

# **The Sandwich Zoning Ordinance**

Adopted by  
The Sandwich City Council  
Ordinance 2005-20  
September 12, 2005

(Revised through Ordinance 2016-07)

City of Sandwich, Illinois

## Sandwich Zoning Ordinance Revisions:

- Ordinance 2001-26: Adoption of the Revised City of Sandwich Zoning Ordinance
- Ordinance 2002-02: Addition of the O-1 Professional Office District
- Ordinance 2002-07: Regulating Development in Floodplain Areas
- Ordinance 2002-14: Revision to the AG District
- Ordinance 2002-15: Addition of Zoning Permits
- Ordinance 2002-16: Zoning Territory in LaSalle County Outside the Corporate Limits
- Ordinance 2003-07: Addition of Sign Regulations
- Ordinance 2003-28: Revision to the B-3 District Conditions of Use
- Ordinance 2003-29: Revision to the R-3 District Providing for the Division of Residential Buildings
- Ordinance 2003-40: Adoption of the Comprehensive Plan
- Ordinance 2004-07: Revision to the R-4 District Providing for the Division of Residential Buildings
- Ordinance 2004-12: Revision of Required Parking Spaces (Sections 3-6-4 and 3-6-8)
- Ordinance 2004-27: Revision of Required Parking Spaces (Sections 3-6-1-H and 3-6-10-B)
- Ordinance 2005-07: Revision of Group Homes/Community Residence Requirements
- Ordinance 2005-20: Reprinting and General Revision to the Sandwich Zoning Ordinance
- Ordinance 2007-16: Addition of the CBD-1 Central Business District 1 and the CBD-2 Central Business District 2
- Ordinance 2008-16: Revising Zoning Ordinance for Sexually Oriented Businesses and Tattoo Parlors
- Ordinance 2008-29: Revising Section 5-9, Floodplain Regulations
- Ordinance 2009-13: Addition of Section 5-11 – Wind Energy Systems
- Ordinance 2016-07: Modifying to Add “Body Art Establishments) as Allowed Special Uses In the B-1, B-2, B-3, CBD-1, and CBD-2 Zoning Districts



<b>Chapter 4 – Non-Conforming Buildings and Uses</b>	Page 106
Section 4-1 – Purpose	Page 106
Section 4-2 – Continuance of Use	Page 106
Section 4-3 – Discontinuance of Use	Page 106
Section 4-4 – Change of Non-Conforming Use	Page 106
Section 4-5 – Repairs and Alterations	Page 107
Section 4-6 – Damage and Destruction	Page 107
Section 4-7 – Additions and Enlargements	Page 107
Section 4-8 – Conversion to a Special Use	Page 108
<b>Chapter 5 – Supplemental Regulations</b>	Page 109
Section 5-1 – Home Occupation Standards	Page 109
Section 5-2 – Bed and Breakfast Standards	Page 111
Section 5-3 – Mobile Home Park Standards	Page 113
Section 5-4 – Cellular Towers and Antennas	Page 121
Section 5-5 – Accessory Buildings	Page 137
Section 5-6 – Bulk Regulations	Page 138
Section 5-7 – Lot Area Requirements	Page 142
Section 5-8 – Airport Area Development	Page 143
Section 5-9 – Floodplain Regulations	Page 144
Section 5-10 – Sign Regulations	Page 168
Section 5-11 – Wind Energy Systems	Page 178
<b>Chapter 6 – Administration</b>	Page 180
Section 6-1 – Zoning Officer	Page 180
Section 6-2 – Plan Commission	Page 181
Section 6-3 – Zoning Board of Appeals	Page 185
Section 6-4 – Occupancy Certificate	Page 190
Section 6-5 – Zoning Permits	Page 191
Section 6-6 – Fees	Page 193
Section 6-7 – Separability	Page 193
Section 6-8 – Violation, Penalty, and Enforcement	Page 193
Section 6-9 – Repeal of Conflicting Ordinances	Page 193
Section 6-10 – When Effective	Page 193

## **Chapter 1 - General**

Section 1-1 - Title: This Ordinance, including the District Map made a part hereof, shall be known and may be cited and referred to as “The Sandwich Zoning Ordinance.”

