1968; or

   c) An unplatted parcel of land with continuous frontage under single ownership.

2) No access drive shall be less than two hundred (200) feet from any parallel access drive on the same property to the centerline thereof.

3) No access drive shall be located less than one hundred fifty (150) feet from any parallel street thereof; except in cases where an arterial street intersects another street, then no access drive shall be located less than two hundred fifty (250) feet from either intersecting street measured from centerline-to-centerline.

4) No access drive shall be located less than two hundred (200) feet from the base of any bridge incline, measured from the centerline of the access drive to the base of the bridge incline.

5) No access drive shall be located less than four hundred (400) feet from an interchange ramp, measured from centerline-to-centerline.

6) No access drive shall be less than ten (10) feet nor more than the maximum width allowed by Chapter 9 of the Manual of Practice.

7) Standards for access drive construction shall meet the requirements of Chapter 30 of this Code.

8) No access drive shall be permitted in violation of the Subdivision Regulations.

9) If any platted legal lot of record, by reason of location or size, cannot be developed in compliance with the above requirements, access shall be provided at locations which most closely comply with these regulations while maintaining safety and functionality as determined by the City Engineer. Access not in compliance with the above requirements must be approved in writing by the City Engineer. Such access shall be in accordance with Chapter 9 of the Manual of Practice (Vehicular Access Control).

Sec. 37-618. Exceptions for Gas Stations

An exception to the above provisions shall be made for Gas Stations. At street intersections, a minimum distance of ten (10) feet shall be provided between the terminus of the public street curb radius and the nearest access drive edge line extended. In no case, however, shall the distance between the curb line (extended) of the public street and the nearest access drive curb line be separated by less than thirty (30) feet. A distance of not less than twenty-five (25) feet shall be provided between access drives, measured from the nearest drive edge thereof. Not more than two (2) access drives per street frontage shall be allowed. These exceptions will apply unless otherwise prohibited by the Subdivision Ordinance.

Sec. 37-619. Standards for Drive Through Use

1) Drive-through facilities shall provide a stacking lane for the stacking of automobiles waiting to drive through the facility. Each stacking lane shall have a minimum number of stacking spaces as provided below. The space directly adjacent to the service window is considered a stacking space. Each stacking space for automobiles shall be eight (8) feet six (6) inches in width and eighteen (18) feet six (6) inches in length. Such stacking lanes shall not include any portion of any access aisles or driveway for off-street parking lots and shall not encroach in any front yard.

2) Drive-through restaurants shall provide a minimum of eight (8) stacking spaces in the required stacking lane per pick-up window.

3) All other drive-through uses, including but not limited to, car washes, dry cleaners, financial institutions, and automatic teller machines, shall provide a minimum of four (4) stacking spaces per

drive-up window or kiosk.

4) This requirement shall not be applied to gas stations, except to those which have drive-in car washes. Only the car wash portion of the use shall be subject to the stacking requirement.

5) Drive-through uses with four (4) or more stacking lanes shall be required to submit a site plan for review and approval.

Sec. 37-620. Residential Driveway Design

Driveways for Detached Dwellings, Duplex Dwellings, and Group Quarters shall meet the following standards.

1) No parcel shall have more than two (2) driveway curb cuts.

2) No driveway shall be located less than five (5') feet from any parallel access drive on the same property frontage measured edge-to-edge along the curb line.

3) No driveway curb cut shall be located less than thirty-five (35) feet from any parallel street, measured from the rear of the parallel curb to the nearest edge of the driveway.

4) No individual driveway approved under this section shall be less than ten (10) feet nor more than twenty-seven (27) feet in width at any point in the required front yard, measured at a right angle to the centerline thereof, provided that if there is a garage on the premises that is wider than twenty-seven (27) feet as measured between the outer edges of any overhead doors on said garage, then the driveway serving said garage shall not exceed that dimension in width; provided that the driveway tapers to match the permitted curb cut at the property line. A second complete driveway (curb cut + driveway) on a frontage shall be permitted only to provide access to a second garage, circular or through driveways shall be an exception to this rule.

5) In addition to other approved surfaces, driveways for detached dwellings may use brick as a surface upon approval of the Zoning Administrator. Gravel driveways for detached dwellings in existence prior to adoption of this chapter are not required to be resurfaced unless a new principal structure is constructed. Expansion of the driveway or parking area shall only be permitted with an approved surface.

6) If any platted legal lot of record, by reason of location or size, cannot be developed in compliance with the above requirements, access shall be provided at locations which most closely comply with these regulations while maintaining safety and functionality as determined by the City Engineer. Access not in compliance with the above requirements must be approved in writing by the City Engineer. Such access shall be in accordance with Chapter 9 of the Manual of Practice (Vehicular Access Control).

ARTICLE VII: SIGNS AND OUTDOOR ADVERTISING SIGN STRUCTURES

DIVISION 1: GENERAL PROVISIONS

Sec. 37-700. Purpose

1) The sign regulations set forth in this article are made in accordance with an overall plan and program for the public safety, preservation of property values, and the general welfare of the City. The enaction of these sign regulations will establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity, and to avoid uncontrolled proliferation of signs. These are also intended to aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; recognize the rights of the public in roads, streets, and highways; and to preserve the attractive character of the City through a community plan that provides for a pleasant, healthful, spacious, clean, and well balanced community.

2) These sign regulations distinguish between on-premises and off-premises business signs. This distinction is based on the finding that other media (television, radio, newspapers, and outdoor advertising sign structures) adequately present avenues for business advertising. The restriction of off-premises signs will significantly aid in the realization of the goals and purposes recited above.

3) These sign regulations specifically distinguish between outdoor advertising sign structures and signs based on the specific finding that such structures are and have been and continue to be utilized for announcements of both a commercial and noncommercial nature, have been a traditional and lawful use of land in the City, and are a unique communication medium involving nationally standardized signs, which are generally made available to the public. At the same time, the regulations recognize that a limitation upon the size, number, and spacing of such structures is consistent with and will further the goals expressed in this article.

Sec. 37-701. Compliance and Required Permits

1) Any sign or outdoor advertising sign structure that is not specifically allowed or regulated in this article is prohibited.

2) No sign or outdoor advertising sign structure may be erected, constructed, established, maintained, enlarged, relocated, or changed except in accordance with the provisions of this article.

3) Permit required. No sign or outdoor advertising sign structure may be installed, erected, constructed, or placed without a permit from the Zoning Administrator, except as specifically provided for by this article. The permit fee shall be set forth in Chapter 19.

4) Permit applications for OASSs shall include a site plan prepared by a licensed surveyor and drawn to scale. Said site plan shall, at a minimum, show the location of the footprint of the proposed OASS and the location of the footprint of any buildings and permanent commercial freestanding signs as defined by this ordinance within four hundred (400) feet of the proposed footprint of any OASS measured along the same side of the street and around corners. The following signs need not be included in any survey: instructional or directional signs, real estate signs, temporary signs, political

signs, noncommercial signs, or any official traffic control or direction sign.

5) Applications shall also include color photographs (or color printouts of digital photographs) of the proposed OASS site from one hundred (100) feet to two hundred (200) feet from the proposed OASS from each direction along the street to which the OASS will be directed, with the approximate location of the proposed OASS marked on each photograph.

Sec. 37-702. Prohibited Hazardous Signs

No person shall erect, construct, establish, maintain, enlarge, or relocate:

1) Any sign which:

   a) Is structurally unsafe; or

   b) Constitutes a hazard to safety or health or is apparently abandoned; or

   c) Is not kept in good repair; or

   d) Is capable of causing electrical shocks to persons likely to come in contact with it; or

   e) Is supported by hanging or swinging from eye bolts, cables, or similar means.

2) Any sign or outdoor advertising sign structure which, by reason of its size, location, content, coloring, or intensity of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any governmentally erected traffic sign or control device, or any sign which resembles a traffic sign or control device. This section shall not be construed to prohibit on-site directional signage that does not interfere with official traffic control signage.

3) Signs or outdoor advertising sign structures which make use of words such as "Stop", "Look", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

4) Any sign or outdoor advertising sign structure which obstructs free ingress to or egress from a required door, window, fire escape, or other required exits.

Sec. 37-703. Prohibited Illegal or Nonconforming Signs

No person shall erect, construct, establish, maintain, enlarge, or relocate any of the following:

1) Any sign, whether temporary or permanent, or outdoor advertising sign structure, not erected by the City or its agents, which extends over or touches upon any City property or public right-of-way unless specifically permitted by this article. The appearance on such a sign or outdoor advertising structure of the name or part of the name of any person, business, institution or other commercial or non-commercial entity shall constitute prima facie evidence that the sign or outdoor advertising structure in question was placed in said unlawful location by authority or with the knowledge of said person, business, institution or other commercial or non-commercial entity.

2) Any nonconforming sign or outdoor advertising sign structure which refers to a business no longer in existence or in operation at the location advertised.

3) Business signs advertising nonconforming uses which do not conform to the sign regulations of the most restrictive district where the nonconforming uses is located.

4) Any sign or outdoor advertising sign structure unlawfully constructed, installed, erected or maintained.

Section 37-704. Signs with Moving Parts or Changing Messages

1) Flags, banners, pennants, spinners, streamers and other similar devices, and portable signs are prohibited unless and only to the extent expressly allowed in this article.

2) Any signs with moving parts, the appearance of moving parts, or electronically changeable images shall be regulated as follows:

   a) Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind currents are prohibited even if indoors if they are visible from the right-of-way or residential areas with the exception of searchlights as permitted elsewhere by this article.

   b) Electronic changing image signs, other than those permitted in paragraph (d) herein, shall be prohibited in residential zoning districts.

   c) Electronic changing image signs, other than portions of those signs displaying the current time and temperature, those signs permitted in paragraph (d) herein, and outdoor advertising sign structures, shall not change more than once in any thirty-second period, and shall be restricted to instantaneous full-face changes. No wipes, fades, flashing, or similar effects may be employed.

   d) Except for those signs permitted in paragraph (d) herein and outdoor advertising sign structures, the maximum area of any sign face that may have a changing electronic image shall be fifty (50) percent of the maximum allowable area of a sign face in the zoning district where the sign is located, or twenty-five (25) square feet, whichever is smaller.

3) Time and temperature signs, shall be permitted in accordance with district regulations in this article.

4) Outdoor stadiums and indoor arenas with a seating capacity of ten thousand (10,000) or greater shall be permitted to have one (1) electronic changing image sign. There shall be no limit on how frequently said electronic image may change, nor shall there be any limit on the portion of the sign face area that is changeable by electronic means.

5) Changing outdoor advertising sign structures (OASS) are those whose face can automatically change by either digital or other mechanical means. They shall not change more than once in any ten-second period. Changes shall be instantaneous full-face changes; no effects (wipes, fades, flashing, etc.) may be employed. Changing OASS with digital displays shall have a minimum resolution of twenty (20)

mm. Changing OASS with digital displays shall be equipped with a system to regulate the intensity of lighting, reducing or increasing the light output as exterior light conditions fluctuate.

a) The separation distance between any two (2) changing OASS shall be a minimum of one thousand (1,000) feet.

b) Changing OASS with digital displays which are capable of changing more than once per hour shall be directly connected to the regional emergency dispatch system in order that the emergency dispatchers would be able to override the message otherwise displayed on the OASS in favor of an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to direct such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.

Section 37-705. Special Event Signs Requiring a Permit

1) *Permit and Insurance Required*. No person shall erect or maintain a special event sign or sign for a special event of statewide interest on or over any property owned or controlled by the City by any person without first obtaining a permit issued by the Zoning Administrator, who shall consider the requirements and restrictions of this Section in approving or disapproving the method of display, location, number, and sizes of signs. The Zoning Administrator may add conditions to the permit, which elaborate on any of the requirements of the subsections contained in this section. The Zoning Administrator shall require evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of five hundred thousand dollars ($500,000.00) prior to issuance of a permit.

2) *Numbers and Sizes of Signs*. Subject to the terms of this permit, the number of signs regulated by this section comply with the following:

a) Except as provided pursuant to this section, permits shall be granted for no more than five hundred (500) yard signs for special events of statewide interest or ten (10) banners for any sign regulated by this section. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this section, each organization shall receive a permit for a pro-rata number of such signs.

b) Except as provided pursuant to this section, signs regulated by this section shall be no larger than: Fifty (50) square feet in surface area, in the case of banners, and four (4) square feet, in the case of yard signs.

3) *Length of Time of Display*. Subject to the requirements of this section, the length and time of display for signs regulated by this section shall comply with the following:

a) Signs for special events of statewide interest shall be displayed for not more than a consecutive seven (7) day period.

b) No more than two (2) days following the special event for which a sign permit is granted pursuant to this section, such signs shall be removed and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

4) *Location of Display*. Subject to the requirements of this section, the signs regulated by this section shall comply with the following:

a) Banners may be placed over public right-of-way or affixed to railroad and street overpasses, which are above public right-of-way.

b) Yard signs may be located in the right-of-way only on major entryways and corridors including the following arterial streets: Neil Street, Prospect Avenue, Mattis Avenue, Kirby Avenue, University Avenue, Springfield Avenue, First Street, Saint Mary's Drive and Green Street east of Randolph Street.

c) Yard signs shall be located a minimum of sixty-five (65) feet from any other yard sign, five (5) feet from any curb cut.

d) Except as provided for in subsection (5), no signs regulated by this section shall be:

i) Affixed to public structures located in the right-of-way including but not limited to, utility poles, streetlights, trees or traffic control devices.

ii) Erected in violation of any of the specific sign prohibitions set forth in Section 37-702.

iii) Be located within the sight triangle.

5) *Vexillum Signs*. Permits may be granted to not-for-profit corporations who have entered into agreements with the City for the display of special event signs, which are vexillum public promotion signs. Such agreement shall be for a duration of at least one (1) year. Such agreements may be executed by the City Manager after the form has been approved by the City Attorney.

Sec. 37-706. Residential Subdivision Identification Sign Requirements.

1) A permit issued by the Zoning Administrator shall be required prior to erecting, installing or constructing a residential subdivision identification sign.

2) Any change to a residential subdivision identification sign, including but not limited to, a change to the sign face, design or location shall require a new permit to be issued by the Zoning Administrator.

3) A Major residential subdivision, defined for purposes of this Section as a residential subdivision having an area of twenty (20) or more acres at the time it was initially platted, shall be limited to two (2) identification signs which shall be located within two hundred (200) feet of the intersections of the street centerlines at an access point from arterial streets. Said signs shall not have a combined total surface area exceeding one hundred (100) square feet.

4) A Minor residential subdivision, defined for purposes of this Section as a residential subdivision having an area of less than twenty (20) acres at the time it was initially platted, shall be limited to two (2) residential subdivision identification signs which shall be located within one hundred (100) feet of the intersection of the street centerlines at the subdivision entrance at the boundary of the subdivision. Said signs shall not have a combined Total surface area exceeding fifty (50) square feet.

5) No residential subdivision identification sign shall have any moving parts, moving or intermittent lights or displays, animation, electronic message boards, or neon lighting.

6) Any residential subdivision identification sign shall be located within an area that is maintained by a homeowner's association or developer.

7) All lights associated with a residential subdivision identification sign shall be hooded with a total cut-off of ninety (90) degrees or greater and directed to minimize glare. No up lighting or backlit signs shall be allowed.

DIVISION 2: SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

Sec. 37-707. General Provisions

The types of signs identified in this division shall not require a permit for installation, and shall comply with the restrictions or other requirements described in this division.

Sec. 37-708. Instructional or Directional Signs

The total area for all instructional and directional signs on any premises shall not exceed the area as specified below:

1) In the R1, R2, MR1, IT-R1, IT-R2, and IT-MR1 Districts the total area of said signs on any lot shall not exceed six (6) square feet.

2) In the MR2, MR3, RU1, RU2, IT-MR2, IT-MR3, and CN2 Districts the total area of said signs on any lot shall not exceed twelve (12) square feet.

3) On lots of five (5) acres or less in CN1, CN3, CG, CB1, CB2, CB3, RP, IBP, CI, I1 and I2 Districts the total area of said signs shall not exceed sixteen (16) square feet.

4) On lots greater than five (5) acres in CN1, CN3, CG, CB1, CB2, CB3, RP, IBP, CI, I1 and I2 Districts the total area of said signs shall not exceed sixteen (16) square feet per street frontage. Such signs shall not exceed three (3) feet six (6) inches in height. A business name or logo may be a part of an instructional or directional sign providing that it occupies less than fifty (50) percent of the surface area.

5) On the site of an institutional campus-minor, that the total area of said signs shall not exceed twenty (20) square feet, and no sign shall exceed six (6) feet in height.

6) On the site of an institutional campus-major, that the total area of said signs shall not exceed forty (40) square feet, and no sign shall exceed six (6) feet in height.

Sec. 37-709. Signs for On-Site Customer Traffic

Such signs shall be presumed not readable from the right-of-way if all of the following conditions are met:

1) The sign is placed a minimum of twenty (20) feet from any adjacent street right-of-way.

2) Letters on the sign are less than one and one-half (1½) inches in height.

3) Pictures or logos on the sign are less than one and one-half (1½) square feet.

Sec. 37-710. Real Estate Signs

1) One (1) real estate sign per street frontage may be placed on a lot provided it is removed within ten (10) days after closing and the total surface area of the sign does not exceed the following sizes:

    a) Six (6) square feet in any residential district.

    b) Sixteen (16) square feet in the CN1, CN2, and CN3 Zoning Districts.

    c) Thirty-Five (35) square feet in the CG, CB1, CB2, CB3, RP, IBP, CI, I1 AND I2 Districts.

2) In addition to the signs permitted in paragraph (a) above, a sign having an area not exceeding thirty-five (35) square feet may be placed on undeveloped or developing property as follows:

    a) One (1) per street frontage per subdivision in any residential zoning district during the first year following final plat recording, and for as long as four (4) or more lots in the subdivision remain undeveloped.

    b) One (1) per street frontage for any lot in the commercial or industrial zoning districts where no structure exists.

    c) One (1) per street frontage per lot during the first year following issuance of the initial certificate of occupancy for a multiplex or apartment structure on that lot.

Sec. 37-711. Construction Site Signs

Construction Site Signs shall not exceed thirty-five (35) square feet in area. Such signs shall be placed only when visible work is being conducted upon the property and shall be removed within fourteen (14) days of completion of the construction. For purposes of this type of sign, visible work shall include contractor trucks being located on-site or work being conducted outside on the property or on the exterior of the structure located on the property.

Sec. 37-712. Garage Sale Signs

Signs announcing auctions and garage sales shall not exceed five (5) square feet in area. Such signs shall be posted not more than two (2) days before and shall be removed within two (2) days following the event, with a total time of display not to exceed six (6) days; such signs shall not be attached to or located on public property.

Sec. 37-713. Other Signs

The following signs shall be permitted without a permit:

1) Signs erected by the City or its agents in the public right-of-way for public purposes.

2) Signs identifying the street address of a building shall not exceed six (6) square feet in area.

3) Parking signs warning of the relocation of trespassing vehicles as provided in Section 33-168 of the Code shall not exceed six (6) square feet in area.

4) Signs required by federal, state, or local laws for the operation of certain businesses.

5) Public flags shall be mounted on a flag pole or a structure.

6) Other flags that are not a public or business flag shall be mounted on a flag pole or structure.

7) Temporary signs located in residential zoning districts shall not exceed six (6) square feet in area.

DIVISION 3: ADMINISTRATION AND ENFORCEMENT

Sec. 37-714. Nonconforming Signs

1) Nonconforming signs which are nonconforming because of size, number, height, setback, or off-premises nature, except theater marquee signs, shall be removed or made conforming within five (5) years from the date the sign became nonconforming.

2) Nonconforming theater marquee signs existing on May 22, 1978, may continue and be maintained as nonconforming signs provided that they not be enlarged or structurally altered and provided further that all intermittent rotating or flashing lights shall be removed.

Sec. 37-715. Removal of Illegal Signs

1) Prohibited signs or outdoor advertising sign structures shall be removed or modified immediately upon notice from the Zoning Administrator.

2) Signs which refer to businesses no longer in existence or operation at the locations advertised shall be removed sixty (60) days from the effective date of discontinuance of the business at the location advertised.

Sec. 37-716. Administrative Action Violation

1) Whenever it shall appear to the Zoning Administrator that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this article, or after a permit for a sign has been revoked or become void, or that a sign is unsafe or in such condition as to be a hazard to the safety of the public, the Zoning Administrator is empowered to issue a notice in writing to the owner or lessee of the sign, or the owner of the premises upon which the sign is erected or maintained. Such notice shall inform such person of the violation, and shall direct him/her to make such alteration, repair or removal as is necessary to secure compliance with this article within a reasonable time limit, which shall not be more than sixty (60) days. The person receiving such notice shall comply with the terms thereof.

2) The Zoning Administrator may immediately remove, or cause to be removed without notice, a sign if the condition of the sign is such as to present an immediate threat to the safety of the public, or if any

sign encroaches on or over any public right-of-way unless otherwise permitted by these regulations. The Zoning Administrator shall provide the owner of the sign so removed a prompt notice of such removal and after compliance with any violation notice or fine for said sign, may have sign returned to the owner.

DIVISION 4: SIGN REGULATIONS BY DISTRICT

Sec. 37-717. Residential District Sign Regulations

1) Business signs in the R1, R2, IT-R1, IT-R2 and MHP Districts shall be limited to the following:

    a) Those identifying a home occupation and meeting the following restriction:

        i) One (1) sign shall be permitted for each home occupation.

        ii) Said sign shall not be illuminated.

        iii) Said sign shall not exceed six (6) square feet in total surface area.

    b) In the MHP District, a Manufactured Home Community may erect and maintain one (1) freestanding on-premises business sign not exceeding thirty-five (35) square feet in area nor six (6) feet in height. The freestanding sign shall be set back five (5) feet from property lines.

2) Business signs, which may include the business of apartment rental, in the MR1, MR2, MR3, RU1, RU2, IT-MR1, IT-MR2, IT-MR3 Districts shall be limited to the following:

    a) One (1) wall sign per business, not to exceed five (5) percent of the wall area for any wall up to a maximum of fifty (50) square feet for any single business.

    b) One (1) freestanding sign per lot, located in the front or side yard provided that the total height of the freestanding sign shall not exceed six (6) feet. The total area of the sign shall not exceed ten (10) square feet if the lot the sign is located on does not exceed twenty thousand (20,000) square feet in size; fifteen (15) square feet if the lot is between twenty thousand (20,000) and forty thousand (40,000) square feet in size; and twenty-one (21) square feet if the lot exceeds forty thousand (40,000) square feet in size. The freestanding sign shall be set back five (5) feet from property lines.

    c) Signs shall not be illuminated in the MR1, MR2, IT-MR1, or IT-MR2 Districts.

    d) On through lots, a business may have a sign on each frontage.

3) Signs used to identify accessory parking lots in the MR1, MR2, MR3, RU1 and RU2 Districts are permitted limited to six square feet in area.

Sec. 37-718. CN1 Neighborhood Commercial District Sign Regulations

1) *Permitted Wall Signs*. One (1) wall sign for each business per street frontage shall be permitted, provided that the wall signs do not exceed seven (7) percent of the wall area, up to a maximum of one hundred (100) square feet of total wall signage per business. Up to an additional thirty-five (35)

square feet of wall signage may be added to any one (1) permitted wall sign per business, if no freestanding sign exists on the lot. In no instance shall the total wall signage be permitted to exceed seven (7) percent of the wall area even if additional wall signage is added in lieu of a freestanding sign.

2) *Permitted Canopy Signs.* Facials mounted canopy or awning signs may be substituted for wall signs. The maximum area of such signs shall conform with the restrictions for wall signs in the CN1 District.

3) *Permitted Freestanding Signs.* The business occupying the building may erect and maintain one (1) two-dimensional freestanding business on-premises sign per street frontage per lot, subject to the following limitations:

    a) The sign shall not exceed thirty-five (35) square feet in area for a single business nor seventy (70) square feet for more than one business; and

    b) The height of the sign shall not exceed twelve (12) feet.

    c) For freestanding signs which advertise more than one (1) business, at least ten (10) percent and not more than sixty-five (65) percent of the total sign face shall be devoted to an individual business.

    d) When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

    e) The sign shall be set back five (5) feet from property lines.

4) *Temporary Signs*. A business shall be permitted to display one (1) temporary sign or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one (1) week. Temporary signs shall conform with the size and height provisions for the CN1 District. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

5) *Grand Opening Signs*. A business shall be permitted to display one (1) temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty (30) days from the date the business was started. Additionally, within the first thirty (30) days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three (3) days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

    a) An oversized banner is limited to twenty-five (25) percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.

b) A searchlight is limited to a single beam of no more than one thousand six hundred million (1,600,000) footcandle [power]. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five (45) degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

c) An inflatable sign or balloon may not exceed twenty-five (25) feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five (5) feet, and shall maintain a ten (10) foot clearance from any overhead electrical wire. No more than one (1) such inflatable device shall be allowed on any premises. Any such sign or balloon must be secured to minimize wind currents. Up to three (3) flags may be substituted for an inflatable sign or balloon referenced above.

d) The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display.

Sec. 37-719. CN2 Neighborhood Office District Sign Regulations

1) Business signs in the CN2 District shall be restricted as follows:

a) One (1) wall sign per business per street frontage, not to exceed five (5) percent of the wall area for any wall up to a maximum of fifty (50) square feet for any single business.

b) One (1) freestanding sign per lot per street frontage, located in the front or side yard; provided that, the total height of the freestanding sign shall not exceed six (6) feet. The total area of the sign shall not exceed ten (10) square feet if the lot the sign is located on does not exceed twenty thousand (20,000) square feet in size; fifteen (15) square feet if the lot is between twenty thousand (20,000) and forty thousand (40,000) square feet in size; and twenty-one (21) square feet if the lot exceeds forty thousand (40,000) square feet in size. The freestanding sign shall be set back five (5) feet from property lines.

c) When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four (4) sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

d) In CN2 Districts consisting of contiguous lots having a combined area of fifty (50) or more acres, one (1) wall sign shall be permitted per building elevation per business. The total area of all signs on a particular building elevation shall not exceed ten (10) percent of the wall area, or one hundred fifty (150) square feet overall, whichever is less.

Sec. 37-720. CN3 Neighborhood Center District Sign Regulations

1) *Permitted Wall Signs*. One (1) wall sign for each business per street frontage shall be permitted, provided that the wall signs do not exceed seven (7) percent of the wall area, up to a maximum of one hundred (100) square feet of total wall signage per business. Up to an additional thirty-five (35)

square feet of wall signage may be added to any one (1) permitted wall sign per business, if no freestanding sign exists on the lot. In no instance shall the total wall signage be permitted to exceed seven (7) percent of the wall area even if additional wall signage is added in lieu of a freestanding sign.

2) *Permitted Canopy Signs.* Facials mounted canopy or awning signs may be substituted for wall signs. The maximum area of such signs shall conform with the restrictions for wall signs in the CN3 District.

3) *Permitted Freestanding Signs.* The business occupying the building may erect and maintain one (1) two-dimensional freestanding business on-premises sign per street frontage per lot, subject to the following limitations:

    a) The sign shall not exceed thirty-five (35) square feet in area for a single business nor seventy (70) square feet for more than one business; and

    b) The height of the sign shall not exceed twelve (12) feet.

    c) For freestanding signs which advertise more than one (1) business, at least ten (10) percent and not more than sixty-five (65) percent of the total sign face shall be devoted to an individual business.

    d) When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

    e) The sign shall be set back five (5) feet from property lines.

4) *Temporary Signs*. A business shall be permitted to display one (1) temporary sign or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one (1) week. Temporary signs shall conform with the size and height provisions for the CN1 District. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

5) *Grand Opening Signs*. A business shall be permitted to display one (1) temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty (30) days from the date the business was started. Additionally, within the first thirty (30) days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three (3) days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

    a) An oversized banner is limited to twenty-five (25) percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.

b) A searchlight is limited to a single beam of no more than one thousand six hundred million (1,600,000) footcandle [power]. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five (45) degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

c) An inflatable sign or balloon may not exceed twenty-five (25) feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five (5) feet, and shall maintain a ten (10) foot clearance from any overhead electrical wire. No more than one (1) such inflatable device shall be allowed on any premises. Any such sign or balloon must be secured to minimize wind currents. Up to three (3) flags may be substituted for an inflatable sign or balloon referenced above.

d) The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display.

Sec. 37-721. CG General Commercial District Sign Regulations

1) *Business Signs.* On-premise business signs, other than Interstate Highway-Oriented Signs, shall be permitted subject to the limitations provided in Table VII-A.

2) *Signs in Sign Triangle*. When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four (4) sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

3) *Interstate Highway-Oriented Signs*.

a) Businesses located along Interstate Highway 74 may erect and maintain a larger on-premises interstate highway-oriented sign if all the following conditions are met:

i) The lot where the business is located must have a minimum of one hundred fifty feet (150') of frontage along the interstate or frontage road parallel to the interstate, and

ii) The lot must be located within three hundred feet (300') of the centerline of the interstate, and

iii) The lot must be located in the CG zoning district, and

iv) The business has no other freestanding signs on the interstate or frontage road frontage.

b) An Interstate Highway-Oriented sign shall meet the following conditions:

i) The area of the sign shall not exceed one hundred fifty (150) square feet.

ii) The height of the sign shall not exceed fifty feet (50').

iii) The sign must be located at least one hundred fifty feet (150') from any other interstate-oriented highway sign along the same frontage.

iv) The highway sign must be located at least fifty feet (50') from any standard freestanding sign along the same frontage.

v) The highway sign shall be set back five (5) feet from property lines.

4) *Temporary Signs*. A business shall be permitted to display one (1) temporary or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one (1) week. Temporary wall-mounted signs shall conform with the size and height restrictions for permanent wall signs in the CG District, and temporary freestanding signs shall conform to the height and size restrictions for permanent freestanding on-premises signs in the CG District, as outlined in Table VII-A. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

5) *Grand Opening Signs*. A business shall be permitted to display one (1) temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty (30) days from the date the business was started. Additionally, within the first thirty (30) days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three (3) days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

a) An oversized banner is limited to twenty-five (25) percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.

b) A searchlight is limited to a single beam of no more than one thousand six hundred million (1,600,000) footcandle power. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five (45) degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed on any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

c) An inflatable sign or balloon may not exceed twenty-five (25) feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five (5) feet, and shall maintain a ten (10) foot clearance from any overhead electrical wire. No more than one (1) such inflatable device shall be allowed on any premises. Any such sign or balloon must be secured to minimize wind currents. Up to three (3) flags may be substituted for an inflatable sign or balloon referenced

above.

d) The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display.

6) *Major Retail Stores*. In lieu of the standards and limitations expressed in Table VII-A, single-user retail stores with one hundred thousand (100,000) square feet of gross floor area or larger, and located in the CG District, are allowed one (1) freestanding sign up to one hundred (100) square feet in area and may be a maximum height of thirty (30) feet, if no other freestanding sign exists. The freestanding sign shall be set back five (5) feet from property lines. Up to four (4) wall signs may be installed on the principal elevation. One (1) sign on the principal elevation may be up to two hundred fifty (250) square feet, or other signs on the principal elevation may not exceed one hundred fifty (150) square feet, and total signage on the principal elevation shall not exceed seven (7) percent of the total wall area. All other wall signage must adhere to the standards listed in Table VIII-B, except that a major retailer may forego a one hundred fifty (150) square foot rear wall sign in favor of one (1) sign up to a maximum of seventy-five (75) square foot in area on each side wall.

7) *Large Vehicles Sales Uses*. In lieu of the standards and limitations expressed in Table VII-A, the Table of Standards for On-Premises Signs at the end of this article, Vehicle Sales facilities located on at least two and one-half (2.5) acres (one hundred eight thousand nine hundred (108,900) square feet) are allowed one (1) freestanding sign per franchise per frontage, provided that there is a minimum separation of one hundred (100) feet between signs. Each sign may have up to one hundred (100) square feet in area, with a maximum height of thirty (30) feet. The freestanding sign shall be set back five (5) feet from property lines. A sign advertising used vehicle sales is permitted under this section. Exception: Qualified businesses, which utilize these provisions may not utilize the provisions for Interstate Highway-Oriented Signs.

8) *Shopping Center Signage*. In shopping centers in the CG District consisting of two (2) or more adjacent lots that share access, a maximum of two (2) freestanding signs shall be permitted. No more than one (1) freestanding sign shall be permitted per frontage. If the freestanding sign is located on a lot other than that which it advertises, the sign must be located in a recorded easement that provides access to the party responsible for maintenance and repair of the sign, and within fifty (50) feet of an arterial or collector street. The freestanding signs shall be set back five (5) feet from property lines.

Sec. 37-722. Table VII-A Standards for On-Premise Signs in the CG Commercial General District

[Table VII-A]

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Projection or Setback	Miscellaneous Provisions
Individual Freestanding	1 per frontage per lot if no projecting roof, canopy, or marquee sign exists on the	Maximum area 50 sq. ft. Maximum area height of 100 sq. ft. if sign advertises	Maximum height 20 feet. Maximum height of 30 feet if sign advertises	5-foot setback from property lines.	Minimum 50-foot separation between signs. For a sign which advertises

	same frontage.	more than 1 business.	more than 1 business.		more than one (1) business, at least 10% and no more than 65% of the total sign face shall be devoted to an individual business.
Wall	1 sign per building elevation per business if no fascia-mounted canopy or carport sign exists.	10 percent of wall area for any wall up to 150 sq. ft. of total sign area per business, per 2 adjacent wall elevations.	Not to project above the roof or cornice line of the wall upon which the sign is mounted.	18 inches maximum projection from wall surface.	Only one wall sign above the second story per elevation of building. An additional 50 sq. ft. of wall signage may be added to any one permitted wall sign per business if no freestanding sign exists. The total wall signage shall not exceed 10% of the total wall area.
Theater Marquee	1 per business if no freestanding, canopy, projecting, or roof sign exists.	Up to 100 sq. ft. of changeable copy per structure and 50 sq. ft. permanent signage.	Shall not extend above second story or roof line.	Must be totally within area of marquee structure.	50-foot minimum sign separation; 10-foot minimum ground clearance.
Awning, Canopy or Roof Overhang	If no wall sign exists on the wall for which the canopy will be placed, 1 sign on the face of the canopy. If no freestanding, marquee, projecting or roof sign exists, 1 sign on each end of	Under 1 end of canopy 10 sq. ft.; The maximum area of such signs shall be calculated in the same manner as wall signs.	Shall not extend above second story or roof line.	Must be totally within surface area of canopy structure, not to project within 2 feet of any curb line.	Clearance from sidewalk to bottom of sign must be a minimum of 8 feet. Awnings with supporting poles in the ROW must be approved by the City Engineer.

	the canopy or one under the canopy.				
Projecting Arm	1 per business if no freestanding, marquee, canopy or roof sign exists.	1 sq. ft. per foot of frontage not to exceed 30 sq. ft.	Shall not extend above second story or roof line, whichever is lower.	4 feet maximum projection.	Shall be pinned directly to building; 30-foot minimum sign separation; 8-foot minimum ground clearance.
Roof	1 per main building if no freestanding marquee, projecting, canopy or wall signs exist.	(Permitted sign height) x (¼ of the width of building wall facing street) up to a maximum of 150 sq. ft.	4 ft above roofline	May not project over edge of building.	Signs totally within the area of on-roof structures shall be considered wall signs. Roof signs are prohibited on structures with building height of more than 35 feet.

Sec. 37-723. CB1 Central Business, CB2 Downtown Business, CB3 Campustown Business Sign Regulations

1) *Business Signs*. On-premise business signs shall be permitted subject to the limitations provided in Table VII-B.

    a) When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

2) *Business Lots Without Street Frontage*. One (1) business sign shall be permitted, provided that the lot upon which the business identified by such sign does not abut a public street and is not readily visible from a public street. Such signs shall have a maximum surface of twenty-five (25) square feet and a maximum height of twenty-five (25) feet, and shall be located not more than two hundred (200) feet from the lot of the business which is to be identified.

3) *Temporary Signs*. A business shall be permitted to display one (1) temporary sign or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one (1) week. Temporary wall-mounted signs shall conform with the size and height restrictions for permanent wall signs in the CB1, CB2, and CB3 Districts, and temporary freestanding signs shall conform to the height and size restrictions for permanent freestanding on-premises signs in the CB1, CB2, and CB3 Districts, as outlined in Table VII-B, provided

that no temporary sign in the CB1, CB2, and CB3 Districts shall exceed one hundred fifty (150) square feet in area. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

4) *Grand Opening Signs*. A business shall be permitted to display one (1) temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty (30) days from the date the business was started. Additionally, within the first thirty (30) days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three (3) days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

   a) An oversized banner is limited to twenty-five (25) percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.

   b) A searchlight is limited to a single beam of no more than one thousand six hundred million (1,600,000) footcandle [power]. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five (45) degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicle. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

   c) An inflatable sign or balloon may not exceed twenty-five (25) feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five (5) feet, and shall maintain a ten (10) foot clearance from overhead electric lines. Up to three (3) flags may be substituted for an inflatable sign or balloon referenced above.

   d) The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display.

Sec. 37-724. Table VII-B Standards for On-Premise Signs in the CB1 Central Business, CB2 Downtown Business, and CB3 Campustown Business Zoning Districts

[Table VII-B]

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Projection or Setback	Miscellaneous Provisions
Individual Freestanding	1 per frontage per lot provided no theater marquee sign exists on the same frontage.	1.0 sq. ft. per lineal foot of lot frontage up to a maximum of 150 sq. ft.	25 feet if sign is at property line, 1 foot additional height per 2 feet additional setback thereafter to a	5-foot setback from property lines.	Minimum clearance of 8 feet unless landscaped island or other barrier to prevent walking underneath.

			maximum of 35 feet.		
Wall	1 per business per elevation	Total sign area not to exceed 15 percent of the area of each wall upon which the sign is mounted, up to a maximum of 200 sq. ft.	Not to project above the roof or cornice line of the wall upon which the sign is mounted.	18 inches maximum projection from wall surface.	Only one wall sign above the second story per elevation of building. An additional 50 sq. ft. of wall signage may be added to any one permitted wall sign per business if no freestanding sign exists. The total wall signage shall not exceed 10% of the total wall area.
Theater Marquee	1 per theater marquee structure facing (3 maximum) provided that no on-premises freestanding or canopy business signs exist on the same frontage.	Up to 100 sq. ft. changeable copy (billing) per theater marquee structure plus 75 sq. ft. permanent signage.	Shall not extend above second story or roof line.	Theater marquee structure not to project within 2 feet of any curb line.	50-foot minimum sign separation; 10-foot minimum ground clearance.
Awning, Canopy or Roof Overhang	2 signs per business frontage, 1 sign suspended beneath the structure, and the other sign mounted on the fascia of the canopy, provided that no theater marquee sign exists on the same frontage.	10 sq. ft. for suspended sign. 1.0 sq. ft. per lineal foot of frontage up to a maximum of 50 sq. ft. for fascia-mounted sign.	Shall not extend above second story or roof line.	Canopy structure not to project within 2 feet of any curb line.	Clearance from sidewalk to bottom of sign must be a minimum of 8 feet. Awnings with supporting poles in the ROW must be approved by the City Engineer.

	Signs at ends of a canopy or awning (maximum of two (2)) may be substituted for suspended sign.				
Projecting Arm	1 per business if no freestanding, marquee, canopy or roof sign exists.	1 sq. ft. per foot of lot frontage not to exceed 30 sq. ft. Any business occupying at least four (4) stories of a structure and a floor area > fifty thousand (50,000) square feet may have a sign area up to one (1) sq. ft. per foot of lot frontage not to exceed one hundred (100) sq. ft., such signs shall not extend above the fourth story of the building, or building roofline, whichever is lower.	Shall not extend above second story or roof line, whichever is lower.	4 feet maximum projection.	Shall be pinned directly to building; 30-foot minimum sign separation; 8-foot minimum ground clearance.

Sec. 37-725. RP Research Park District Sign Regulations.

1) Business signs in the RP District shall be restricted as follows:

   a) One (1) wall sign per business per street frontage, not to exceed five (5) percent of the wall area for any wall up to a maximum of fifty (50) square feet for any single business.

   b) One (1) freestanding sign per lot per street frontage, located in the front or side yard; provided that, the total height of the freestanding sign shall not exceed six (6) feet. The total area of the sign shall not exceed ten (10) square feet if the lot the sign is located on does not exceed twenty thousand (20,000) square feet in size; fifteen (15) square feet if the lot is between twenty thousand (20,000) and forty thousand (40,000) square feet in size; and twenty-one (21) square

feet if the lot exceeds forty thousand (40,000) square feet in size. The freestanding sign shall be set back five (5) feet from property lines.

c) When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four (4) sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

Sec. 37-726. IBP Interstate Business, CI Commercial Industrial, I1 Light Industrial and I2 Heavy Industrial District Sign Regulations

1) *Business Signs.* On-premise business signs shall be permitted subject to the limitations provided in Table VII-C.

2) *Signs in Sign Triangle*. When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four (4) sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.

3) *Temporary Signs*. A business shall be permitted to display one (1) temporary or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one (1) week. Temporary wall-mounted signs shall conform with the size and height restrictions for permanent wall signs in the zoning district, and temporary freestanding signs shall conform to the height and size restrictions for permanent freestanding on-premises signs in the zoning district, as outlined in Table VII-C. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

4) *Grand Opening Signs*. A business shall be permitted to display one (1) temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty (30) days from the date the business was started. Additionally, within the first thirty (30) days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three (3) days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

a) An oversized banner is limited to twenty-five (25) percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.

b) A searchlight is limited to a single beam of no more than one thousand six hundred million (1,600,000) footcandle [power]. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five (45) degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicle. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

c) An inflatable sign or balloon may not exceed twenty-five (25) feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five (5) feet, and shall maintain a ten (10) foot clearance from overhead electric lines. Up to three (3) flags may be substituted for an inflatable sign or balloon referenced above.

d) The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display.

Sec. 37-727. Table VII-C Standards for On-Premise Signs in the IBP Interstate Business, CI Commercial Industrial, I1 Light Industrial and I2 Heavy Industrial District Zoning Districts

[Table VII-C]

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Projection or Setback	Miscellaneous Provisions
Individual Freestanding	1 per frontage per lot if no projecting roof, canopy, or marquee sign exists on the same frontage.	Maximum area of 100 sq. ft.	Maximum height of 6 feet. Must be monument style.	5-foot setback from property lines.	Minimum 50-foot separation between signs. For a sign which advertises more than one (1) business, at least 10% and no more than 65% of the total sign face shall be devoted to an individual business.
Wall	1 sign per building elevation per business if no fascia-mounted canopy or carport sign exists.	10 percent of wall area for any wall up to 150 sq. ft. of total sign area per business, per 2 adjacent wall elevations.	Not to project above the roof or cornice line of the wall upon which the sign is mounted.	18 inches maximum projection from wall surface.	Only one wall sign above the second story per elevation of building. An additional 50 sq. ft. of wall signage may be added to any one permitted wall sign per business if no freestanding sign exists. The total wall signage shall not exceed

					10% of the total wall area.
Theater Marquee	1 per business if no freestanding, canopy, projecting, or roof sign exists.	Up to 100 sq. ft. of changeable copy per structure and 50 sq. ft. permanent signage.	Shall not extend above second story or roof line.	Must be totally within area of marquee structure.	50-foot minimum sign separation; 10-foot minimum ground clearance.
Awning, Canopy or Roof Overhang	If no wall sign exists on the wall for which the canopy will be placed, 1 sign on the face of the canopy. If no freestanding, marquee, projecting or roof sign exists, 1 sign on each end of the canopy or one under the canopy.	Under 1 end of canopy 10 sq. ft.; The maximum area of such signs shall be calculated in the same manner as wall signs.	Shall not extend above second story or roof line.	Must be totally within surface area of canopy structure, not to project within 2 feet of any curb line.	Clearance from sidewalk to bottom of sign must be a minimum of 8 feet. Awnings with supporting poles in the ROW must be approved by the City Engineer.
Projecting Arm	1 per business if no freestanding, marquee, canopy or roof sign exists.	1 sq. ft. per foot of frontage not to exceed 30 sq. ft.	Shall not extend above second story or roof line, whichever is lower.	4 feet maximum projection.	Shall be pinned directly to building; 30-foot minimum sign separation; 8-foot minimum ground clearance.
Roof	1 per main building if no freestanding marquee, projecting, canopy or wall signs exist.	(Permitted sign height) x (¼ of the width of building wall facing street) up to a maximum of 150 sq. ft.	4 ft above roofline	May not project over edge of building.	Signs totally within the area of on-roof structures shall be considered wall signs. Roof signs are prohibited on structures with building height of more than 35 feet.

DIVISION 5: PLANNED REGIONAL SHOPPING CENTER SIGN REGULATIONS

Sec. 37-728. Purpose

The purpose of this section is to recognize that planned regional shopping centers constitute a category of business distinct from other types of commercial uses. Planned regional shopping centers are distinguished by the provision of substantial on-site automobile parking areas, internal vehicular circulation, limited points of ingress and egress for vehicles, and the gathering together of numerous separate and diverse business establishments and uses. Because of this distinction, it is appropriate that there be sign standards applicable to planned regional shopping centers to provide for the identification of such centers and the commercial activity therein, and to provide for safe and convenient vehicular circulation within the centers and ingress and egress to streets adjacent to such centers.

Sec. 37-729. Planned Regional Shopping Center Sign Regulations

In lieu of the sign regulations of the Zoning District in which a Planned Regional Shopping Center is located, on-premise business signs shall be permitted subject to the limitations provided in Table VII-D.

Sec. 37-730. Table VII-D Standards for On-Premise Signs in Planned Regional Shopping Centers

Table VII-D

Type of Sign	Maximum Number Permitted	Maximum Sign Area	Maximum Aggregate Area	Height and Width Limitations	Location
Primary Individual Freestanding Planned Regional Shopping Center Identification Sign	4 per entirety of Planned Regional Shopping Center	100 square feet total sign area. If placed as a monument, no additional signage may be attached to the monument.		Maximum 15 feet above adjacent grade.	Not farther than 100 feet from the intersection of entrance drives with street right-of-way; 5-foot setback from property lines.
Anchor Store Wall Sign	1 per elevation.	300 square feet per wall sign.	The area of the sign on the wall elevation of an anchor store shall not exceed 5 percent of the wall area of the elevation.	Signs shall not extend beyond perimeter of all to which sign is mounted.	Mounted flat against building wall and projecting no more than 15 inches from it.
Planned Regional Shopping Center Entrance Wall Sign	1 per each entrance	50 square feet per wall sign.			
Planned Regional Shopping	1 per elevation per business.	150 sq. ft. per any two	Aggregate area of a sign shall not		

Center Direct Exterior Access Wall Sign		adjacent wall elevations.	exceed 10 percent of the wall area of the elevation of that store.		
Instructional or Directional Signs (Instructional or directional signs for Planned Regional Shopping Centers may identify business establishments by their proper name)	As needed to facilitate circulation or to identify entrances, subject to approval by the Zoning Administrator.	50 sq. ft. per face for signs at vehicular entrances to mall. 25 sq. ft. per face for all other directional or instructional signs throughout parking area.		Maximum 12 feet above adjacent grade for 50 sq. ft. sign. Maximum 9 feet above adjacent grade for 25 sq. ft. sign.	Ground-mounted not to project over public R.O.W. All signs not at vehicular entrances shall not be readable from the Neil or Market Street R.O.W.
Real Estate Signs	2 total per entirety of Planned Regional Shopping Center.	50 square feet.		Maximum 10 feet above adjacent grade.	On the parcel which is for sale or lease, but not closer than 300 linear feet to another real estate sign within planned regional shopping center. Must be ground-mounted. Shall not project over public R.O.W.

DIVISION 6: SIGNAGE FOR INSTITUTIONAL CAMPUSES

Section 37-731. Site Plan Required

1) Prior to issuance of a permit or permits for signage within an institutional campus, or changes to signage within an institutional campus, a master plan shall be submitted for approval by the Zoning Administrator. Depicted on an overall site plan for the campus, the signage master plan shall show:

    a) The proposed location of existing signs and each new sign to be sited on the campus, or the proposed changes to previously approved signage as appropriate.

b) The design of each sign, including its dimensions.

c) The placement of any electronic changing image or message board signs.

d) In the case of a university or university research park campus a site plan shall be submitted for the proposed sign identifying the location of the proposed sign, and existing entryway or directional signage within 500 feet.

Sec. 37-732. Major Institutional Campus Sign Standards

Signs on a Major Institutional Campus of twenty (20) acres or greater shall meet the following standards:

1) *Freestanding Signs*.

a) All freestanding signs shall be of a monument style.

b) The maximum size of each sign shall be fifty (50) square feet in area, or seventy-five (75) square feet in area for a university or university research park.

c) Freestanding signs shall not exceed a height of ten (10) feet, or fifteen (15) feet in height for a University or University Research Park.

d) One (1) freestanding sign is permitted for each campus vehicular entrance or functional campus unit.

2) *Wall Signs*. Permitted wall signs shall meet the standards for wall signs in the CN1 District in Sec. 37-718.

3) *Electronic Changing Image Signs*. Only One (1) electronic changing image sign shall be permitted for each functional campus unit up to a maximum of two (2) per campus, and each said sign shall meet the following standards:

a) Electronic changing image signs may be incorporated into either a monument or institutional campus directional sign provided the electronic changing mechanism is an integral part of the sign and the changing image portion of the sign does not exceed more than fifty (50) percent of the face of the sign or twenty-five (25) square feet, whichever is smaller.

b) Electronic changing image signs shall not change more than once in any thirty-second period and shall be restricted to instantaneous full-face changes. No wipes, fades, flashing or similar effects may be employed. If located within one hundred (100) feet of a residential use, they shall be turned off between the hours of 9:00 p.m. and 6:00 a.m.

c) Electronic changing image signs must be located on arterial or collector streets as designated on the Street Classification Map and must be separated from each other by at least one hundred (100) feet.

Sec. 37-733. Major Institutional Campus Sign Standards

Signs on a Minor Institutional Campus of less than twenty acres shall meet the following standards:

1) Freestanding Signs.

   a) One (1) Freestanding Sign is permitted per functional campus unit.

   b) Said freestanding sign shall be of a monument style.

   c) Said freestanding sign shall be a maximum of thirty-five (35) square feet in area.

   d) Said freestanding sign shall not exceed a height of six (6) feet.

2) Permitted wall signs shall meet the standards for wall signs in the CN1 District in Sec. 37-718.

3) Electronic Changing Image Signs. Only One (1) electronic changing image sign shall be permitted for each campus and each said sign shall meet the following standards:

   a) Electronic changing image signs must be incorporated into the permitted monument sign, making the electronic changing mechanism an integral part of the sign and the changing image portion of the sign may not exceed more than fifty (50) percent of the face of the sign or seventeen and one-half (17½) square feet, whichever is smaller.

   b) Electronic changing image signs shall not change more than once in any thirty (30) second period and shall be restricted to instantaneous full-face changes. No wipes, fades, flashing or similar effects may be employed. If located within one hundred (100) feet of a property zoned for residential use, they shall be turned off between the hours of 9:00 p.m. and 6:00 a.m.

   c) Electronic changing image signs must be located on arterial or collector streets as designated on the Street Classification Map and must be separated from each other by at least one hundred (100) feet.

DIVISION 7: OUTDOOR ADVERTISING SIGN STRUCTURES

Sec. 37-734. Outdoor Advertising Sign Structure Permitted Locations

Outdoor advertising sign structures shall be permitted in the CG, CB1, CB2, CB3, IBP, CI, I1, and I2 Districts subject to the limitations as provided for in this article and as specified in Table VII-E.

Sec. 37-735. Table VII-E Standards for Outdoor Advertising Sign Structures (OASS)

TABLE VII-E

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback	Separation	Miscellaneous
Wall or freestanding within 3 feet of and parallel to wall	2 per wall Provided no other wall signs on display wall or freestanding	300 sq. ft. per structure. No portion of the sign face may extend beyond the	Not to project above roof line of wall.	Not to project beyond edges of wall.	None	No outdoor advertising sign structures erected on or projecting over a roof

	OASS on same lot.	perimeter of the sign structure.				shall be permitted.
Freestanding		300 sq. ft. (back-to-back 300 sq. ft. displays shall be deemed to be single structure). No portion of the sign face may extend beyond the perimeter of the sign structure.[2]	25 feet at setback line plus 1 foot per additional 2-foot setback to a maximum of 35 feet in height.	10 feet from the curb line of public streets. If located within 150 feet of an existing freestanding sign, shall not be located closer to public right-of-way than any part of such freestanding sign within such distance.[3, 4, and 6]	300 feet between freestanding OASS, measured along same side of street. 330 feet between OASS and residential zoning district. 50-foot minimum separation between freestanding OASS and freestanding signs.[3, 4, 5, 6]	No outdoor advertising sign structures erected on or projecting over a roof shall be permitted. All distances between signs/OASS's shall be measured along the right-of-way line from the point of its intersection with lines drawn from the signs/OASS's perpendicular to the right-of-way.

Footnotes:

1) No outdoor advertising sign structures erected on or projecting over a roof shall be permitted.

2) "Back-to-back" shall mean faces erected at no greater than a forty-five (45) degree angle to each other.

3) “Freestanding sign" here excludes instructional or directional signs, for sale signs, temporary signs, portable signs and noncommercial signs.

4) Separation measurements on same side of street from closest projection of OASS on ground to closest projection of freestanding sign on ground.

5) At the intersection of two (2) streets, the separation requirement shall be measured along perpendicular right-of-way lines.

6) All distances between signs/OASS's shall be measured along the right-of-way line from the point of its intersection with lines drawn from the signs/OASS's perpendicular to the right-of-way.

7) All visible structural elements or the materials covering them, if applicable, (excluding the changeable portion of the display) shall be white, grey, tan or another light-shaded color. Another color may be used if the color is compatible with surrounding structures or other property improvements or vegetation in terms of design or color, as determined by the Zoning Administrator based on the intent of this section, subject to appeal to the Zoning Board of Appeals.

8) OASS's shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind and between the display panels. Permanently exposed handrails shall not be permitted surrounding the catwalks or walkarounds.

9) Cross member supports (not including walkway supports) shall be hidden behind the face of the OASS. If the exposed support structure includes any non-enclosed I-beams, channels, or angle irons, any such elements shall be enclosed with a sheathing or other all-weather material. Any additional apron or framing around the face of the OASS, for an OASS with height from ground level to the base of the display area greater than ten (10) feet, shall be included in the total calculated permitted area of three hundred (300) square feet maximum.

Sec. 37-736. OASS Overlay District

1) In the area defined by the Table-VIII-A map, no additional Outdoor Advertising Sign Structures after January 1, 2007 shall be permitted, provided that OASS which were legally erected may be repaired in their entirety, or relocated within the OASS Overlay District. Rebuilt or relocated signs shall conform to the design/landscaping requirements of this chapter, and shall meet the sixty-point standard as such points are assigned by the Zoning Ordinance under subsection (c) of this section.

Sec. 37-737. OASS Overlay District Map

[INSERT MAP HERE]

Sec. 37-738. OASS Sign Bank

To allow for the relocation of outdoor advertising sign structures in the Overlay District and the establishment of new changing outdoor advertising sign structures outside the Overlay District, the following provisions shall apply:

1) When an OASS located in the Overlay District is removed by an owner, it is added to a "sign bank" for that owner. Additionally, any OASS within the City of Champaign made non-conforming by this Ordinance because of proximity to a residential property may be added to the sign bank for that owner if the OASS is removed.

2) The Zoning Administrator shall maintain a listing of the sign bank inventory indicating the number of OASS faces in the bank along with the area of each OASS face deposited into the bank.

3) To erect a new OASS in the Overlay District, the owner must draw down the amount of OASS face area deposited in the sign bank equal to the area of the newly proposed OASS. Changing outdoor advertising sign structures are not permitted in the Overlay District.

4) To erect a changing OASS anywhere outside the Overlay District but otherwise permitted within the jurisdiction of the City of Champaign, the owner must draw down on the number of sign faces deposited in the sign bank at a ratio of 2:1.

Sec. 37-739. Outdoor Advertising Structure in Entryway Nodes

1) New or relocated outdoor advertising sign structures erected within a half mile of the buildings listed below, shall not obstruct significant views of the buildings listed below for pedestrians or automobile passengers within the right-of-way. The Zoning Administrator shall make the determination of view obstruction.

2) The protected buildings are:

    a) The Geis Memorial Stadium (The Memorial Stadium)

    b) The State Farm Center (Assembly Hall)

    c) The Champaign City Building,

    d) Beckman Institute.

3) Additionally, OASSs located within Entryway Nodes, as defined herein, shall be required to provide design/landscaping elements which accumulates at least one hundred twenty (120) design/landscape points

Sec. 37-740. OASS Design/Landscaping Points

1) Landscaping points should be accumulated from a variety of landscaping; no more than twenty (20) points may be accumulated from the same plant type.

    a) Five (5) points for each fifty (50) square feet of flowerbeds or other decorative groundcover. Landscaping beds elevated at least one and one-half (1.5) feet have double point value.

    b) Five (5) points for each decorative shrub or ten (10) points for each ornamental tree.

    c) Fifteen (15) points for each shade tree.

    d) Fifteen (15) points for architectural treatment of sign base plus five (5) points for structure design that mimics or compliments the architectural style of nearby buildings.

    e) Up to ten (10) points may be awarded by the Zoning Administrator (subject to appeal to the Zoning Board of Appeals) for design treatments not listed herein which mitigate the visual impact of the OASS.

2) Plantings shall be properly maintained, and placed in compliance with Sec. 37-916.

3) If it is physically impractical to provide the required landscaping adjacent to the OASS, such landscaping may be provided on the same lot within the same view from the roadway, providing that the point level of landscaping required is increased by fifty (50) percent.

Sec. 37-741. OASS Proximate to Local Landmarks, Historic Districts or Conservation Districts

1) Before the erection of an OASS within three hundred (300) feet of an Historically Designated Landmark or an Historic District as defined by this chapter, measured along the same side of any roadway upon which the landmark or district has frontage, any OASS requires a Certificate of Appropriateness from the Historic Preservation Commission prior to a permit being issued.

2) The Historic Preservation Commission shall not issue a certificate of appropriateness unless it finds that the proposed OASS:

    a) Does not obstruct views from any vantage point on a public right-of-way of any contributing facade of an historic landmark structure or any contributing building within a designated historic district, and

    b) If placed in a Historic District, that the sign will be designed to be compatible with the historical character of the district, based upon the following criteria:

        i) The extent to which the materials used in the construction of the OASS are the same or similar to those used to construct contributing structures in the District;

        ii) The extent to which the OASS incorporates design features that are prevalent among contributing structures in the District;

        iii) The extent to which incompatible design features of the OASS support structure are screened from view by natural landscaping elements.

Sec. 37-742. OASS Not In Entryway Nodes.

All new or relocated OASS not located within entryway nodes shall be required to provide design/landscaping elements which accumulate at least sixty (60) design/landscape points.

ARTICLE VIII: HISTORIC PRESERVATION

Sec. 37-800. Purpose

The purpose of this article is:

1) To identify properties and provide a mechanism to designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historic, cultural, artistic, social, economic, ethnic, or political heritage of the nation, state, and community. Those properties may also have a special community or aesthetic interest of value to the City of Champaign or may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction, or use of indigenous materials.

2) To preserve and expand the supply of adequate, safe, and sanitary housing through the preservation of older residential structures with historic and/or architectural value, and neighborhoods in which such structures are located.

3) To stabilize and improve the economic vitality and value of designated properties; to promote economic development through the restoration, rehabilitation, and maintenance of historic and architecturally significant structures; and to strengthen the City's tax base.

4) To preserve and protect the character and vitality of neighborhoods from the adverse effects of development that could detract from or have a negative effect on overall neighborhood character.

5) To protect and enhance the attractiveness of the City to home buyers, homeowners, residents, tourists, visitors, and shoppers, and thereby support and promote business, commerce, industry, and provide economic benefit to the City.

6) To foster civic pride in the beauty and noble accomplishments of the past as represented in designated landmarks and districts; and to promote education of the general public concerning the importance of preservation.

7) To promote and encourage the continued private ownership, maintenance, use of designated properties, and improvements to the maximum extent consistent with the above objectives.

Sec. 37-801. Authorization

This article is authorized by the Illinois Municipal Code and the City of Champaign’s Home Rule authority under Article VII of the State of Illinois Constitution.

Sec. 37-802. General Provision

1) No provision of this article shall be construed as repealing any other code or ordinance of the City of Champaign, and any permit or license required thereunder shall be required in addition to any Certificate of Appropriateness or Certificate of Economic Hardship which may be required under this article. However, where a Certificate of Appropriateness or Certificate of Economic Hardship is required, no such other permit or license shall be issued by any department of the City before a certificate has been issued as provided by this article.

2) The use of property and improvements which have been designated under this article shall be governed by the City of Champaign Zoning Ordinance and any other applicable law.

3) Whenever there is a conflict between the provisions of this article or a regulation adopted hereunder, and the provisions of any other code or ordinance of the City of Champaign, the more restrictive shall apply.

DIVISION 1: HISTORIC PRESERVATION COMMISSION

Sec. 37-803. Historic Preservation Commission

There is hereby created the Champaign Historic Preservation Commission.

1) The Commission shall consist of seven (7) regular members and two (2) alternates, who are residents of Champaign. They shall be appointed by the Mayor and approved by the City Council. All members shall be appointed at large based on expertise, experience, or interest in the areas of history, architectural history, architecture, historic architecture, historic, or neighborhood preservation, planning, archaeology, real estate, or related field. Every reasonable attempt shall be made to select members from this cross section of disciplines; no more than three (3) members shall be from any one discipline. Commissioners shall serve without compensation.

2) Commissioners shall serve terms of three (3) years. Vacancies shall be filled for the unexpired term only. Alternate members shall first serve for one (1) year prior to being appointed as a regular member.

3) Officers shall consist of a Chairperson and Vice-Chairperson elected by the Commission who shall serve a term of one year and shall be eligible for re-election; but no member shall serve as Chair for more than two (2) consecutive years. Elections shall be held annually at the Commission's annual business meeting. The Chairperson shall preside over meetings. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. If both are absent, a temporary Chairperson shall be elected by those present. The Commission may provide for additional officers in its By-laws.

4) Secretary of the Commission shall be the Director of Planning or his designee from within the Planning Department. The Secretary shall have no vote. The Secretary shall provide administrative and technical assistance to the Commission to assist it in making the decisions and findings as provided herein. On all matters related to planning and zoning in general, the Secretary shall send notice to all Commission members, in the same manner as nearby property owners are notified, of hearings before the Plan Commission or Zoning Board of Appeals.

5) The Commission shall hold an annual meeting for the express purpose of electing its officers. Regular meetings shall be held at scheduled times to be established by the by-laws of the Commission, at any time upon the call of the Chairperson, or upon a written request signed by three (3) Commissioners. Such call or request shall be communicated to the Secretary. There shall be a minimum of four (4) meetings per year.

Sec. 37-804. Historic Preservation Purpose

The Historic Preservation Commission is created to:

1) Identify such property, structures, or areas within the City of Champaign that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political, or architectural history of the nation, state or city;

2) Advise the Plan Commission and City Council on the designation of such property, structures, or areas as either Landmarks or as Conservation or Historic Districts;

3) Facilitate the protection of the distinctive visual characteristics of Landmarks or Conservation or Historic Districts by reviewing, giving advice, and passing upon changes to their exterior architectural appearance; and

4) Perform such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in property, structures and areas.

Sec. 37-805. Powers, Duties and Responsibilities

The Commission shall have the following duties:

1) To adopt its own procedural rules;

2) To oversee surveys and maintain an inventory which identifies properties, improvements, and areas that have historic, architectural, cultural, or community interest;

3) To investigate, hold public meetings and nominate to the Plan Commission the approval of applications designating certain properties as having special historic, community, architectural, or archaeological value as a Landmark, Conservation, or Historic District. The nomination may also include additional design standards for the proposed Landmark, Conservation, or Historic District, which have been developed after consultation with applicants and owners of properties in the proposed designated district or Landmarks;

4) To keep a register of all properties and structures which have been designated under this article. This register shall include information required of each designation along with an appropriate map;

5) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings for the Landmarks or districts;

6) To review applications for alteration, construction, and demolition affecting the exterior architectural appearance of property formally under consideration for designation or in designated Landmarks, Conservation or Historic Districts, and to issue, deny, or modify Certificates of Appropriateness, for such actions;

7) To consider applications for Certificates of Economic Hardship that would allow the performance of work for a Certificate of Appropriateness which would have been denied;

8) To advise and assist owners of landmarks, property or structures within designated districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and/or procedures for inclusion on the State and/or the National Register of Historic Places;

9) To recommend to the City Council the nomination of Landmarks and Historic districts to State and National Registers;

10) To inform and educate the citizens of the City of Champaign concerning the historic and architectural heritage of the City;

11) To review and make a recommendation on proposed Zoning Map amendments, applications for special uses, or application for zoning variations that affect Landmarks or designated Conservation or Historic Districts;

12) To advise City Boards and Commissions, including the Plan Commission, Zoning Board of Appeals, and Code Enforcement Board of Appeals on matters affecting any designated Conservation or Historic District, and on matters affecting historically or architecturally significant property, structures, or areas;

13) To review as appropriate the City of Champaign's Zoning Ordinance and to recommend to the Plan Commission and the City Council any amendments appropriate for the protection and continued use of property or structures within designated districts;

14) To confer recognition upon the owners of property or structures within designated districts by means of certificates, plaques, markers, or other means;

15) To advise the City Council on the use of such gifts, grants, and monies as may be appropriate for the purposes of this ordinance, or as designated by the grantor for the purposes of preservation;

16) To advise the Zoning Board of Appeals on whether a structure is historic for the purpose of granting an off-street parking reduction for the rehabilitation or adaptive use of historically significant structures;

17) To undertake such other action or activity relative to preservation in the community as may be authorized by the City Council; and

18) To carry out such other duties as may be required by the State of Illinois Certified Local Government Program.

DIVISION 2: LANDMARK AND CONSERVATION DISTRICT DESIGNATION

Sec. 37-806. Criterial for Designating Local Landmarks

The Commission shall, upon receipt of an application and after conducting an investigation, make a preliminary determination as to whether a property, structure, improvement, or area meets one or more of the following criteria for Local Landmark designation:

1) Significant value as part of the historical, cultural, artistic, social, ethnic, or other heritage of the nation, state or community.

2) Associated with an important person or event in national, state or local history.

3) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction, or use of indigenous materials.

4) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era.

5) Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.

6) One of the few remaining examples of a particular architectural style or use, or is an example which clearly represents a major architectural style and has undergone little or no alteration since its construction.

7) A property, structure, improvement or area that is less than fifty (50) years old shall not be considered for landmark designation unless it is of exceptional importance in any of the areas described in the criteria above.

Sec. 37-807. Criteria for Designating Local Historic Districts

The Commission shall, upon receipt of an application and after conducting an investigation, make a preliminary determination as to whether an area meets one or more of the following criteria for Local Historic District designation:

1) A significant number of structures in the proposed district meet any of the criteria listed in the previous section.

2) An area containing a contiguous grouping of properties having a sense of cohesiveness expressed through a similarity of characteristic of style, period, or method of construction.

3) An area containing one or more Landmarks along with such other structures, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as Landmarks, nevertheless contribute to the visual characteristics of the Landmark or Landmarks located in the district.

4) An area in which the majority of properties are less than fifty (50) years old or in which the significance of the district is due to events taking place in the last fifty (50) years will not be considered for designation as an historic district unless the district is of exceptional importance in any of the areas described in the criteria above.

Sec. 37-808. Criteria for Designating Conservation Districts

The Commission shall, upon receipt of an application and after conducting an investigation, make a preliminary determination as to whether an area meets one or more of the following criteria for Conservation District designation:

1) An area which possesses a significant concentration, linkage or continuity of sites, structures, or objects which are united by past events which have occurred fifty (50) or more years from the date of application, or aesthetically by plan, or physical development.

2) An area that possesses unique physical attributes or characteristics in terms of urban design, land use, streetscape, etc., that cause such area to constitute a distinctive section of the City.

3) An area undergoing revitalization that has retained the character of earlier periods of development.

4) An area that is a focus of activity, a gathering spot, or other specific point of reference in the community.

5) An area that meets any of the standards listed for Local Landmarks and Local Historic Districts.

Sec. 37-809. Eligible Applicants for Landmarks, Historic Districts, and Conservation Districts.

An application to nominate a Local Landmark, Historic District or Conservation District may be made by the following eligible applicants:

1) A record title owner of the property.

2) A group of property owners within a proposed district.

3) The Historic Preservation Commission.

4) City Council.

5) The Planning and Development Director or designee.

6) Any person, group of people, or organization with a demonstrated interest in Preservation. A person or group of people which submit an application to nominate must be residents of Champaign County, Illinois or collaborate with an organization with a demonstrated interest in preservation which is based in Champaign County, Illinois to submit the application on their behalf and represent the application through the designation process.

Sec. 37-810. Application to Nominate Landmarks, Historic Districts, and Conservation Districts.

Application to nominate Landmarks, and Conservation or Historic Districts, shall be made to the Historic Preservation Commission and filed with the Planning and Development Director. Applications shall include:

1) The name and address of the owner of record of the property proposed for designation, including the names of the beneficial owners of property if held in trust, where available.

2) legal description, common street address, and parcel identification number of the property proposed for designation.

3) A map delineating the boundaries and location of the property proposed for designation.

4) A written statement describing the property and setting forth the reasons the property, structure, or area is eligible for nomination, including a statement indicating which of the criteria in this article are met by the nomination.

5) An application fee as provided in Chapter 26 of the Municipal Code.

6) Visual documentation as appropriate and possible to support the application.

7) Such other information as may be required by the Commission.

Sec. 37-811. Processing Applications to Nominate

Upon receipt of a complete application to nominate, the Planning and Development Director shall:

1) Schedule a review at a regular meeting of the Historic Preservation Commission.

2) Notify the applicant of the time and place of the review.

3) Notify the City Manager and all City Departments potentially affected that an application to nominate has been received, and request that each department report back to the Planning and Development Director on any matters affecting the subject property or surrounding area.

4) Prepare a report to the Historic Preservation Commission which transmits the nomination application and includes an assessment of the effect of the proposed designation on the surrounding neighborhood, the relationship of said proposal to the Comprehensive Plan, and any other planning considerations or affecting the subject property or surrounding neighborhood.

Sec. 37-812. Notice of Application

Notice of the application shall be mailed to the affected property owner(s) and applicant no later than ten (10) days prior to the review of the application by the Historic Preservation Commission. Within the notice of application, the time and date of the Historic Preservation Commission review of the application shall be made. Notice to the applicant and property owner(s) of a proposed landmark, or within a proposed district shall be by first class mail. The Planning and Development Director shall make a good faith effort to comply with the provisions of this Section. Failure of the applicant or property owner to receive such notice shall not invalidate these proceedings.

Sec. 37-813. Historic Preservation Commission Review of Application to Nominate

1) The Historic Preservation Commission shall meet with the applicant and property owners to:

    a) Review the proposed application to determine performance within the applicable designation criteria in sections 37-806 through 37-808, herein.

    b) Review the proposed boundaries of the district and recommend modifications if deemed appropriate, in accordance with the designation criteria contained within this Article.

c) Identify and list within the nomination application all contributing and noncontributing structures within the proposed Conservation or Historic District.

d) The Commission shall approve the application and nominate the property(ies) for designation or shall deny the application.

2) Upon nomination for designation, the Commission shall instruct the Planning and Development Director to schedule a public hearing before the Plan Commission.

Sec. 37-814. Plan Commission Public Hearing

1) Notice of the nomination and scheduled Public Hearing at Plan Commission shall comply with the standards for public notices in Sec. 37-1207.

2) The Planning and Development Director shall prepare a report of the action of the Historic Preservation Commission regarding the nomination for consideration at Plan Commission, including an evaluation of applicable designation criteria in section 37-806 through 37-808, herein.

3) Testimony and other evidence concerning the compliance of the proposed Landmark, Conservation or Historic District with the criteria required for designation as provided in this article shall be taken at the public hearing before the Plan Commission from any person wishing to be heard. The owner of any proposed landmark or of any property within a proposed District shall be allowed a reasonable opportunity to present evidence regarding said criteria and to respond to such evidence or testimony given by others.

4) During the public hearing, the Plan Commission may recommend modifications to the nomination to eliminate, change, or to remove a property from within the boundary of a proposed district, except that no interior lot shall be eliminated. The Commission may not modify the nomination to extend beyond the property described in the application, unless a new application for nomination is filed and the procedure repeated. Such modifications shall be sent to the Historic Preservation Commission for consideration. The Historic Preservation Commission shall review said modifications within fifteen (15) days following notice from the Plan Commission and either recommend for or against such modifications in writing to the Plan Commission. The public hearing shall remain open until the Commission's response to the modifications is entered as testimony. The hearing shall be closed upon the completion of testimony and the submission of evidence.

Sec. 37-815. Plan Commission Recommendation

The Plan Commission shall make a recommendation on the nomination to the City Council within thirty (30) days after the conclusion of the public hearing. The Commission may recommend the approval, denial, or approval with conditions of the nomination application, subject to modifications or conditions established at the public hearing. The Plan Commission shall consider the following in making its recommendation:

1) The extent to which the nomination meets one or more of the applicable criteria set forth in either Sec. 37-806, Sec. 37-807, or Sec. 37-808;

2) Whether the designation is consistent with the intent and objectives of this article, as set forth in section 37-103, and the intent of the Zoning Ordinance generally;

3) Whether the property owner has demonstrated that a reasonable return cannot be obtained on the property if it is so designated; and

4) Whether the property owner opposes the designation.

Sec. 37-816. City Council Consideration

After the Plan Commission has made its recommendation, the City Council shall approve or deny by Ordinance, Local Landmark, Historic District or Conservation District designation. The City Council shall consider the following in taking action on the application:

1) The extent to which the nomination meets one or more of the applicable criteria set forth in either Sec. 37-806, Sec. 37-807, or Sec. 37-808;

2) Whether the designation is consistent with the intent and objectives of this article, as set forth in section 37-103, and the intent of the Zoning Ordinance generally;

3) Whether the property owner has demonstrated that a reasonable return cannot be obtained on the property if it is so designated; and

4) Whether the property owner opposes the designation.

When the Plan Commission recommends denial, the designation shall not be approved except by six (6) favorable votes of all members of the City Council. If the City Council approves the designation, the City Clerk shall record a copy of the Ordinance approving the designation with the County Recorder.

Sec. 37-817. Protest

A written protest consistent which meets the standards and provisions of Sec. 37-1218 may be filed with the City Clerk. If a valid written protest is filed, then an ordinance approving the Local Landmark, Historic District, or Conservation District being nominated shall only be approved by six (6) favorable votes of all members of the City Council.

Sec. 37-818. Regulation During Consideration Period

From the date of notice of nomination to the owner(s) of the subject property specified in Sec. 37-812 until the date of either a decision by the Historic Preservation Commission denying the application or an approval or denial of the application by the City Council, the provisions of this article shall apply as if the subject property were designated as requested. However, this interim control shall in no case apply for more than one hundred eighty (180) days after the application is filed.

The provisions of this Section shall not apply to land, buildings, or structures if in the opinion of the Zoning Administrator, a person who owns or has a right to use land, buildings, or structures has made a substantial change in position (including substantial expenditures or the incurrence of substantial obligations) prior to the date the nomination application was filed, without knowledge of the proposed nomination and in reliance upon the probability that, under the provisions of the Zoning Ordinance, a building permit would be issued. Neither the acquisition of any interest in land, buildings, or structures,

nor expenditures made, or obligations incurred in connection with such acquisitions shall be considered in determining whether there has been a substantial change in position.

DIVISION 3: REMOVAL OR AMENDING DESIGNATIONS

Sec. 37-819. Amending or Rescinding Designations

Designation as a Landmark, Conservation, or Historic District may be amended or rescinded by Ordinance of the Council after application to the Commission and compliance with the same procedures set forth for designation.

DIVISION 4: DESIGN REVIEW PROCEDURE GENERALLY

Sec. 37-820. - Certificates of Appropriateness Intent.

The intent of this section is to ensure that structures designated as Landmarks, or structures located in a Historic or Conservation District, be in harmony with other structures located therein. It is not the intent of this Article to regulate the use of land as otherwise allowed in this Chapter, to require the reconstruction or restoration of individual or original buildings or to prohibit the demolition or removal of such buildings or to impose architectural styles from particular historic periods. In considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the district.

Sec. 37-821. - Certificate of Appropriateness Scope.

1) For Landmarks and within Historic Districts, a Certificate of Appropriateness is required for the following activities:

    a) Activity involving the exterior of the structure including alterations, construction, relocations, or demolition, whether or not a building permit is required.

    b) No Certificate of Appropriateness shall be required for the following activity:

        i) Change in exterior paint scheme or colors.

        ii) Installation of, or change in, storm doors, storm windows, screens, window air conditioners, or television antennas.

        iii) Ordinary repair and maintenance of existing exterior architectural features which does not change the basic structural appearance of same.

        iv) Installation and repair of walks, patios, or driveways.

        v) Installation of outside storage and mechanical equipment that cannot be seen from the street.

        vi) Installation, removal or changes in landscaping.

    c) For Conservation Districts, a Certificate of Appropriateness is required as follows:

i) Activity involving the exterior of contributing structures, and requiring a building permit, including construction, demolition, or relocation.

ii) The construction of any new building on any lot in the district.

iii) No Certificate of Appropriateness shall be required for any activity that does not require a building permit.

iv) No Certificate of Appropriateness shall be required for construction or demolition of noncontributing structures.

Sec. 37-822. - Certificate of Appropriateness Procedures.

1) Any application for a building permit, including plans and specifications as required by the building permit or Historic Preservation Commission, for designated landmarks or for structures within designated Conservation or Historic Districts shall be sent by the Building Official to the Planning and Development Director within seven (7) calendar days after the Building Official receives the application. Any application for a Certificate of Appropriateness which is not a part of a building permit application shall be submitted by the applicant to the Planning and Development Director.

2) The Planning and Development Director is hereby authorized to issue a Certificate of Appropriateness on behalf of the Historic Preservation Commission for work which does not require a building permit when the work conforms to the guidelines and design standards established herein. If the work does not conform to the guidelines and design standards, then the Certificate of Appropriateness shall be denied. If denied, the applicant can apply directly to the Commission for a Certificate of Appropriateness.

3) The Planning and Development Director is hereby authorized to issue a Certificate of Appropriateness on behalf of the Historic Preservation Commission for replacement or restoration of roofs, windows, and doors when such work conforms to the guidelines and design standards established herein. If the work does not conform to the guidelines and design standards, then the Certificate of Appropriateness shall be denied. If denied, the applicant can apply directly to the Historic Preservation Commission for a Certificate of Appropriateness.

4) If the Planning and Development Director determines that the proposed activity does not fall within the scope of administrative approval described in subsection (2) or (3) above, the application shall be forwarded to the Historic Preservation Commission for review at the next available regular meeting.

5) At the next regular meeting, the Historic Preservation Commission shall review the application and determine if the proposed work is clearly consistent with the guidelines and design standards established herein. The Historic Preservation Commission shall either approve, approve with modifications, or deny the application. If the applicant does not agree with the Historic Preservation Commission's decision to modify an application, the application shall be denied. If the application is approved, or approved with modifications, the Historic Preservation Commission shall issue a Certificate of Appropriateness.

6) The granting of a Certificate of Appropriateness shall be the final administrative decision. A Certificate of Appropriateness shall be valid for twelve (12) months to start and continue the approved work. After the issuance, no change may be made in the proposed work without resubmittal of an application.

7) If the Historic Preservation Commission finds that the proposed work is clearly inconsistent with guidelines and design standards established herein, the Certificate of Appropriateness shall be denied. No application for a Certificate of Appropriateness which is substantially the same as one which has been denied previously shall be considered by the Historic Preservation Commission for one year, or if appealed, for one year after the same was denied by the City Council.

8) The Building Official may issue a building permit only consistent with the Certificate of Appropriateness.

9) The Building Official shall not issue a building permit in cases where the Certificate of Appropriateness was denied.

Sec. 37-823. Appeals

An applicant whose application for a Certificate of Appropriateness is denied by the Historic Preservation Commission may appeal the Commission's decision in writing to the City Council. The City Council shall take action on the appeal within thirty (30) days. The City Council may affirm or modify the decision after due consideration of the facts contained in the record submitted by the Commission on the denied application. The City Council may receive comments on the content of the record, but no new matter may be considered by the Council, and its decision shall be based solely on a determination as to whether the proposed work is in accordance with applicable standards. If the City Council approves the application as submitted, or approves the application with modifications, the Planning and Development Director shall notify the applicant and Historic Preservation Commission in writing. If the City Council concurs with the decision of the Historic Preservation Commission to deny the application, the Council's decision shall be final. The Planning and Development Director shall notify the applicant and Historic Preservation Commission in writing.

Sec. 37-824. Routine and Emergency Permits.

If emergency circumstances affect a landmark or a structure or building within a Conservation or Historic District which require immediate relief, repair or demolition, the Fire Chief, Building Official, or Planning and Development Director shall certify that such conditions exist and said conditions shall be eliminated as quickly as is practicable. This subsection shall apply only in cases where it is impractical for the Historic Preservation Commission to consider an application for a Certificate of Appropriateness. In the event that the Neighborhood Services Director, or the Director's designee, shall require exterior alterations in an existing building or structure to conform to Life Safety Codes or other codes, a Certificate of Appropriateness shall be required. If in the event irreconcilable conflicts arise between such codes and this article, permission to conform to those codes must be granted by the Historic Preservation Commission even if a Certificate of Appropriateness would not ordinarily be issued.

Sec. 37-825. Certificate of Economic Hardship Scope

Notwithstanding any of the provisions of this article to the contrary, the Historic Preservation Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness would have been denied.

Sec. 37-826. Certificate of Economic Hardship Application Submission Requirements

An applicant for Certificate of Economic hardship may submit documentation to demonstrate why a reasonable return cannot be obtained on the property. The following information may be reviewed by the Commission in order to make a determination on the application:

1) The amount paid for the property, the date of purchase, and the party from whom purchased (including description of the relationship, if any, between the owner and the persons from whom the property was purchased).

2) The assessed value of the land and improvements thereon according to the two (2) most recent assessments.

3) Real estate taxes for the previous two (2) years.

4) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.

5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with this purchase, financing, or ownership of the property.

6) Any listing of the property for sale or rent, price asked, and offers received, if any.

7) Any consideration by the owners regarding potential adaptive uses for the property.

8) If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any during the same period.

9) The potential value of unused development potential of the property utilizing the Transfer of Development Rights in Article IV.

10) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

11) Any other information, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

Sec. 37-827. Certificate of Economic Hardship Findings

If the Historic Preservation Commission finds that without approval of the proposed work, the property and improvements cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Historic Preservation Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Historic Preservation Commission finds otherwise, it shall deny the request for a Certificate of Economic Hardship.

DIVISION 5: DESIGN GUIDELINES AND STANDARDS

Sec. 37-828. General Design Guidelines for Certificates of Appropriateness

1) In making a determination whether to issue or deny a Certificate of Appropriateness, the Historic Preservation Commission shall consider, among other things, the effect of the proposed alteration, construction, demolition, relocation, or removal upon the historic, aesthetic or architectural value, characteristics and significance of the Local Landmark, Historic District or Conservation District.

2) The Historic Preservation Commission shall also consider the maintenance of significant original qualities or characteristics of the landmark, structure or property within a Conservation or Historic District. The removal or alteration of historic or distinctive architectural features should be avoided when possible.

Sec. 37-829. - Design Criteria for Landmarks, Historic Districts, and Conservation Districts.

For Landmarks, Historic Districts and Conservation Districts, any activity as regulated by the provisions of this Article shall be evaluated against the following guidelines:

1) *Height*. The height of the proposed structure or additions or alterations shall be compatible with surrounding structures.

2) *Proportions of Structure's Contributing Facade*. The proportion between the width and height of the proposed structure shall be compatible with nearby structures.

3) *Relationship of Openings into the Facility*. The proportions and relationships between doors and windows shall be compatible with existing structures.

4) *Relationship of Building Masses and Spaces*. The relationship of a structure to the open space between it and adjoining structures shall be compatible.

5) *Roof Shapes*. The design of the roof shall be compatible with adjoining structures.

6) *Appurtenances*. Appurtenances shall be sensitive to the individual structures, its occupants and their needs.

7) *Scale of Structure*. The scale of the structure should be compatible with surrounding structures.

8) *Directional Expression of Front Elevation*. Street facades shall blend with other structures with regard to directional expression. When adjacent structures have a dominant horizontal or vertical expression, this shall be carried over and reflected.

9) *Architectural Details*. Architectural details and materials shall be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of that area.

Sec. 37-830. - Additional Design Criteria for Landmarks and Historic Districts.

In addition to the criteria identified above, for Local Landmarks and Historic Districts, any activity regulated under the provisions of this article shall be undertaken in accordance with the following standards:

1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4) Most properties change over time, those changes that have acquired historic significance in their own right shall be retained and preserved.

5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6) Deteriorated historic features shall be repaired rather than replaced whenever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where practical, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9) Additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10) Additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

ARTICLE IX: LANDSCAPING AND LIGHTING

DIVISION 1: GENERAL PROVISIONS

Sec. 37-900. Purpose

The purpose of this article is to establish lot and site design standards to buffer between different intensities of land, to improve the quality of development, and to mitigate the negative visual impacts of large surface parking areas consistent with the general purpose of the Zoning Ordinance enumerated in Sec. 37-103.

Sec. 37-901. Application and Compliance

1) Any new use of land or development of a structure shall provide and maintain landscaping, screening, and lighting in accordance with the requirements of this Article.

2) A change in use shall require that landscaping and screening in accordance with this Article shall be provided and maintained. A change in use shall include:

    a) A change from one permitted use to a different principal use.

    b) Any expansion of an existing use onto an additional property.

    c) Any expansion of the principal structure which the use is situated by more than twenty-five percent.

3) Any application for a building permit, planned development, special use permit, variation, mitigation plan, or administrative site plan review shall include as part of the application a landscaping plan demonstrating compliance with this article.

4) Parking lot landscaping shall be maintained in accordance with the requirements of this Article.

    a) Replacement of dead or missing parking lot landscaping is required as part of any commercial or industrial building permit approval.

    b) When new off-street parking areas are built, they shall comply with the requirements of this Article.

    c) When an existing off-street parking area is enlarged by more than fifty (50) percent in area. Or when the number of off-street parking spaces is increased by more than twenty-five (25) percent, both the existing and new portions of the parking lot shall conform with these requirements.

Sec. 37-902. Landscaping Plan Required

1) A landscaping plan shall be submitted showing all required elements listed herein. The landscaping plan may be part of a larger site plan for the development of the property. The landscaping plan shall be reviewed and approved by the Zoning Administrator to ensure compliance with the provisions of this Article. The landscaping plan shall contain the following components:

a) The location of trees, shrubs, and ground cover to be planted with appropriate labels as to type of landscaping that correspond with the plant materials.

b) Existing plantings and vegetation that will remain and that satisfy the planting requirements of this article.

c) Plant materials with the botanical and common names, and the size of all plant material at the time of planting.

d) Any required walls, fences, or berms being erected or installed to meet the requirements of this article.

e) If the public right-of-way adjacent to the site contains any publicly owned street trees, the site plan should include this area. Public streets must be protected during and following construction; plans ensuring this protection must be approved by the City Forester.

f) If special measures are required to preserve existing vegetation on private property to credit existing plantings, these measures should be described as part of the plan submittal.

2) The Zoning Administrator shall keep on file the approved landscaping plan to ensure that landscaping is provided on site in accordance with the standards of this Article.

3) An approved landscaping plan may be amended through the Administrative Site Plan Review procedures outlined in Division 4 of Article XI.

DIVISION 2: LANDSCAPE + SCREENING REQUIREMENTS

Sec. 37-903. Screening Types

For purposes of administering the requirements of this article, the following definition shall apply to the types of screens. Where trees and shrubs are required to be planted, such plant materials shall be from the Approved Plant List.

1) Type A Screening shall include all the following elements:

a) Minimum six-foot landscape buffer.

b) Six-foot decorative fence or wall constructed along the length of the property.

2) Type B Screening shall include the following elements:

a) Minimum ten-foot landscape buffer.

b) Landscape planting within the landscape buffer of one tree and three medium-height shrubs for every twenty-five linear feet along the property line between adjacent uses.

3) Type C Screening shall include all the following elements:

a) Minimum fifteen-foot landscape buffer.

b) Six-foot decorative fence or wall constructed along the length of the property.

4) Type D Screening shall include the following elements:

a) Minimum fifteen-foot landscape buffer.

b) A continuous planting of evergreen trees or medium-height shrubs from the plant list. The screen should be expected to reach a height of six (6) feet or greater in three (3) years. The plant material should be three (3) feet in height when planted and there shall be no gap greater than four (4) feet apart when planted.

5) Type E Screening shall include the following elements:

a) Minimum twenty-five-foot landscape buffer.

b) Landscape planting within the landscape buffer of one three and three medium-height shrubs for every twenty linear feet along the property line between adjacent uses.

6) Type F Screening shall include the following elements:

a) Minimum twenty-five-foot landscape buffer.

b) A continuous planting of evergreen trees or medium-height shrubs from the plant list. The screen should be expected to reach a height of six (6) feet or greater in three (3) years. The plant material should be three (3) feet in height when planted and there shall be no gap greater than four (4) feet apart when planted.

c) The planting shall be located on the lower impact side of the buffer yard.

d) Six-foot decorative fence or wall constructed along the length of the property. The fence shall be fully opaque.

Sec. 37-904. Side and Rear Property Line Screening Requirements

1) Whenever land uses of differing intensities are adjacent to one another and located in different zoning districts, screening shall be provided in accordance with Table IX-A of this Article.

2) These provisions and requirements do not apply in the RU1, RU2, CB1, CB2, and CB3 Zoning Districts.

3) In the IT-R1, IT-R2, IT-MR1, IT-MR2, and IT-MR3 Districts, the landscaping and screening standards in the In-Town Zoning Districts in Sec. 37-909 shall apply.

4) In the MR1, MR2, and MR3 Districts, Residential Land Uses and Group/Supportive Living Land Uses, the landscaping and screening standards in Sec. 37-909 shall apply.

Sec. 37-905. Table IX-A Screening Requirements

Table IX-A

	No Impact	Low Impact	Medium Impact	High Impact
No Impact	No Screening	A or B	C, D, or E	F
Low Impact	A or B	No Screening	C, D, or E	F
Medium Impact	C, D, or E	C, D, or E	No Screening	C, D, or E
High Impact	F	F	C, D, or E	No Screening

Sec. 37-906. Classification of Uses

For purposes of determining the appropriate screen, uses shall be classified in accordance with the uses listed in Table IX-B of this Article.

Sec. 37-907. Table IX-B Impact Classifications for Uses

TABLE IX-B Impact Classifications for Uses

RESIDENTIAL USES	IMPACT CLASSIFICATION
Detached Dwelling	No Impact
Multiplex Dwelling	Low Impact
Duplex Dwelling	No Impact
Townhouse Dwelling	No Impact
Apartment Dwelling	Low Impact
Manufactured Home Dwelling	Low Impact
Manufactured Home Community	Low Impact
Ground Floor Dwelling	Low Impact
Upper Story Dwelling	Low Impact
Residential Conversion	Low Impact
Cottage Court Development	No Impact

GROUP/SUPPORTIVE LIVING	IMPACT CLASSIFICATION
Assisted/Independent Living Facility	Low Impact
Community Living Facility	No Impact
Dormitory	Low Impact
Emergency Shelter	Low Impact
Recovery Home	No Impact
Residential Care Facility	Low Impact
Rooming House	Low Impact
Transitional Housing	Low Impact
University Group Housing	Low Impact

INSTITUTIONAL/EDUCATIONAL FACILITIES	IMPACT CLASSIFICATION
College or University	Low Impact
Eleemosynary Student Foundation	Low Impact
Museum	Low Impact
School, K-12	Low Impact
School, Vocational	Low Impact

COMMUNITY FACILITIES	IMPACT CLASSIFICATION
Community Center	Low Impact
Daytime Shelter	Low Impact
Government Facility	Low Impact

Religious Institution	Low Impact
Cemetery	No Impact
Community Garden	No Impact
Park	No Impact

LODGING/HOSPITALITY/ENTERTAINMENT USES	IMPACT CLASSIFICATION
Bed and Breakfast	No Impact
Country Club	No Impact
Lodge Club	Medium Impact
Indoor Commercial Recreation	Medium Impact
Outdoor Commercial Recreation	Medium Impact
Event Center	Medium Impact
Fitness Center	Medium Impact
Golf Course	No Impact
Hotel	Medium Impact
Restaurant	Medium Impact
Carry Out Restaurant	Medium Impact
Tavern or Bar	Medium Impact
Theater	Medium Impact

MEDICAL USES	IMPACT CLASSIFICATION
Clinic	Medium Impact
Hospital	Medium Impact

GENERAL RETAIL SALES AND SERVICES	IMPACT CLASSIFICATION
Animal Clinic	Medium Impact
Auto Repair, Minor	Medium Impact
Auto Repair, Minor	High Impact
Broadcast Studio	Medium Impact
Car Wash	Medium Impact
Contractor Shop	Medium Impact
Currency Exchange	Medium Impact
Day Care Center, Adult	Medium Impact
Day Care Center, Child	Medium Impact
Financial Institution	Medium Impact
Funeral Home	Medium Impact
Gas Station	Medium Impact
Kennel	Medium Impact
Kitchen Commissary	Medium Impact
Office	Low Impact
Office Conversion	Low Impact
Personal Service	Medium Impact
Retail, Food + Drug	Medium Impact
Retail, General Merchandise	Medium Impact
Retail, Package Liquor	Medium Impact
Shopping Center	Medium Impact
Shopping Center, Planned Regional	High Impact
Vehicle Sales	High Impact

CANNABIS BUSINESS ESTABLISHMENTS	IMPACT CLASSIFICATION
Dispensary	Medium Impact
Infuser	Medium Impact
Processor	Medium Impact

Transporter	Medium Impact
Craft Grower	Medium Impact
Cultivation	High Impact

AGRICULTURE	IMPACT CLASSIFICATION
Farm	No Impact
Grain Elevator	No Impact
Greenhouse/Nursery	Medium Impact

INDUSTRIAL AND PRODUCTION	IMPACT CLASSIFICATION
Biomanufacturing	High Impact
Brewery	High Impact
Data Center	High Impact
Distillery	High Impact
Gravel Processing	High Impact
Microbrewery	Medium Impact
Micro-Distillery	Medium Impact
Manufacturing, Light	Medium Impact
Manufacturing, Intermediate	High Impact
Manufacturing, Heavy	High Impact
Recycling Center	High Impact
Research Testing Facility	Medium Impact
Solid Waste Transfer Station	High Impact
Warehouse	Medium Impact
Warehouse, Self-Storage	Medium Impact
Wholesale	Medium Impact

TRANSPORTATION AND UTILITIES	IMPACT CLASSIFICATION
Distribution Facility	High Impact
Drive Through or Drive In Uses	Medium Impact
Freestanding Parking Lot	Medium Impact
Freestanding Parking Structure	Medium Impact
Freestanding Telecommunication Tower	Medium Impact
Intermodal Transportation Facility	Medium Impact
Power Generation Facility	High Impact
Railroad Yard/Freight Terminal	High Impact
Salvage Yard	High Impact
Truck Stop	Medium Impact
Truck Terminal	High Impact
Utility Station	Medium Impact
Vehicle Storage Lot	High Impact

Sec. 37-908. Additional Criteria for Impact Classification for Uses

1) Religious Intuitions with less than 200 seats shall be considered a No Impact use.

2) Apartment Dwellings three stories or less and with fewer than sixteen dwelling units shall be considered a No Impact use.

3) Any use with more than 100.000 square feet of gross square footage of building area within the following categories of uses shall be considered a High Impact Use:

a) General Retail Sales and Services;

b) Industrial and Production;

c) Transportation and Utilities;

4) Any outdoor storage of commercial vehicles, building materials, construction equipment, inoperable vehicles, or hazardous materials shall be considered a High Impact Use.

Sec. 37-909. In-Town District Landscaping and Screening Standards

Except as otherwise specified, every permitted and special use in the IT-R1, IT-R2, IT-MR1, IT-MR3, and IT-MR3 Districts shall be subject to the following standards:

1) No landscaping or screening is required for Detached Dwellings and Duplex Dwellings.

2) No landscaping or screening is required for Residential Conversions with up to three dwelling units.

3) Any new use that is immediately adjacent to a Detached Dwelling shall provide an opaque fence or wall a minimum of six feet in height along the length of the common property line.

4) Any new use shall provide landscaping and screening meeting the following standards:

a) One tree per fifty feet of lot frontage.

b) A minimum of ten percent (10%) of the area of the building setback line to front property line, shall be provided as landscaped areas with no landscaped area being less than a minimum of one hundred twenty-five (125) square feet.

c) Landscaping to be provided in the landscaped area shall consist of a minimum one shrub per twenty-five (25) square feet of area and one tree per one hundred fifty (150) square feet.

d) Street tree(s) are required to be installed in the public right-of-way if none are present or if less than one tree per fifty (50) linear feet is provided in accordance with the standards in the Manual of Practice.

e) Parking lots are required to provide perimeter and interior landscaping as required by this Article.

f) All landscaping and screening shall meet applicable design standards of this Article.

5) Screening is not required for any portion of a lot along a public alley.

DIVISION 3: PARKING LOT AND UTILITARIAN AREA LANDSCAPING

Sec. 37-910. General Parking Lot Perimeter Screening

1) All off-street parking lots with less than three-hundred sixty (360) parking spaces shall comply with the following standards:

    a) The perimeter of any off-street parking lot shall provide a minimum six-foot setback from any property line along a public street or interior property line to an immediately adjacent property to the back of the curb.

    b) The setback shall be landscaped with one medium or large tree and five shrubs per twenty linear feet of frontage along the property line.

        i) A small tree may be permitted where overhead restrictions exist due to overhead utility lines, subject to approval by the City Engineer.

        ii) The shrubs shall have a mature height of at least thirty-six (36) inches with an overall height not to exceed forty-two (42) inches.

    c) When an off-street parking lot is immediately adjacent to a residential zoning district, in addition to required landscaping, an opaque decorative fence or wall shall be installed along any interior property line. Five shrubs per twenty (20) linear feet of frontage along an interior property line is required. Trees are not required along an interior property line in these circumstances except when also located adjacent to a public right of way.

2) Parking lots with three-hundred-sixty (360) or more parking spaces shall comply with the following standards:

    a) The perimeter of any off-street parking lot shall provide a minimum fifteen-foot setback from any property line along a public street or interior property line to an immediately adjacent property to the back of the curb.

    b) The setback shall be landscaped with two medium or large tree and ten shrubs per twenty linear feet of frontage along the property line.

        i) A small tree may be permitted where overhead restrictions exist due to overhead utility lines, subject to approval by the City Engineer.

        ii) The shrubs shall have a mature height of at least thirty-six (36) inches with an overall height not to exceed forty-two (42) inches.

    c) When an off-street parking lot is immediately adjacent to a residential zoning district, in addition to required landscaping, an opaque decorative fence or wall shall be installed along any interior property line. Ten shrubs per twenty (20) linear feet of frontage along an interior property line is required. Trees are not required along an interior property line in these circumstances except when also located adjacent to a public right of way.

Sec. 37-911. Parking Lot Interior Landscaping

1) Landscape islands shall be located at the end of each row of parking.

2) A row of parking spaces must provide an additional island for every twelve parking spaces.

3) Landscape islands shall be curbed and a minimum of one-hundred-sixty square feet (160) in landscape area with a minimum interior dimension of nine (9) feet.

4) A landscape island may be combined with a landscape island from an abutting row of parking which provides a minimum of two-hundred-twenty square feet of landscape area with a minimum interior dimension of nine (9) feet.

5) Each island shall contain at least one medium or large tree from the approved plant list.

6) When an off-street parking lot provides more than one hundred-forty-four (144) parking spaces between front of a principal building and a street right of way, a continuous planting strip must be provided between parking rows. The planning strip shall be curbed and include one medium or large tree for every twelve (12) parking spaces in the row. A planting strip may be combined with adjacent parking islands to create a single large continuous planting area.

7) Landscape islands and planting strips may be designed as bioretention areas to capture and reduce the flow rate of stormwater runoff using Low Impact Design principals.

    a) Inlets in such landscaping islands and barrier strips designed in this manner shall be designed to be depressed from the grade of the parking lot and provide inlets in the barrier curb to allow stormwater runoff to drain into the landscape island or planting strips.

    b) Alternative landscaping may be provided within the landscaping islands and planting strips to support the bioretention and stormwater infiltration of the parking lot.

    c) The final design of such landscaping islands, planting strips, and landscaping shall be reviewed and approved by the City Engineer.

Sec. 37-912. Pedestrian Walkway to Entrances

1) When parking is located between the principal building and the street, a direct pedestrian walkway between the primary entrance of the building through the parking lot to the sidewalk within the public right of way shall be required.

    a) The pedestrian walkway shall be a minimum of five feet in width.

    b) The pedestrian walkway shall be separated from the parking lot and be curbed.

    c) On a corner lot, a direct pedestrian walkway is required to connect to each street frontage.

    d) Where multiple primary entrances exist for a building, a shared pedestrian walkway may connect all building entrances and provide a single pedestrian connection through the parking lot to the

street right-of-way.

e) The pedestrian walkway shall provide ADA compliant access points and marked crossings when the walkway intersects with any parking access drives.

Sec. 37-913. Landscaping Standards for Head-In-Off-Alley Parking Spaces

1) A six-foot landscape setback is required for a Head-In-Off-Alley Parking space adjacent to a public right of way.

2) One tree and five shrubs shall be planted in the landscape setback.

3) A five-foot pedestrian walkway shall connect the parking spaces to the building entrance and to the sidewalk within the public right-of-way.

Sec. 37-914. Garbage Enclosure and Utility Screening

1) Garbage enclosures shall be screened with a six-foot opaque masonry or wood fence. Refuse storage areas shall also include gates, or doors, that can be opened to access refuse and recycling containers.

2) Garbage enclosures for non-residential uses shall provide a horizontal cover or screen over the top of the enclosure.

3) Restaurants, Gas Stations, Taverns and Bars, Retail Food and Drug, Carry Out Restaurants, and other land uses which provide food consumed on site shall provide an outdoor wastebasket within ten feet of each public entrance, drive through window, or outdoor seating area.

   a) This standard does not apply within the CB1, CB2, or CB3 Districts.

4) Exterior mechanical equipment, HVAC equipment or utility boxes located between the principal building and a public street right of way shall be screened by shrubs.

DIVISION 4: DESIGN STANDARDS AND SPECIAL EXCEPTIONS

Sec. 37-915. Planting Areas

1) All trees and shrubs required by this article shall be selected from the Approved Plant List.

2) All trees shall be a minimum diameter of two (2) inches caliper when planted, and all shrubs shall be a minimum container size of three (3) gallons when planted.

3) Plant material shall be installed prior to the issuance of a Certificate of Occupancy or the commencement of a use.

   a) If such installation would not coincide with the optimal planting season, planting may be delayed after a Conditional Occupancy Permit is issued requiring installation of required landscaping by the following November 1 or June 1, whichever date is first.

4) Required trees and shrubs may be clustered or grouped in a natural arrangement within a landscape buffer area.

5) Tree species in the immediate proximity of overhead utilities shall have a mature heights which are less than the height of the overhead utility lines.

Sec. 37-916. Required Fences

When a fence is required by this Chapter, the following standards shall apply:

1) The fence shall be opaque and be built constructed of the following materials:

   a) Treated wood or naturally resistant wood such as redwood, cypress, or cedar;

   b) Decorative split face concrete block;

   c) Masonry;

   d) An alternative material which is compatible with the materials and architectural style of the surrounding neighborhood.

2) Braces, supports or posts shall be located on the side of the property providing the screening.

3) Fences shall be limited to eight feet and subject to the standards in Sec. 9-2.

Sec. 37-917. Maintenance Standards

1) Planting areas shall be kept free of trash, litter, and weeds.

2) The owner shall maintain all trees adjacent to pedestrian and vehicular spaces. Trees shall be maintained so that the mature branching occurs a minimum of seven (7) feet from the ground.

3) The owner shall maintain all plant materials in such a manner as to preserve their functional and aesthetic integrity. The owner shall replace all plant materials that has died within one year.

4) The owner shall keep fences in good repair. The owner shall replace rotting or missing fence panels or walls and all graffiti shall be removed. Such maintenance shall be conducted within one month of the occurrence causing the repair.

5) In the event the owner fails to install or maintain a required landscaped or screening area, the City shall notify the owner of action necessary to meet the requirements of this article and a date when such action should be completed. If the owner has not complied by said date, the City shall have the right to go onto said property and maintain said buffer. The cost for such maintenance or installation shall be at the owners expense. If the owner fails to pay, the City Attorney collect costs plus attorney fees to pursue action against the owner. Such action does not preempt additional enforcement action against zoning violations.

Section 37-918. Tree Preservation Credit

The preservation of live natural trees in any of the required planting areas may be credited towards requirements for tree planting in accordance with the following requirements:

1) To receive a credit for the tree, the tree must be from the Approved Plant List or approved by the City Forester.

2) No credit will be allowed for any tree if the tree is unhealthy or dead.

3) Appropriate measures to protect the tree during construction shall be indicated on the landscape plan.

4) Credit may only be taken for trees within the area where such trees are required to be planted.

5) A tree must be a minimum of two (2) inch caliper in order to receive one tree credit. A tree of a minimum of six (6) inch caliper may receive a credit for two (2) trees. A tree of a minimum of twenty-four (24) inch caliper may receive a credit for three (3) trees.

Sec. 37-919. Screening Waiver Due to Unique Property Features

1) Screening may be waived by the Zoning Administrator where the view is or will be blocked by a change in grade, by the natural vegetation, or by man-made features.

2) Requirements for screening between uses on the same property may be waived if the property is developed as a planned development that considers the relationship of uses to each other.

Sec. 37-920. Alternative Landscaping Plan

In the event a property owner wishes to use screening techniques not provided for in this article, they may apply to the Planning Director for approval for an alternative method of compliance. The following findings shall be met for approval of an alternative screening technique:

1) The method of screening achieves the intent behind the screening requirements.

2) The proposal is at least the equivalent of that specifically prescribed by this article in quality, effectiveness, and durability of the screen.

3) The Planning Director shall forward the application to the City Forester for review and comment. The City Forester shall review the application within seven (7) calendar days. Upon receipt of these comments the Planning Director shall approve or deny the application in writing.

DIVISION 5: LIGHTING STANDARDS

Sec. 37-921. Purpose

The purpose of these regulations is to provide minimal lighting of public and private property and to eliminate or reduce the nuisance and hazards of excessing light and glare.

Sec. 37-922. Applicability

All private exterior lighting on buildings and within off-street parking lots shall comply with the standards of this Division.

Sec. 37-923. Lighting Required

1) Lighting meeting the standards of this Division are required for all off-street parking lots with more than ten parking spaces.

    a) Head-In Off-Alley parking spaces are not required to provide lighting.

2) Lighting within the Curtis Road Interchange Area Overlay District shall meet the design and development standards of Division 6 of Article IV.

3) Existing lighting installed prior to September 2, 2026 shall not be required to comply with the provisions in this section except in the following situations:

    a) The parking lot is expanded by more than fifty (50) percent in surface area;

    b) The number of off-street parking spaces within an existing surface parking lot is increased by more than twenty-five (25) percent.

4) All required lighting on a lot shall be maintained, kept in working order and operated as required.

5) Failure to install, maintain, or operate required lights shall be considered a Zoning Violation and subject to enforcement action.

Sec. 37-924. Photometric Plan Required

1) A photometric lighting plan is required for the following uses:

    a) All surface parking lots with more than forty-eight (48) parking spaces;

    b) Car Wash

    c) Commercial Recreation, Outdoor

    d) Drive-Through or Drive In

    e) Event Center

    f) Gas Station

    g) Freestanding Parking Structure

    h) Hotel

    i) Salvage Yard

    j) Sports Lighting

k) Truck Stops

l) Vehicle Sales Lots

m) Vehicle Storage Lots

2) The photometric plan must demonstrate that adequate illumination is provided to attain an average of one footcandle per square foot of surface areas with a minimum of 0.2 footcandles per square foot.

Sec. 37-925. Lighting Design Standards

1) Luminaries shall be dark sky compliant and fully shielded.

2) The light source of luminaries shall be LED.

a) An alternative light source that has greater energy efficiency than an equivalent LED light source may be permitted with approval from the City Engineer.

3) Luminaries shall be limited in height based using the following standards:

a) In the R1, R2, MR1, MR2, IT-R1, IT-R2, IT-MR1, IT-MR2, and MHC Districts luminaries shall be limited to sixteen (16) feet in height.

b) In the MR3, RU1, RU2, IT-MR3, CN1, CN2, CN3, CG, CB1, CB2, CB3, RP, IBP, CI, I1, and I2 Districts luminaries shall be limited to twenty-six (26) feet in height.

4) After 11:00 pm, exterior lighting must be turned off or reduced by at least fifty percent (50%) of full operational level.

5) For safety purposes, parking lot lighting shall provide minimum light levels of not less than one (1) footcandle after 11:00 p.m.

6) Under-canopy lights shall be fully recessed into the canopy structure to minimize light trespass.

a) During business hours, canopy lighting shall not exceed five (5) footcandles.

b) After business hours, under-canopy lights shall not exceed one footcandle.

Sec. 37-926. Lighting Standards for Sports Lighting

1) Eighty-five percent (85%) of the lumens generated by sports lighting luminaires shall be confined to within 33 feet or a distance equal to one pole height, whichever is greater, beyond the playing field, spectator track or bleacher area, whichever is greater.

2) Lighting installations for aerial sports are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from Nadir.

3) The maximum Light Level shall not exceed 10% more than the Light Level recommended for the “Class of Play” by the referable Lighting Standard.

4) The maximum CCT for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant Lighting Standard, while never exceeding 5700 K.

5) The maximum luminous intensity from any Luminaire lighting a sports field shall not exceed 10,000 candelas (cd) as calculated using computer software or measured along a perimeter that is 150 feet from the edge of the field, at 5 feet above grade.

Sec. 37-927. Prohibited Lights

The following lighting is prohibited for all uses in all Zoning Districts:

1) Flickering or flashing lights.

2) Laser lights or holograms except for temporary projection art.

3) Beacons and searchlights, except for emergency use by authorized first responders.

4) Mercury vapor bulbs and any other type of lamp capable of producing comparable levels of UV light radiation per watt.

5) Unshielded lighting except as otherwise provided in this Division.

Sec. 37-928. Exempted Uses

The following uses are exempt from the lighting design standards:

1) Detached Dwellings

2) Head-In Off-Alley Parking Spaces

3) Lighting regulated by the Manual of Practice

4) Lighting on Utility Poles

5) Lighting for the following activities:

    a) Construction lighting provided such lighting is discontinued upon completion of the construction project or expiration of a building permit.

    b) Emergency response lighting which is discontinued upon the ending or abatement of the emergency.

    c) Special events provided that lighting is discontinued within one our of the end of the special event.

    d) Seasonal lighting and projections.

e) Low-intensity Accent Lighting

   i) No shielding is required for light fixtures with a bulb rated at two-hundred-sixty (260) lumens or less.

   ii) Full shielding is not required for a light fixture with a bulb rated between two-hundred-sixty (260) lumens and one thousand lumens (1,000) when the bulbs are installed inside frosted glass or other translucent covers and shielded.

f) Motion Sensor Lighting, provided that lights are activated for no longer than ten (10) minutes.

ARTICLE X: NONCONFORMING PROPERTIES, USES AND STRUCTURES

DIVISION 1: GENERAL PROVISIONS

Sec. 37-1000. Purpose

The purpose of this article is to define and regulate different types of nonconformities and to clarify to what extent and under what circumstances such nonconformities can be altered, expanded, or allowed to continue. Other purposes of this section are to allow for the preservation and adaptive reuse of existing buildings and to place reasonable limits on nonconformities that have or potentially may have adverse effects on surrounding properties.

DIVISION 2: APPLICATION OF NONCONFORMING PROVISIONS

Sec. 37-1001. Lawfully Existing Nonconformities

1) Any nonconformity lawfully existing on the effective date of this ordinance or prior zoning ordinances, but which does not conform with the regulations of this chapter, may be continued under the regulations of this article. Those violations under enforcement upon the date of adoption of this ordinance shall not be permitted to continue.

2) If a building or land hereafter becomes subject to the provisions of this ordinance, whether by annexation to the City or otherwise, and any aspect of the use or land is nonconforming, such use or aspect of the use shall be considered a lawful nonconformity and may continue under the provisions of this article.

3) If a nonconformity is created by a subsequent amendment to this chapter, such nonconformity shall be considered a lawful nonconformity which may continue subject to the provisions of this article.

4) Any use, structure, or feature which was not lawfully established by obtaining necessary permits and/or constructed in accordance with all applicable codes at the date of adoption of this ordinance shall not be permitted to continue under the provisions of this article

Sec. 37-1002. Rules of Interpretation

1) The regulations of this article pertaining to a building occupied by a nonconforming use shall apply not only to buildings completely occupied by such a use, but shall also apply to buildings in which the nonconforming use occupies only a portion of the building.

2) Nothing herein contained shall be construed as prohibiting change in tenancy, ownership, or management of a nonconforming lot, use, or structure, provided such change is otherwise lawful.

Sec. 37-1003. Exemptions

1) If the City takes by eminent domain or by purchase a portion of a lot for a public right-of-way or for some other public use or purpose, and thereby renders said lot or a structure, parking lot or other permanent improvement on said lot nonconforming, the following rules shall apply:

    a) A nonconforming lot may be developed or redeveloped for any use permitted in the district in question as long as all development regulations in said district, other than those regulating lot

area and width, are complied with.

b) A nonconforming structure, parking lot or other permanent improvement may be continued, structurally altered, repaired, or reconstructed provided that such modifications shall not increase the nonconformity.

2) The City Council may grant an exemption for the construction of a parking lot that would otherwise be nonconforming under the regulations of this Chapter as a condition of an agreement to exchange City-owned property for private property needed for a public right-of-way or other public use or purpose that would support the City's exercise of eminent domain if all of the following circumstances are present:

a) The property being acquired by the City for the public use or purpose currently provides parking spaces that satisfy a private property's requirements for off-street parking under Article VII of this Chapter; and

b) The purpose of the property exchange is to provide a new location for off-street parking spaces to replace those on the property being acquired for the public use or purpose; and

c) The nonconformity is necessary to provide a reasonable amount of replacement parking and will not unreasonably alter the essential character of the area.

3) Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or lot for which there was an approved building permit at the time of the effective date of this ordinance. Such building shall be considered a lawful nonconformity and shall be subject to the provisions of this article.

4) A building permit which has expired or been abandoned shall not qualify for this exemption.

DIVISION 3: RULES FOR SPECIFIC TYPES OF NONCONFORMITIES

Sec. 37-1004. Nonconforming Lots and Structures

1) A nonconforming lot shall comply with the provisions of this Chapter and may utilize the Special Requirements and Standards for Substandard Lots found in Division X of Article IV.

2) A nonconforming structure may be altered or enlarged only if the alteration or enlargement does not increase the extent of the nonconformity or establish a new nonconformity.

3) Incidental repairs and normal maintenance necessary to keep a nonconforming structure in compliance with building codes are permitted unless otherwise expressly prohibited in this Zoning Ordinance.

4) If a nonconforming structure is intentionally removed, destroyed or demolished by the property owner, the building may only be reconstructed in conformance with the regulations of the Zoning Ordinance.

5) If a nonconforming structure is abandoned, demolished, removed, or declared uninhabitable by the Neighborhood Services Department or Fire Department, it shall not be replaced or restored unless it is

in conformance with the regulations of this Zoning Ordinance.

6) Any nonconforming part of a structure that is removed, demolished, or destroyed shall be replaced or restored only in conformance with the regulations of this Zoning Ordinance, unless the nonconforming feature is a historically or architecturally significant element of a designated local landmark or is within a local historic district or conservation district.

Sec. 37-1005. Nonconforming Building and Site Features

1) Nonconforming parking lots, access drives, and loading areas shall comply with the provisions of Article VI Parking, Loading and Access Drives.

2) Nonconforming signs and outdoor advertising sign structures shall comply with the provisions of Article VII Signs and Outdoor Advertising Sign Structures.

3) Nonconforming landscaping, screening and lighting shall comply with the provisions of Article IX. Landscaping and Lighting.

4) A nonconforming features may be altered or enlarged only if the alteration or enlargement does not increase the extent of the nonconformity or establish a new nonconformity.

5) Nonconforming accessory uses shall be terminated when the principal use is terminated.

Sec. 37-1006. Nonconforming Special Uses

1) Any use that would be required to be approved as a special use, that was legally established prior to the adoption of this ordinance, which is abandoned, demolished, destroyed, or declared uninhabitable, shall not be replaced or restored unless it is approved in accordance as a special use in accordance with Article XII. Public Hearings and Zoning Entitlements.

2) Any special use shall not expand into another part of the building, enlarge the building, make structural alterations, or make major repairs unless approved in accordance with Article XII. Public Hearings and Zoning Entitlements.

Sec. 37-1007. Nonconforming Use of Land

1) Any lawful use of land which becomes nonconforming as a result of the adoption of this ordinance, annexation, or subsequent amendments, may be continued until the use is abandoned, demolished, destroyed, or declared uninhabitable.

2) The term "use of land" includes both principal and accessory uses and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure or involves an accessory structure but no principal structure. Temporary structures or manufactured homes that are not part of a unified development shall be considered accessory buildings.

3) Any nonconforming use of land that is abandoned or discontinued shall not be resumed unless it complies with the provisions of this chapter.

4) Any nonconforming use of land shall not expand on the zoning lot or move to another portion of the zoning lot unless it complies with the provisions of this chapter.

Sec. 37-1008. Nonconforming Use of a Structure

1) If a nonconforming use of a structure is abandoned, or the structure containing said is demolished, destroyed, or declared uninhabitable by the Neighborhood Services Department of the City, then said nonconforming use shall not be resumed.

2) If a structure with a nonconforming use is damaged by fire, explosion, or other catastrophe, but is not destroyed, then repairs to the structure will be allowed within two years from the date the damage was incurred.

3) Any nonconforming use of a structure shall not expand into any other portion of the structure unless it complies with the provisions of this Chapter.

4) Incidental repairs and normal maintenance necessary to keep a nonconforming structure in compliance with building codes are permitted unless otherwise expressly prohibited in this ordinance.

5) Any structure with a nonconforming use may not change to another use unless the new use complies with the provisions of this chapter.

6) Any nonconforming, nonresidential use of a structure may continue only in the manner and to the extent provided in this Article.

Sec. 37-1009. Nonconforming Uses in In-Town Zoning Districts

1) If a structure containing a non-conforming use in the IT-R1, IT-R2, IT-MR1, IT-MR2, IT-MR3 Zoning Districts is destroyed as defined herein, and the structure was originally constructed for said use, the use may be re-established in the District under the following provisions:

    a) The new use and structure eligible for review and approval as a Planned Development under the provisions of this Chapter.

    b) The new structure may not exceed the size of the original structure destroyed in terms of building footprint and height.

2) The re-established use and structure shall meet all other applicable requirements of the Chapter except as where provided as flexibility within an approval of a Planned Development.

Sec. 37-1010. Time Limitations for Nonconforming Uses

The reconstruction of a nonconforming use must commence within two years following the day on which the nonconforming use was destroyed.

ARTICLE XI: ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

DIVISION 1: GENERAL PROVISIONS

Sec. 37-1100. Purpose

The purpose of this Article is to establish procedures for administering and enforcing the regulations in this Chapter.

Sec. 37-1101. Zoning Administrator

1) The Planning and Development Department shall be responsible for administering this Chapter and such duties and responsibilities as specifically delegated to other persons by this Code.

2) The Zoning Administrator shall be authorized to make written interpretations of this Chapter.

3) The Zoning Administrator shall maintain records of Zoning Ordinance interpretations and zoning actions.

DIVISION 2: BUILDING PERMIT ZONING REVIEW

Sec. 37-1102. Building Permit Review

1) The Zoning Administrator shall review each application for a permit made under the Building Code of the City, prior to the issuance of the building permit.

2) Each application shall be accompanied by a site plan drawn to scale and supporting documents with the following information:

    a) The lot occupied or to be occupied by the building or structure.

    b) The actual dimensions of the lot.

    c) The size and location of the building or structure to be erected, converted, enlarged, or structurally altered.

    d) The distance from the building or structure to each lot line.

    e) The location of each parking space, loading space, and access drive required under the provisions of this chapter, including the dimensions of aisles and stalls.

    f) A landscaping plan for the development.

    g) A statement of the purpose for which the building or structure will be used.

    h) A legal description of the lot(s).

    i) Calculation of open space ratio.

j) Calculation of floor area ratio.

k) Building height.

l) Building footprint.

m) Building lot coverage.

n) Glazing percentages per floor for facades facing public streets.

o) Location of trash disposal areas and screening of such areas.

p) Lighting information for parking areas.

q) The location of any watercourses crossing or adjacent to the property, as well as the elevation and location of the top of the bank of such feature.

r) The location of adjoining streets, adjacent zoning classifications, and land uses.

3) Applications for electrical, plumbing, heating, ventilating, air conditioning, refrigeration, gas piping, sprinkler and storm water permits, and any other similar permits authorizing a change in a building or property shall contain a statement indicating the existing and proposed use for which the building, structure, or improvement to the land will be used.

a) The Zoning Administrator shall review each application which indicates a change of use, even if the proposed permit does not indicate a change in the exterior elements of the property.

b) The permit shall be issued subject to zoning approval.

c) No such permit issued which purports to authorize a use, structure, or improvement to the land not in compliance with the requirements of this Chapter shall be valid.

4) Properties located in designated Historic or Conservation Districts or properties designated as Local Landmarks shall meet requirements Article VIII – Historic Preservation.

5) Special Uses shall meet the requirements for Special Uses in Article XII – Public Hearings and Zoning Actions.

6) Planned Developments shall meet the requirements for Planned Developments in Article XII – Public Hearings and Zoning Actions.

Sec. 37-1103. Zoning Administrator Approval Determination

1) Plans submitted for zoning approval shall be reviewed by the Zoning Administrator to determine the following:

a) That, as best can be determined, complete and accurate information as required in this article is provided with the permit application.

b) That the proposed structure or land improvement is either entirely occupied by a conforming use or; that if the structure is occupied wholly or partly by a nonconforming use, such is allowed under and complies with the regulations of Article X – Nonconforming Properties, Uses and Structures.

c) That the proposed structure or land improvement complies with the applicable height, area, floor area ratio, building footprint, lot coverage, open space ratio, yard, landscaping, and parking regulations as required by this chapter.

d) That the structure or land improvement comply with specific standards or conditions required through a provisional or special use approval as authorized by this chapter.

e) That any property located within a locally designated Historic or Conservation District or designated as a Landmark has received a Certificate of Appropriateness from the Historic Preservation Commission.

f) That the proposed structure or land improvement complies with any and all other applicable standards as required by this Chapter.

2) Upon a determination that all these requirements are met or not met, the Zoning Administrator shall approve or disapprove the permit and note this on the application.

a) The Zoning Administrator shall indicate those uses that are nonconforming.

b) Such approval shall reference action by the Plan Commission, Zoning Board of Appeals, Historic Preservation Commission, or City Council which may have imposed specific conditions as authorized by this chapter.

c) No building permit which requires review under the provisions of this chapter shall be issued unless it has received zoning approval.

Sec. 37-1004. Limitations and Expiration of Zoning Approval

1) An application for any permit which requires zoning approval shall be presumed to be abandoned six (6) months after the date of filing, unless the application has been diligently and continuously pursued or a permit has been issued.

a) The Zoning Administrator may grant, upon written application and for good cause, one extension of time for a period not exceeding ninety (90) days.

2) Any zoning approval shall become invalid if the authorized work is not commenced within one (1) year after the issuance of the permit, if the authorized work is suspended or abandoned for a period of one (1) year after the time of commencing the work, or if the work is not completed within two (2)

years after the issuance of the permit.

a) The Planning Director or their designee may grant an administrative extension for a period of up to six (6) months.

3) Zoning approval issued under the provisions of this chapter, and any permit issued pursuant to such approval, shall be revoked in case of any false statement, misrepresentation of fact, or error in the application or on the plans based on which the permit was issued.

4) Any building occupancy or other permit issued pursuant to an approved site plan or in conjunction therewith may be revoked by the City for failure to comply with the conditions of approval.

DIVISION 3: ZONING VIOLATIONS AND ENFORCEMENT

Sec. 37-1105. Types of Zoning Violations

1) No person shall construct, alter, use, maintain, or allow any building or property to be used or maintained in violation of the provisions of this chapter.

2) In addition to any other actions which may constitute a violation, the following constitute violations of this chapter and shall be strict liability offenses:

a) The use, arrangement, or construction of a building, structure, or improvement to land does not conform with that authorized by approved plans.

b) The improvement is constructed, or a use is operated, without obtaining the appropriate permits or zoning approval.

c) The use of a structure or land which is nonconforming and does not meet the requirements of Article X – Nonconforming Properties, Uses and Structures.

d) The use of the structure or land which is a conforming use, but does not meet the applicable district performance standards or other requirements of this chapter, unless otherwise provided for in Article X – Nonconforming Properties, Uses and Structures.

e) The use of the structure or land does not comply with conditions or standards enumerated in a provisional, or special use approval.

f) The sale, conveyance, or use of any portion of a lot which reduces the following:

i) The lot area below the minimum area requirements of this chapter.

ii) The lot area to the extent that the floor area ratio is greater than the maximum permitted by this chapter.

iii) The usable open space areas below the open space ratio and usable open space requirements of this chapter.

iv) The depth or width of a yard to less than the minimum depth or width required by this chapter.

v) The number and size of parking spaces on the lot is below the minimum number of such spaces required by this chapter.

g) The sale, conveyance or transfer of land which does not comply with Chapter 31 of the Municipal Code.

Sec. 37-1106. Enforcement of Zoning Violations

Enforcement of the requirements of the Zoning Ordinance, including Zoning Ordinance Violations, shall be in accordance with the provisions of Article II of Chapter 22 of the Municipal Code.

DIVISION 4: ADMINISTRATIVE SITE PLAN REVIEW AND APPROVAL

Sec. 37-1107. Administrative Site Plan Review Purpose.

The purpose of administrative site plan approval is to ensure that large sites, sites developed with multiple buildings, and new development built over several phases of construction are designed in a manner that is permitted by the provisions and standards of this Ordinance.

Sec. 37-1108. Administrative Site Plan Review Required.

1) The following projects are required to obtain an administrative site plan review from the Zoning Administrator:

a) The construction of more than one (1) principal buildings is constructed on a lot greater than two (2) acres in lot area which is not reviewed and approved as a Planned Development.

b) Any development project where it is anticipated that there will be one or more additional principal structures constructed at some time in the future under a different building permit.

c) Any development subject to a Transfer of Development Rights Agreement.

Sec. 37-1109. Administrative Site Plan Review Procedures

1) A site plan shall be submitted for Zoning Administrator and City Engineer review.

2) The site plan shall be drawn to scale and contain the required information herein, Chapter 31 of the Municipal Code, and any existing, proposed, and planned features listed below:

a) All adjacent highways, streets, alleys, lots, public grounds, easements, and rights-of-way, and the length and width of their boundary lines.

b) The approximate location and dimensions of all structures, required setbacks and yards, and the internal uses of each building.

c) All curb cuts, driving lanes, vehicular and bicycle parking and loading areas, public transportation points, sidewalks and trails, and illuminated facilities.

d) Landscaping plan, including any existing trees of two (2) inch caliper or above planned to be preserved, and any existing trees within the right-of-way.

e) The location and approximate dimensions of trash and recycling areas and required screening.

f) The location of any watercourses crossing or adjacent to the property, the elevation and location of the top of the bank of such feature, and location of required stormwater detention or other stormwater facilities.

g) Calculations for open space ratio, floor area ratio, and parking.

h) Building height.

i) Phasing plan.

j) Traffic Impact Analysis (TIA) in accordance with Chapter 9 of the Manual of Practice.

3) If a determination has been made by the Zoning Administrator and the City Engineer that the site plan is in compliance with this chapter and Chapter 31, the site plan shall be approved.

4) A copy of the approved site plan shall accompany any future building permits for construction of a new principal structure.

5) Approval of a site plan indicates compliance with the regulations in effect at the time of approval, but does not constitute a vested right to develop the property in the absence of required approvals.

6) Site plans may be revised and submitted at any time for a new review and approval.

DIVISION 5: ADMINISTRATIVE MITIGATION PLAN

Sec. 37-1110. Mitigation Plan Purpose

The purpose of a mitigation plan is to provide a legal process to memorialize existing nonconforming uses, buildings, structures, and properties, allow for maintenance and reinvestment in these uses as needed in a manner that prevents negative or adverse impacts on surrounding properties and land uses.

Sec. 37-1111. Eligible Applicants for an Administrative Mitigation Plan.

1) The following parties may file an application for an Administrative Mitigation Plan for any subject property that is a nonconforming use, building, or property:

a) The Property Owner.

b) Contract purchaser with property owner’s consent.

c) Property owner’s agent.

Sec. 37-1112. Mitigation Plan Application Requirements

1) The application for a Mitigation Plan shall be made to the Zoning Administrator and shall include each of the following:

   a) Application which includes all of the required elements in Sec. 37-1204.

   b) Site Plan meeting the requirements of Sec. 37-1113.

   c) Building elevations or photographs of all existing buildings and structures on the site.

   d) Evidence of Legal Nonconforming Use specified in Sec. 37-1114.

   e) Any other information requested by the Zoning Administrator to evaluate the proposed Mitigation Plan application.

Sec. 37-1113. Site Plan Requirements for Mitigation Plans

1) Each application for a mitigation plan shall be accompanied by a site and landscape plan and shall be drawn to a scale no greater than one hundred (100) feet to the inch. The said site and landscape plans may be combined into one plan. The said site plan shall include the following data and information:

   a) The location, dimension, material, and configuration of all buildings, structures, and other improvements.

   b) The location, extent and proposed use of usable open space, if applicable.

   c) The location, access, dimensions of proposed off-street parking facilities, and the number and configuration of spaces to be provided.

   d) The location, dimensions, and materials of sidewalks, driveways, and other impervious surfaces.

   e) The location and intensity of illumination of any illuminated areas as required by Division 5 of Article IX.

   f) A landscape plan in accordance with the requirements of Article IX

   g) The location of all property lines, utilities, and related easements, including electric lines, storm drainage, sanitary sewers, and water services.

   h) The location and extent of required setbacks and yards.

   i) An architectural elevation of buildings and structures.

   j) Location, size and design of signs.

k) The lot size in square feet and the dimensions thereof.

l) The number and type of dwelling units proposed.

m) The land uses surrounding the lot(s) for which site plan approval is being sought.

n) A date, north arrow, scale, and name of the development.

Sec. 37-1114. Evidence of Nonconformity

1) The burden of establishing a legal nonconformity is to be met by the owner or party seeking to apply the provisions of this Chapter.

2) The following items may constitute sufficient proof to establish if the nonconformity was lawfully established:

a) Date of construction of the structure or date the use was established. Proof may consist of a certified copy of the business license or structure permit.

b) Continuous operation of the nonconformity. Proof may consist of affidavits signed by persons who have personal knowledge of the continuous use of the premises since said use was in conformity with the then existing zoning regulations.

c) Any advertisement, correspondence, or other documentation with a date identifying that the operation was legally in existence prior to adoption of this chapter, annexation, or subsequent amendments.

d) The date of collection or reporting of taxes, fees, or other payments that may establish the date of existence of the nonconformity.

e) Any other proof or documentation that can legally establish the date of existence of the nonconformity.

Sec. 37-1115. Review and Approval Procedures for Mitigation Plans

1) Upon receipt of a complete application with the accompanying material, the Zoning Administrator shall review the submitted application and plans within thirty (30) days.

2) Before approving any Mitigation Plan, the Zoning Administrator shall make a favorable finding of fact, based solely on the evidence presented in the application.

3) Findings of fact for approving a Mitigation Plan include the following:

a) That the continued operation in accordance with the plan will not increase congestion in the streets, or impair the health, safety, morals or general welfare of the residents or other occupants of surrounding properties.

b) That the plan includes adequate measures to mitigate current and potential future negative impacts of the use.

c) That the owners are proposing no changes to the use which would potentially create additional negative impacts from the use.

d) That if no negative impacts of the use as currently operated are identified, the proposed mitigation plan maintains all aspects of the use as it is currently operated.

e) That the continuation of the nonconforming use, in consideration of the degree of land use conflict between a nonconforming use and its surrounding properties, will not diminish the value of nearby property, nor impair the public health, safety, morals or general welfare of the residents or other occupants of surrounding properties.

4) The Zoning Administrator shall approve or defeat the proposed Mitigation Plan.

5) The Zoning Administrator may require or include additional conditions and requirements which are appropriate or necessary for the protection of the public health, safety and welfare, and to satisfy the findings required for approving a Mitigation Plan.

6) Such conditions may include but are not limited to:

a) Regulate the location, extent, and intensity of certain aspects of the use as appropriate.

b) Require additional landscaping or screening of such uses by means of fences, walls and vegetation.

c) Regulate vehicular access and the design and location of parking and loading areas and structures.

d) Require conformance to health, safety and sanitation requirements as necessary.

e) Regulate signs and outdoor lighting to be more compatible with the surrounding neighborhood.

f) Any other conditions deemed necessary to effect the purposes of this chapter.

7) If the Mitigation Plan is defeated by the Zoning Administrator, the applicant may appeal the decision to the Zoning Board of Appeals following the process and procedures for Appeals in Division X of Article XII.

Sec. 37-1116. Mitigation Plan Certificate

1) Upon approval of a Mitigation Plan, the Zoning Administrator shall prepare a Certificate of Approval which contains the following information:

a) A legal description and common address of the subject property.

b) A statement for each finding summarizing how such finding has been satisfied.

c) Any conditions, safeguards, or flexible standards imposed on the Mitigation Plan as a condition of approval.

d) A list of mitigation measures not indicated on the site plan.

e) A time table for undertaking mitigation measures.

f) Any exhibits, including the site plan, shall be attached to the Mitigation Plan permit with a statement that the Mitigation Plan approval is conditioned on the project being operated in accordance with such plans unless specific exceptions are stated in the Certificate of Approval.

2) A copy of the Certificate of Approval shall be provided to the property owner, and a record of the approval shall be kept on file with the Planning and Development Department.

Sec. 37-1117. Minor Amendments to a Mitigation Plan

1) The Mitigation Plan shall control operations of the use. Minor Amendments to the approved Mitigation Plan may be made to the Zoning Administrator in writing.

2) The Zoning Administrator shall review the written request to determine if the request qualifies as a minor amendment.

3) The Zoning Administrator may approve the following minor amendments:

4) Flexibility that has been expressly provided for through the Certificate of Approval.

5) Minor changes that have not been specifically identified as a major amendment. Such change may only be authorized if engineering or other physical limitations of the site, not foreseen at the time the Mitigation Plan was approved, warrant such a change.

Sec. 37-1118. Major Amendments to a Mitigation Plan.

1) Major amendments may only be made under the procedures that are applicable to the initial approval of a Mitigation Plan. Unless accounted for in the Certificate of Approval, the following are major amendments:

a) A reduction in the overall amount of useable open space.

b) The reduction of off-street parking or loading spaces by ten (10) percent.

c) The change in location of any structure by more than ten (10) feet in any direction.

d) An overall reduction in the area designated for landscaping treatment.

e) A change in the circulation pattern that would reduce or increase points of access, change access to another street, or increase projected traffic volumes.

f) A delay in the deadline to undertake any specific mitigation measure by more than six (6) months. Delays for planting of landscape for seasonal conditions shall not constitute a major amendment.

g) A delay in the deadline to undertake any specific mitigation measure by more than six (6) months. Delays for planting of landscape for seasonal conditions shall not constitute a major amendment.

h) A combination of three (3) or more changes classified as minor amendments, which have not been specifically allowed by the Certificate of Approval, shall constitute a major amendment.

ARTICLE XII: PUBLIC HEARINGS AND ZONING ENTITLEMENTS

DIVISION 1: GENERAL PROVISIONS

Sec. 37-1200. Purpose

The purpose of this Article is to establish procedures for amending this Chapter, conducting public hearings regarding zoning amendments, special use permits, planned developments, variations, or other zoning entitlement actions, and to specify procedures for providing adequate notice of these actions to the public.

Sec. 37-1201. Notice Requirements

All procedures within this Article are required to provide public notice consistent with the following standards and procedures of this Article.

Sec. 37-1202. Plan Commission Established

The Plan Commission is established in Chapter 2 of the Municipal Code. The word “Commission” when used in this Article shall mean the Plan Commission.

Sec. 37-1203. Zoning Board of Appeals Established.

The Zoning Board of Appeals is established in Chapter 2 of the Municipal Code. The word “Board” when used in this Article shall mean the Zoning Board of Appeals.

DIVISION 2: APPLICATION AND NOTICE REQUIREMENTS

Sec. 37-1204. Application Requirements

At a minimum, applications for zoning amendments or zoning entitlements specified in this Article shall be filed with the Planning and Development Department and contain the following information:

1) Name and address of the applicant;

2) Name and address of the property owners, if different from applicants;

3) Evidence of ownership or ownership interest;

4) Legal Description, Common Address, and Property Identification Number (PIN) for each property being considered for zoning amendment or zoning entitlement.

5) Existing Zoning Classification of the subject property and adjacent properties;

6) Requested zoning action as well as a reason or justification for the request;

7) Any required site plans, elevations, written evaluation of necessary findings or criteria required for the specific zoning action being requested;

8) Any other materials required or requested by the Planning and Development Director or designee necessary to evaluate the requested zoning action.

Sec. 37-1205. Fees and Processing Costs

1) A fee shall accompany an application in accordance with the fee schedule established in Chapter 26 of the Municipal Code.

2) The applicant shall pay the cost for the published notice required by this Article.

Sec. 37-1206. Evidence of Ownership

1) Other than City initiated actions, applicants for zoning actions shall submit evidence of their interest in the property along with complete disclosure of the legal and equitable ownership in any real estate affected for which zoning action is sought.

2) Evidence of Ownership may include:

   a) A policy of title insurance;

   b) A warranty deed;

   c) A legally binding contract to purchase;

   d) Other indication of ownership approved by the Planning and Development Director.

3) If title is in a land trust, in addition to proof of ownership, the trustee shall provide certification of the names, addresses, and percentage of interest for each beneficial ownership.

4) When the petitioner is someone other than the owner, a letter of authorization from the legal owner shall be required and accompany the application.

Sec. 37-1207. Published Notice Required.

1) Notice of the time and place of the public hearing shall be published at least once no more than thirty (30) days and no less than fifteen (15) days prior to the public hearing in a newspaper in general circulation within the City.

2) The notice shall include the date, time and place of the public hearing and contain a brief description of the proposed zoning action.

3) When a zoning action is for a specific location or property, then the published notice shall provide a location of the property. The property location may include:

   a) A legal description;

   b) A common street address;

   c) The Property Identification Number (PIN);

Sec. 37-1208. Notice By Mail

1) When a zoning action is for specific property, written notice shall be sent by mail to the property owners of the affected properties and to property owners within two-hundred-fifty (250) feet from the subject properties at least once no more than thirty (30) days and no less than fifteen (15) days prior to the public hearing.

2) The notice shall contain the date, location and time of the public hearing, the location of the subject property, a brief description of the proposed zoning action or request, and the name of the applicant.

3) The City shall make a good faith effort to comply with the requirements of this section, however, failure to send the notice will not invalidate any action by the City.

Sec. 37-1209. Notice By Sign

1) When a zoning action is for specific property, one or more signs may be posted on the subject property notifying the general public of the public hearing no more than thirty (30) days and no less than fifteen (15) days prior to the public hearing.

2) The sign shall contain the date, location and time of the public hearing, an invitation for the public to participate in the public hearing, and contact information for the Planning and Development Department.

3) The City shall make a good faith effort to comply with the requirements of this section, however, failure to comply with these requirements shall not invalidate any zoning action.

Sec. 37-1210. Public Hearings

1) All public hearings shall be open to the public, held in a public place, and held in accordance with the provisions of the Illinois Open Meetings Act.

2) At any public hearing, any person may appear and be heard either in person or by an authorized agent or attorney.

3) All persons shall testify under oath.

4) The body conducting the hearing may set its own rules for the conduct of its meetings consistent with the provisions of the City of Champaign Municipal Code and the laws of the State of Illinois.

Sec. 37-1211. Public Hearing Continuances

1) Once a public hearing is opened, it shall only be closed by a majority of a quorum of the hearing body.

2) By its own motion, or on approval of requests by applicants or their authorized agents, the hearing body may continue the public hearing from time to time.

3) Continuances shall be permitted only for good cause, stated in the motion and shall be made to a specific date and time.

4) If the time and place of the commencement of the next public hearing is not announced at the scheduled hearing, such continuances shall require a new public notice in accordance with this article.

5) The applicant or other interested parties may request no more than three (3) continuances for a period of not more than sixty (60) days each and not more than one hundred eighty (180) days total from the date advertised in the published notice as the date of the public hearing.

Sec. 37-1212. Amending Applications

1) Applicants, or their authorized agents, may amend the application for zoning action in writing to the Planning and Development Director or the Board or Commission prior to the beginning of the public hearing.

2) The request to amend the application for zoning action shall specify the proposed amendment and purpose of the request.

3) The Planning and Development Director may determine that there is a substantial difference between the original application and amended application for zoning action and issue new public notice.

4) The Board or Commission may also determine whether the nature of the amendment is such as to require referral for re-examination by staff members having made reports on the original application or appeal. If such referral is found necessary, the hearing body may proceed with the hearing or may continue it to a time and place specified but shall not decide the case until it has considered the response from staff.

Sec. 37-1213. Decisions

1) Decisions of the Plan Commission regarding an application for a zoning action shall be in the form of a recommendation to the City Council, unless otherwise specifically required by this Chapter.

2) The Plan Commission shall make a recommendation on the application for a zoning action within twenty-eight (28) days after the closure of the public hearing except as otherwise provided in this Chapter.

3) A recommendation for approval of the application shall include any recommended conditions to be placed on the action requested, if conditions are authorized by this Chapter.

    a) If the Plan Commission recommends imposing conditions on the approval, the recommendation shall also include findings which support the need for imposing said conditions.

4) A council bill approving the requested zoning action along with any recommended conditions shall be scheduled City Council consideration within twenty-eight (28) days after the Plan Commission makes its recommendation, except as otherwise provided in this chapter.

5) If the Plan commission recommends to approve the application, the City Council may approve such application by a favorable vote of a simple majority of the quorum present.

6) If the Commission recommends denial of the application for zoning action, the City Council may only approve of said application by a favorable vote of six (6) members of the City Council.

7) If the Plan Commission recommends that the application be approved, subject to conditions, the City Council may either approve said application subject to all of the conditions recommended by the Plan Commission, by a favorable vote of a simple majority of those present; or it may approve of said application without one or more of said recommended conditions by a favorable vote of six (6) members of the City Council.

8) In making a decision, the City Council may consider staff reports, testimony, exhibits, plans, or specifications which were considered by the Plan Commission. The Council may also consider comments made at its meeting prior to consideration of the zoning action.

9) If the Council Bill acting on the application is substantially amended by the City Council, the City Council shall refer the Council Bill back to the Plan Commission for review at a new public hearing. New public notice shall be required pursuant to the applicable provisions in this article unless the Council waives such public notice requirement as part of its motion.

    a) The Plan Commission shall then review the amendments, make a new recommendation, and forward the matter back to the City Council in accordance with the requirements of this section.

Sec. 37-1214. Protest of Zoning Action

1) A valid written protest may be submitted in opposition to any Zoning Map Amendment, Planned Development, Special Use Permit, Variation, Historic Landmark, Historic District, or Conservation District.

2) A valid written protest shall meet the following criteria:

    a) The valid written protest is signed by the property owners of forty (40) percent of the lots proposed to be altered;

    b) The valid written protest is signed by the property owners of forty percent of the lots which are immediately adjacent, across an alley or directly opposite the street frontage of the lots proposed to be altered.

    c) The valid written protest identifies the proposed zoning action, identify the property which the signatory owns, and attest that the signatories are the legal owners of the property legally permitted to file such protest.

    d) Each signature shall be properly notarized.

    e) The valid written protest is filed with the City Clerk by 5:00pm three (3) business days prior to final action by City Council on the zoning action is scheduled to occur.

3) If a valid written protest is submitted, then the zoning action being considered by City Council shall only be approved by a favorable vote of six (6) members of City Council.

Sec. 37-1215. Repeat Applications

1) If an application is submitted to the Planning and Development Department for substantially the same action which has been denied by City Council within the last year, the Planning and Development shall reject the application.

    a) One year shall be measured from the date of the City Council decision.

    b) The decision of the Planning and Development Director may be appealed to the Zoning Board of Appeals.

Sec. 37-1216. Development Regulations During Zoning Action Consideration

1) During consideration of a Zoning Ordinance Text Amendment or during the consideration of an application for a Zoning Map Amendment, Planned Development, Special Use Permit, Variation, Historic Landmark, Historic District, or Conservation District, or an Interim Development Ordinance is filed by City Council, Plan Commission, or the Planning Director, then during the period the case is under consideration no use of any building or land may be changed, no building permit may be issued, and no building may be erected, reconstructed, converted, enlarged, structurally altered, or established except in accordance with the terms of either the existing regulations, the proposed regulations amendment, or Interim Development Ordinance as published, whichever is more restrictive.

2) The period of consideration shall be defined as beginning the day after the date of publication of notice as required elsewhere in this article and ending the day after either:

    a) The date the City Council passes or defeats an ordinance containing all or part of the proposed amendment or Interim Development Ordinance as published; or

    b) The date of publication of notice by the Planning and Development Director canceling said notice, whichever date is earlier, but in no event for a period no longer than one hundred eighty (180) days after the date of publication of the notice as required elsewhere in this article.

3) The provisions of this subsection shall not apply to land, buildings, or structures if, in the opinion of the Zoning Administrator, a person who owns or has a right to use land, buildings or structures has made a substantial change in position prior to the date of publication of notice as required elsewhere in this article, including substantial expenditures or the incurrence of substantial obligations.

    a) This provision is in effect only if the person incurred the expenditure or obligation without knowledge of the proposed amendment and in reliance upon the probability that, under the provisions and district boundaries of this chapter, a building permit would be issued without knowledge of the proposed amendment and in reliance upon the probability that, under the provisions and district boundaries of this chapter, a building permit would be issued.

    b) Neither the acquisition of any interest in land, buildings or structures, nor expenditures made or obligations incurred in connection with such acquisitions shall be considered in determining whether there has been a substantial change in position.

DIVISION 3: INTERIM DEVELOPMENT ORDINANCE (IDO)

Sec. 37-1217. Interim Development Ordinance Purpose

The purpose of an interim development ordinance is to regulate changes in land use or development which are expected to conflict with the purposes or intent of a contemplated land use change or zoning proposal, and to provide City Council with the ability to regulate land use or development while regulatory changes are being studied and implemented.

Sec. 37-1218. Interim Development Ordinance Procedures

1) The Interim Development Ordinance shall include the following:

    a) A purpose statement of the Interim Development Ordinance;

    b) A map of the boundaries of any regulated or affected areas.

    c) Use regulations.

    d) The duration of the Interim Development Ordinance regulations.

    e) Provisions for variations or exceptions.

2) The Interim Development Ordinance shall be adopted only after notice and hearing provided in this section. The following procedures shall supersede the procedures for notice and public hearings as required elsewhere in this article.

    a) Notice of the time and place of a public hearing before the City Council shall be published at least once, no more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper published in the City. Said notice shall include the proposed boundaries of the area affected by the proposed Interim Development Ordinance and a brief description in general terms of the proposed Interim Development Ordinance.

        i) Copies of the proposed Interim Development Ordinance shall be available to the public at the time of Notice of Publication.

        ii) This publication shall initiate the provisions for a stay of action.

    b) The City Council shall conduct a public hearing on the proposed Interim Development Ordinance in accordance with its rules. The public hearing before the City Council may be continued from time to time in accordance with the provisions of this article.

    c) The City Council may amend the proposed Interim Development Ordinance by motion before the close of the public hearing. The amended, proposed Interim Development Ordinance, shall constitute the "interim ordinance as published" under the provisions of this article.

        i) The amended version of the proposed IDO shall be available to the public no less than five (5) days prior to the closing of the public hearing.

ii) No amendment shall be permitted which includes additional properties outside the terms of the original proposed Interim Development Ordinance without a new notice as provided in this subsection.

d) The City Council may adopt the proposed ordinance at any time after the public hearing is closed.

e) The Interim Development Ordinance shall be effective for a period of time no longer than three hundred sixty-five days (365) after the date of passage by City Council.

f) The Interim Development Ordinance may be extended by ordinance of the City Council for a period of up to and additional one hundred eighty (180) days beyond the original duration set forth in the Interim Development if City Council finds that such extension is necessary for completing the land use or development study.

DIVISION 4. SPECIAL USE PERMITS

Sec. 37-1219. Special Use Permit Purpose

The purpose of the Special Use Permit is to allow more flexibility in the Zoning Ordinance to allow uses in certain districts that would not otherwise be permitted by-right. Such uses may generally be compatible in a district depending on how the use is designed and operated. The review requirements and design standards minimize potential conflicts.

Sec. 37-1220. Uses Permitted Through a Special Use Permit

1) Some uses of land, for one or more of the following reasons, cannot be permitted as a matter of right but may be permitted through approval of a special use permit:

   a) The use may involve a great area of land.

   b) The use may be of a public or semi-public character.

   c) The use may be important for the development of the community as a whole.

   d) The use may be reasonably approved in a particular location based on factors or reasons not applicable to the Zoning District as a whole.

   e) The use is required by Table III-C to obtain a Special Use Permit.

Sec. 37-1221. Eligible Applicants for a Special Use Permit

2) The following parties may file an application for a Special Use Permit:

   a) The Property Owner.

   b) Contract purchaser with property owner’s consent.

   c) Property owner’s agent.

d) City Council.

e) Plan Commission.

f) Zoning Board of Appeals.

g) Planning and Development Director.

Sec. 37-1222. Application for Special Use Permit

2) No use indicated as a special use or any use not indicated as a permitted use shall receive zoning approval without applying for and receiving special use approval from the Plan Commission and City Council.

3) The application for a special use shall be made to the Planning and Development Department and shall include each of the following:

a) Application which includes all of the required elements in Sec. 37-1204.

b) Site Plan and Elevations meeting the requirements of Sec. 37-1223.

c) A development schedule of the proposed development.

d) Any other information requested by the Zoning Administrator to evaluate the proposed Special Use Permit application.

Sec. 37-1223. Site Plan Requirements for Special Uses

2) Each application for a special use shall be accompanied by a site and landscape plan and shall be drawn to a scale no greater than one hundred (100) feet to the inch. The said site and landscape plans may be combined into one plan. The said site plan shall include the following data and information:

a) The location, dimension, material, and configuration of all buildings, structures, and other improvements.

b) The location, extent and proposed use of usable open space, if applicable.

c) The location, access, dimensions of proposed off-street parking facilities, and the number and configuration of spaces to be provided.

d) The location, dimensions, and materials of sidewalks, driveways, and other impervious surfaces.

e) The location and intensity of illumination of any illuminated areas as required by Division 5 of Article IX, Supplementary Regulations.

f) A landscape plan in accordance with the requirements of Article IX

g) The location of all property lines, utilities, and related easements, including electric lines, storm drainage, sanitary sewers, and water services.

h) The location and extent of required setbacks and yards.

i) An architectural elevation of buildings and structures.

j) Location, size and design of signs.

k) The lot size in square feet and the dimensions thereof.

l) The number and type of dwelling units proposed.

m) The land uses surrounding the lot(s) for which site plan approval is being sought.

n) A date, north arrow, scale, and name of the development.

Sec. 37-1224. Review Procedures for Special Use Permits

1) Upon receipt of a complete application with the accompanying material, the Zoning Administrator shall schedule the item to be reviewed by Plan Commission at a public hearing.

2) A staff report shall be prepared by the Planning and Development Department with comments from the City Engineer, Fire Department, and other relevant City Officials regarding the applicability of City Codes to the proposed development.

3) The requirements for notification for hearings established in this Article shall apply to the Special Use.

4) The Plan Commission shall conduct the hearing and make a recommendation to City Council on the application for a special use in accordance with the procedures established in this Article.

   a) The recommendation shall include findings and recommended conditions as provided for in this article.

5) City Council shall make the final determination to grant or deny the special use application in accordance with the procedures established in this Article.

Sec. 37-1225. Required Criteria for Granting a Special Use Permit

1) Before making any recommendation to City Council to approve or deny the application for a special use, the Plan Commission shall make a determination, based solely upon the evidence presented at a public hearing conducted by the Plan Commission, on whether the application satisfies all of the following criteria:

   a) That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or unreasonably detrimental to the district in which it may be located or otherwise injurious to the public welfare.

b) That the proposed use conforms to all the applicable regulations and standards of the district in which it shall be located that is reasonably possible.

c) That the proposed use preserves the essential character of the district in which it shall be located.

d) That adequate measures have been or will be taken to minimize potential increases in traffic congestion or possible situations that would create poor traffic circulation, including access issues.

e) That the proposed use prevents blighting influences by redeveloping a parcel or improves the compatibility of the use with the surrounding neighborhood.

Sec. 37-1226. Conditions of Approval for Special Use Permits

1) The Plan Commission shall make a recommendation to the City Council to approve, approve with conditions, or to deny the proposed special use.

2) Conditions may be recommended as appropriate or necessary for the public health, safety, and welfare, and to satisfy the findings required for granting a special use. Such conditions may include, but are not limited to the following:

a) Regulate the location, extent, business hours, and intensity of such uses.

b) Require additional landscaping or screening of such uses by means of fences, walls, and vegetation.

c) Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures.

d) Regulate vehicular access and traffic volume, and the design and location of parking and loading areas and structures.

e) A time limit on the use to allow for review of the use and reapproval of the terms of approval.

f) Regulate signs, architectural features, and outdoor lighting to be more compatible with the surrounding neighborhood.

g) Require that certain covenants or dedications for public streets be designed and recorded in accordance with regulations in the Subdivision Ordinance.

h) Any other conditions deemed necessary to implement the general purposes of the Zoning Ordinance in Sec. 37-102.

Sec. 37-1227. Special Use Permit Approval

1) A special use permit shall be included as an attachment to the Council Bill approving the special use.

2) The special use permit shall contain the following information:

   a) A legal description, permanent parcel index number, and common address of the subject property.

   b) The type of special use being granted.

   c) A statement for each finding summarizing how such finding has been satisfied.

   d) Any conditions imposed on the special use as a condition of approval.

   e) A list of any element of the special use site plan which may be subject to flexible requirements during the permit approval stage and the degree of flexibility allowed.

   f) The date the special use permit becomes effective and an expiration date for establishing the special use. Also, the date of expiration of the special use, if one is recommended.

   g) Any exhibits, including the site plan and elevation, shall be attached to the special use permit with a statement that the special use approval is conditioned on the project being built in accordance with such plans, unless specific exceptions are stated in the special use permit.

3) The special use permit shall be recorded as a covenant running with the land with the Champaign County Recorder.

4) The special use permit shall be developed in compliance with the special use permit unless amended by the procedures specified in this Division.

Sec. 37-1228. Minor Amendments to a Special Use Permit

1) Minor amendments to the approved special use permit are allowed as follows:

2) The applicant shall apply for the minor amendment to the approved special use permit on forms provided by the Planning and Development Department.

3) The Zoning Administrator shall review the application for a minor amendment, which will be approved by the Planning and Development Director. The Planning and Development Director may approve minor amendments to the special use permit during the building permit review stage, or separately. In no case shall a minor amendment be approved that permits changes beyond the minimum or maximum requirements or development standards set forth in this chapter.

4) Minor amendments include the following:

   a) Changes that have been allowed through an amendment to the special use permit which are not listed as a major amendment as defined below.

   b) Minor changes in location, siting, and height of the buildings that are not a major amendment as defined below. Such change may only be authorized if engineering or other physical limitations of

the site, not foreseen at the time the special use permit was approved, warrant such a change.

5) The findings, determination, and notification shall be made not more than twenty (20) calendar days after the date a complete application for site plan approval is received. Upon expiration of the twentieth day, after receipt of the complete application for minor amendment is received by the Zoning Administrator, the applicant may consider the application denied and appeal that decision to the Zoning Board of Appeals in accordance with the provisions of this article.

Sec. 37-1229. Major Amendments to a Special Use Permit

1) Major amendments to an approved special use permit may only be requested by application and review procedures of a new special use permit in accordance with the standards and procedures of this Division.

2) Major amendments include the following:

   a) An increase in overall lot coverage of the structure by more than ten (10) percent.

   b) An increase in height that results in an additional story on any building.

   c) A reduction in overall amount of usable open space or a reduction of any area designated as common open space.

   d) A reduction in off-street loading and parking spaces by ten (10) percent.

   e) The change in location of any structure by more than ten (10) feet in any direction.

   f) An overall reduction in the area designated for landscaping treatment in any one phase.

   g) A change in the circulation pattern that would reduce or increase points of access, change access to another street, or increase projected traffic volumes.

   h) A combination of three (3) or more changes classified as minor amendments, which have not been specifically allowed by the special use permit, shall constitute a major amendment.

3) A major amendment to the approved special use permit shall not be requested in order to obtain a variation from the minimum requirements of the applicable development standards. The Zoning Administrator reserves the right to determine that an application for a major amendment is requesting a variation from the applicable development standards.

Sec. 37-1230. Special Use Permit Expiration and Violations

1) Once a special use is established under the terms of the special use permit, the special use may continue as approved under the following limitations:

   a) The special use permit may be suspended in accordance with the provisions of Article XIII, Administration and Enforcement, if work authorized by the special use permit is not commenced within twelve (12) months of the date of the Council Bill approving the special use or within

twelve months (12) months of the date of an approved development plan.

b) In any case where a special use permit has been approved, and the special use has been established, a change in use from the approved special use to another use shall cause the special use permit to expire.

c) When a special use is discontinued for twelve (12) consecutive months, the special use permit shall expire.

d) The removal or destruction of a structure containing a special use shall cause the special use permit to expire. Destruction for the purpose of this subsection, is defined as damage to an extent of more than fifty (50) percent of its fair market value immediately prior to the time of destruction.

e) The construction of a special use in variation with the approved site plan, elevation, or conditions of the special use permit, shall be considered a violation of this chapter and shall be subject to the enforcement mechanisms specified in Article XI.

DIVISION 5. PLANNED DEVELOPMENTS

Sec. 37-1231. Planned Development Purpose

The Planned Development functions as an overlay zone providing flexibility in the application of zoning and development standards to offer an alternative method of developing land. The Planned Development advances the vision and guiding principles of the Comprehensive Plan beyond what strict adherence to the regulations of the Zoning Ordinance would accomplish. The regulatory relief granted through a Planned Development should foster creative development patterns not generally permitted by the Zoning Ordinance but which add value to the community. A Planned Development is not intended to be principally used to enhance the financial return anticipated from the development process.

Sec. 37-1232. Developments Eligible for Planned Development

1) No proposed development is eligible to be considered for approval as a Planned Development unless it meets at least one of the following criteria:

   a) The proposed development includes multiple principal structures.

   b) The proposed development includes a mix of land uses.

   c) The proposed development includes a mix of underlying zoning districts.

   d) The proposed development is subject to an obligation requiring a planned development agreement arising out of an annexation agreement, City policy, or other similar mechanism.

Sec. 37-1233. Eligible Applicants for a Planned Development

1) The following parties may file for an application for a Planned Development:

   a) Property owner

b) Contract purchaser with the owner's consent.

c) Property owner's agent

d) City Council

e) Plan Commission

f) Zoning Board of Appeals

g) Planning and Development Director

Sec. 37-1234. Pre-application Conference Required

1) Prior to the preparation of a formal application for a planned development agreement, the applicant shall meet with the Planning and Development Director or the Director's designee to discuss the proposed development. The Director shall inform the applicant of the City's plans and policies which may affect the development, the specific requirements for Planned Developments, and the procedures involved in submitting an application for a Planned Development.

2) The Planning and Development Director may direct that the applicant conduct a public information meeting about the project and provide notice to neighborhood groups.

3) At the request of the applicant, or at the Planning and Development Director's recommendation, a study session shall be scheduled with the Plan Commission to discuss the proposal as it relates to various planning issues.

Sec. 37-1235. Planned Development Application Requirements

1) An application for a proposed planned development agreement shall be prepared by the applicant with assistance from the Planning and Development Department.

2) An application for a planned development agreement shall provide the following information:

a) Common address(es), legal description(s), permanent index number(s), and ownership of subject property (including required disclosure affidavits), as well as information identifying all design professionals or other consultants who are party to the application.

b) A description of the project and how the proposal relates to the findings of this Article.

c) A site plan showing the existing conditions and zoning of the subject property and surrounding properties.

d) A site plan including a legal description and property survey by a Registered Land Surveyor; the specific location and dimensions of all rights-of-way, easements, streets, sidewalks, utilities, and lots; and the specific location, dimensions, and uses of all proposed structures.
A site plan showing the general location of proposed buildings, structures, streets, sidewalks, landscaping, screening or buffering treatments, and other improvements to be made to the

subject property.

e) A list of any requested waivers of items ordinarily required by this Chapter or Chapter 31 of this Code, and justification for their approval.

f) If the applicant intends to sell or lease all or a portion of the Planned Development after the planned development agreement is approved, the agreement shall contain a statement indicating this intent. If applicable, the conditions of sale and maintenance of such developed properties shall be described and shall include a general description of any deed restriction, covenants, or other similar agreements.

g) Elevation or perspective drawing of all building improvements, including signs, sufficient to show the developer's intent.

h) A development schedule indicating the proposed time frame for construction and improvements.

Sec. 37-1236. Outside Agency Review

1) Complete applications shall be distributed to the following Outside Agencies for their review:

a) Champaign Fire Department;

b) Champaign Building Safety Division;

c) Champaign Engineering Division;

d) Champaign Public Works - Operations Division;

e) Local Drainage District, if any;

f) Urbana-Champaign Sanitary District;

g) Champaign-Urbana Mass Transit District;

h) Champaign Unit 4 School District;

i) Champaign Park District;

j) Ameren IP, or its successor;

k) Comcast Cable, or its successor;

l) Illinois American Water Company, or its successor;

m) SBC, or its successor;

n) Champaign County Emergency Services Disaster Agency (ESDA);

o) METCAD;

p) Illinois Department of Transportation, Paris Office, if adjacent to a State Highway;

q) Champaign County Highway Engineer, if adjacent to a County Highway;

r) Township Road Commissioner, if adjacent to a Township Road;

s) iTV-3, or its successor;

t) Verizon;

u) AT&T.

2) Outside Agencies shall be allowed ten (10) working days to submit comments to the Planning and Development Department.

3) The Planning and Development Department shall forward all comments received from Outside Agencies to the applicant for consideration.

Sec. 37-1237. Waivers of Zoning and Subdivision Regulations

1) The Plan Commission may consider and recommend, and the Council may grant, requested waivers of regulations or requirements of this Chapter in a proposed planned development agreement provided that each proposed waiver is consistent with the general purpose and intent of this Article.

2) The Plan Commission may consider and recommend, and the Council may grant, requested waivers of regulations or requirements of Chapter 31 of this Code in a proposed planned development agreement. The Plan Commission and Council shall consider all of the factors set forth in Section 31-106 of said Chapter 31, entitled "Waivers" prior to recommending or granting said waivers.

3) No waiver from the Zoning or Subdivision requirements is available to an applicant for approval of a planned development agreement as a matter of right.

Sec. 37-1238. Plan Commission Public Hearing

1) Upon receipt of a completed application form and all required supporting documents for approval of a proposed preliminary or final planned development agreement, and following the ten (10) day Outside Agency review period, the Planning and Development Director shall schedule a public hearing before the Plan Commission to review the proposed planned development agreement.

2) Public hearings shall be conducted in accordance with the provisions of this Article. Article XV, Amendments and Hearings.

Sec. 37-1239. Required Findings for Planned Development Approval

1) At the conclusion of the public hearing, the Plan Commission shall adopt a motion recommending either that the City Council approve or deny the request for approval of the proposed planned

development agreement. The Plan Commission shall not recommend that the proposed agreement be approved unless it determines that each of the following criteria has been met:

a) The planned development agreement substantially advances the vision and guiding principles of the Comprehensive Plan beyond what strict adherence to the generally applicable regulations would accomplish.

b) The planned development agreement will produce a creative or unique development that would not be permitted under generally applicable regulations.

c) A planned development agreement is equally or more appropriate to achieve the proposed development outcome than a text amendment, zoning map amendment (rezoning), special use permit, or variation.

d) The conditions imposed are reasonably sufficient to mitigate any adverse impacts of the proposed development.

e) The impact of any use not permitted by the underlying zoning is designed to be compatible with surrounding land uses.

2) When a proposed planned development is eligible for consideration because the proposed development is subject to an obligation requiring a planned development agreement arising out of an annexation agreement, City policy, or other similar mechanism, the Plan Commission shall not recommend that the proposed planned development agreement be approved unless it determines that each of the following criteria have been met:

a) The proposed development is subject to an obligation requiring a planned development agreement arising out of an annexation agreement, City policy, or other similar mechanism.

b) The planned development agreement does not seek any waivers from Zoning or Subdivision regulations.

Sec. 37-1240. Conditions for Approval for Planned Developments

1) The Plan Commission may recommend as conditions of approval for a Planned Development Agreement to mitigate any adverse impacts of the proposed development, to require public improvements be constructed, or appropriate to protect the public health, safety, and welfare of the general public.

2) The Plan Commission may recommend conditions regardless of whether the proposed conditions arise as a result of proposed waivers.

Sec. 37-1241. Planned Development Approval

1) Within thirty (30) days after completion of the public hearing the Plan Commission shall forward the Planned Development Agreement along with the Plan Commission recommendation and proposed conditions to City Council.

2) The proposed Planned Development Agreements shall be included as an attachment to the Council Bill approving the Planned Development.

3) City Council shall determine whether or not to adopt the Council Bill approving the proposed Planned Development Agreement based on the criteria listed in Sec. 37-1239.

4) The Planned Development Agreement shall be recorded as a covenant running with the land with the Champaign County Recorder.

5) The Planned Development shall be developed in compliance with the Planned Development Agreement amended by the procedures specified in this Division.

6) The applicant shall conform to the development schedule as approved with the Planned Development Agreement. If an initial application for a building permit for the Planned Development has not been filed within twelve (12) months from the approval of the planned development agreement by the City Council, the approval of the planned development agreement shall lapse and be void and the agreement shall no longer be in effect.

    a) The Planning and Development Director may extend the approved Planned Development Agreement for up to one (1) additional year.

7) The Zoning Administrator shall approve a building permit within a planned development upon the Zoning Administrator's certification that the building permit application meets the requirements of conditions of the approved planned development agreement and all other applicable zoning regulations. Building permit applications must be accompanied by a site plan, a landscape development plan, and elevations showing conformance with the approved planned development agreement. Additionally, evidence that all plans, covenants, bonds, or certificates have been properly recorded and executed shall accompany the permit application.

8) The construction and maintenance of all public facilities and improvements which are a part of the Planned Development shall be bonded for in accordance with the Subdivision Regulations, and approved prior to the recording of the planned development agreement. Such bonding shall also be required for private drives that provide ingress or egress for more than one structure.

Sec. 37-1242. Minor Amendments to a Planned Development

1) The Planning and Development Director may approve minor amendments to an Approved Planned Development Agreement without additional review from Plan Commission provided that the amendment meets one of the following criteria:

    a) Any change in the location of a building on the site, provided that the change complies with any applicable setback requirements.

    b) A reduction of the proportion of a building frontage consisting of required transparent glass by no more than ten percent (10%).

c) A change in the gross floor area of any principal structure by no more than ten percent (10%).

d) A change in the lot coverage or building footprint of the principal structures by no more than ten percent (10%).

e) A change in the height of any principal structure by no more than ten percent (10%).

f) A change in the amount of off-street loading or parking spaces by no more than ten percent (10%).

g) The construction of one or more accessory structures, each of which is less than seven hundred and fifty (750) square feet in area.

h) The amendment is not of a type addressed elsewhere in this section which is determined by the Planning and Development Director to meet the original intent of the planned development agreement, satisfies the findings of Sec. 37-1239, and does not require waivers from the Zoning Ordinance.

Sec. 37-1243. Major Amendments to a Planned Development

Any proposed amendment not satisfying one of the criteria in Sec. 37-1242 may only be approved pursuant to Plan Commission and City Council approval process as outlined in this Article.

Sec. 37-1244. Existing Planned Developments

Planned Developments approved by the City Council on or before September 2, 2026, shall be subject to the regulations and standards of this Article.

DIVISION 6. ZONING ORDINANCE AND ZONING MAP AMENDMENTS

Sec. 37-1245. Zoning Ordinance Amendments

1) The regulations imposed and the districts created by this Chapter may be amended by ordinance of the City Council.

2) Applications for ordinance or zoning map amendments shall be reviewed by the Plan Commission and City Council in accordance with the notice and public hearing procedures outlined in this Article.

Sec. 37-1246. Eligible Applicants for a Zoning Map Amendment

1) The following parties may file for an application to amend the text of the Zoning Ordinance:

a) City Council;

b) Plan Commission;

c) Zoning Board of Appeals;

d) Planning and Development Director.

2) The following parties may file and application for a Zoning Map Amendment:

   a) Property owner;

   b) Contract purchaser with the owner's consent;

   c) Property owner's agent;

   d) City Council;

   e) Plan Commission;

   f) Zoning Board of Appeals;

   g) Planning and Development Director.

DIVISION 7: VARIATIONS

Sec. 37-1247. Variation Purpose

A variation is a grant of regulatory relief from the provisions of the Zoning Ordinance. The purpose of a variation is to ensure that no property shall be deprived unreasonably of the development opportunities commonly enjoyed by other property in the same locality and district. A variation from the requirements of this chapter may only be granted subject to the Zoning Board of Appeals finding that the criteria specified in this Division have been satisfied.

Sec. 37-1248. Eligible Applicants for Variations

1) The following parties may file and application for a Variation:

   a) Property owner;

   b) Contract purchaser with the owner's consent;

   c) Property owner's agent;

   d) City Council;

   e) Plan Commission;

   f) Zoning Board of Appeals;

   g) Planning and Development Director.

Sec. 37-1249. Application Requirements

1) In addition to the application materials required in Sec. 37-1204, an application for a variation shall contain the following information:

a) The provisions of the Zoning Ordinance that the applicant is seeking relief from and a description of the variation being sought.

b) A description of the facts supporting each of the required Findings of Fact.

c) A site plan and elevation to show the proposed development and the necessary variations from the Zoning Ordinance.

d) Other relevant characteristics about the subject property.

e) Evidence that design options which comply with the provisions of the Zoning Ordinance are not feasible.

Sec. 37-1250. Minor Variations

1) The following types of variations shall be classified as a Minor Variation:

a) A reduction of up to a fifty (50) percent of the minimum required lot width or lot area.

b) A reduction of up to a fifty (50) percent of the minimum required side or rear yard.

c) A reduction of up to a twenty-five (25) percent of the minimum required front yard.

d) An alternative landscaping plan that would reduce the amount of landscape area or required plantings by more than twenty-five (25) percent;

Sec. 37-1251. Minor Variation Findings of Fact

1) In making a determination whether to grant a Minor Variation, the Zoning Board of appeals shall determine that each of the following findings of fact have been satisfied based solely upon the evidence presented at the public hearing:

a) That the variation is consistent with the general purpose and intent of this chapter.

b) That the variation is necessary for a reasonable use of the property.

c) There is a practical difficulty in meeting the requirements of the Code.

d) The plight of the petitioner is not common and the proposed variation will not serve as a special privilege, but will alleviate conditions not shared by other property in the rest of the City.

e) That the petitioner did not knowingly or deliberately create the property condition causing the practical difficulty from which the petitioner seeks a grant of relief through the proposed variation.

f) The proposed variation will not alter the essential character of the locality.

g) The proposed variation will not impair an adequate supply of light and air to adjacent property; substantially increase congestion in the streets; increase the danger of fire or crime; diminish the

value of nearby property; nor impair the public health, safety, comfort, convenience, or general welfare.

h) The proposed variation represents the minimum deviation from established standards necessary to accomplish the desired improvement.

Sec. 37-1252. Minor Variation Decisions

1) The Zoning Board of Appeals shall take action on the Minor Variation request within thirty (30) days after the close of the public hearing.

2) The Zoning Board of Appeals shall only grant a Minor Variation if a concurring vote of at least four members determines that all of the findings of fact have been satisfied.

3) The Zoning Board of Appeals has the authority to take the following actions in making a decision:

   a) Approve all or a portion of the Minor Variation requested.

   b) Prescribe appropriate conditions and safeguards to ensure that the Minor Variation is carried out consistent with the general purposes of the Zoning Ordinance.

   c) Deny the request for a variation.

4) Zoning Board of Appeals action on a Minor Variation is the final action.

Sec. 37-1253. Grant of Minor Variation

1) Upon the approval of a Minor or Major Variation, a complete written Grant of Variation Certificate shall be prepared by the Planning and Development Department which includes the following information:

   a) A legal description of the subject property.

   b) The provisions of the Zoning Ordinance that the Zoning Board of Appeals is granting regulatory relief from and a description of the variation being granted.

   c) Findings of fact on each criteria required to be satisfied specifying how each findings of fact have been satisfied.

   d) The date the Grant of Minor Variation becomes effective.

   e) Any exhibits containing plans or specifications for the proposed use or variation shall be attached to the Grant of Variation with a statement that the variation is conditioned on the project being built in accordance with such plans

Sec. 37-1254. Major Variations

1) A Major Variation is any grant of relief which has not been defined as a Minor Variation in Sec. 37-1250.

2) No variation shall be granted by the Board which permits a use which is not a permitted use in the district where the property in question is located, or which permits a use which is expressly by the regulations of the Zoning Ordinance.

Sec. 37-1255. Major Variation Findings of Fact

1) In making a determination whether to grant a Major Variation, the Zoning Board of appeals shall determine that the each of the following findings of fact have been satisfied based solely upon the evidence presented at the public hearing:

   a) That the variation is in harmony with the general purpose and intent of this chapter.

   b) That the property cannot yield a reasonable return if subject to a strict and literal application of the regulations imposed by this chapter.

   c) There is an unusual hardship in meeting the requirements of this chapter.

   d) The plight of the petitioner is due to such unique circumstances that the proposed variation will not serve as a special privilege, but will alleviate some condition not shared by other property in the same locality and district.

   e) That the petitioner did not knowingly or deliberately create the unusual hardship from which the petitioner seeks a grant of relief through the proposed variation.

   f) The proposed variation will not alter the essential character of the locality.

   g) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the danger of fire or crime, diminish the value of nearby property, nor impair the public health, safety, comfort, convenience, or general welfare.

   h) The variation represents the minimum deviation from established standards necessary to accomplish the desired improvement.

Sec. 37-1256. Major Variation Decisions

1) The Zoning Board of Appeals shall take action on the Major Variation request within thirty (30) days after the close of the public hearing.

2) The Zoning Board of Appeals shall only grant a Minor Variation if a concurring vote of at least four members determines that all of the findings of fact have been satisfied.

3) The Zoning Board of Appeals has the authority to take the following actions in making a decision:

   a) Approve all or a portion of the Major Variation requested.

   b) Prescribe appropriate conditions and safeguards to ensure that the Major Variation is carried out consistent with the general purposes of the Zoning Ordinance.

c) Deny the request for a variation.

4) Within thirty (30) days of the Board Recommendation to approve a variation, a Grant of Variation and Resolution to Approve shall be prepared by the Planning and Development Department and forwarded to City Council.

a) City Council shall act to approve or deny the Resolution issuing a Grant of Variation.

b) If City Council does not act on the Resolution issuing a Grant of Variation, then the Variation is deemed approved.

Sec. 37-1257. Expiration of a Grant of Variation

1) If a Grant of Variation is approved, the property owner has one calendar year to begin work or construction on the property.

2) If work or construction does not commence within one year, then the Grant of Variation expires.

a) The Planning and Development Director may extend the approved Grant of Variation for up to one (1) additional year.

3) If a Grant of Variation has expired, the owner must reapply for the Variation following the procedures of this Division.

DIVISION 8: APPEALS

Sec. 37-1258. Notice of Appeal

1) An appeal from any order, requirement, decision, or determination made by the Zoning Administrator, may be taken to the Zoning Board of Appeals by any person aggrieved thereby.

2) The appeal shall be taken by filing a Notice of Appeal with the Zoning Administrator within twenty (28) calendar days of a written decision of the Zoning Administrator.

3) The notice of appeal shall contain the following information:

a) Name and address of applicant.

b) The section of the ordinance subject to the appeal.

c) A description of the order, decision, or determination of the Zoning Administrator being appealed.

d) The grounds or reasons that appeal is being filed.

Sec. 37-1259. Procedure for Appeals

1) Upon receipt of the Notice of Appeal, the Zoning Administrator shall transmit the Notice of Appeal to the Zoning Board of Appeals along with any files constituting the record associated with the action being appealed.

2) The Notice of Appeal shall be placed on the next regular meeting of the Zoning Board of Appeals.

3) In lieu of the Application and Notice Requirements of Division X of this Article, written notice of the Zoning Board of Appeals meeting shall be sent by first class mail to the applicant, property owner, and all property owners immediately adjacent to the subject property.

Sec. 37-1260. Findings for Appeals

1) The Zoning Board of Appeals may reverse, affirm, or modify the action or determination of the Zoning Administrator which is the subject of the Notice of Appeal.

2) In order to reverse or modify a determination of the Zoning Administrator, the Zoning Board of Appeals must determine that one or more of the following findings have been satisfied:

    a) That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.

    b) That the Zoning Administrator misinterpreted the provisions of the Zoning Ordinance.

    c) That the section of the Zoning Ordinance does not apply in this situation.

Sec. 37-1261. Rulings on Appeals.

1) The Zoning Board of Appeals shall decide the appeal by the next regular meeting after the close of the meeting where the appeal was first considered by the Board.

2) The Zoning Board of Appeals shall not, based on its decision on an appeal, grant a variation in the application of the regulations of the Zoning Ordinance.

3) The Zoning Board of Appeals may only reverse any order, requirement, decision, or determination of the Zoning Administrator with a concurring vote of four (4) members.

4) If the Zoning Board of Appeals reverses or modifies any action of the Zoning Administrator, such decision shall state the findings that support the ruling.

Sec. 37-1262. Stay of Proceedings or Enforcement

1) Upon receipt of a Notice of Appeal, a stay of proceedings from the City enforcement of a regulation regarding an action or determination of the Zoning Administrator shall go into effect.

2) The Planning and Development director may deny the stay of proceedings if the following conditions are met:

    a) The stay of proceedings will cause imminent peril to life or property.

    b) Action has been taken which changes the physical status of the property and which represents a substantial change in position, including substantial expenditures or the incurring of substantial obligations.

3) A stay of proceedings will only be valid until the Board takes final action on the Appeal.