Section 1-2 - Intent and Purpose: The prime tool of planning is land use control, most commonly referred to as zoning. This comprehensive amendment to the Sandwich Zoning Ordinance is adopted for the following purposes:

- 1-2-1 - To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- 1-2-2 - To divide the City of Sandwich into zones or districts restricting and regulating therein the location, erection, reconstruction, alteration and use of buildings, structures, and land for residence, business, manufacturing and other specified uses;
- 1-2-3 - To provide adequate light, air, privacy and convenience of access to property;
- 1-2-4 - To protect the character and the stability of the residential, business and manufacturing areas within the City of Sandwich and to promote the orderly and beneficial development of such areas;
- 1-2-5 - To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
- 1-2-6 - To establish building lines and location of buildings designed for residential, business and manufacturing, or other uses within such areas;
- 1-2-7 - To fix reasonable standards to which buildings or structures shall conform therein;
- 1-2-8 - To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts; and,
- 1-2-9 - To prevent additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

Section 1-3 - Rules and Definitions: In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context herein clearly indicates otherwise.

1-3-1 - Rules:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural, the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “lot” shall include the words “plot”, “piece”, and/or “parcel”; the word “building” includes all other structures of every kind regardless of similarity to

buildings; and the phrase “used for” shall include the phrase “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

- E. The following words and terms, wherever they occur in this amended ordinance shall be interpreted as herein defined.

1-3-2 - Definitions:

*Abutting:* To have a common property line or district line.

*Accessory Building or Use:* An "accessory building or use" is one which:

- A. Is subordinate to and serves a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

An "accessory" use includes, but is not limited to, the following:

- A. A children’s playhouse, garden house and private greenhouse;
- B. A shed, garage or building for domestic storage;
- C. Incinerators incidental to residential use;
- D. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- E. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;
- F. Swimming pool, private, for use by the occupant and guests;
- G. Off-street vehicle parking areas, and loading and unloading facilities;
- H. Signs (other than advertising signs) as permitted and regulated in each district incorporated herein;
- I. Carports;
- J. Public utility facilities – telephone, electric, gas, cable television, water and sewer lines, their supports and incidental equipment.

*Acreage:* Any tract or parcel of land, which has not been subdivided or platted.

*Adult Bookstore:* An establishment having more than twenty-five percent (25%) of its stock and trade in books, films, video cassettes (whether for viewing off

premises or on premises), or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.

*Adult Cabaret/Gentlemen’s Club:* A cabaret, which features topless dancers, go-go dancers, exotic dancers, strippers, lap dancers, or similar entertainers.

*Adult Entertainment:* Any exhibition of any adult-oriented motion pictures, live performance, display, dance of any type, pantomime, modeling, or any other personal service offered customers, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed.

*Adult Mini-Motion Picture Theater:* An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons therein.

*Adult Motion Picture Theater:* An enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, for observation by patrons therein.

*Agriculture:* The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

*Airport:* Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for aircraft buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Alley:* Any right-of-way, which affords secondary means of vehicular access to abutting properties.

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

*Apartment:* A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit.

*Automobile Wrecking or Junkyard:* Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles or parts thereof, including any farm vehicles or

farm machinery, or parts thereof, stored in the open and not being restored to operating condition; also including the commercial salvaging and scavenging of any other goods, articles or merchandise.

*Automobile Repair - Major:* Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair, and painting of vehicles.

*Automobile Repair - Minor:* Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major".

*Automobile Service Station:* A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including washing of automobiles. Automobile service stations shall not include sale, storage, or rental of automobiles or trailers (new or used).

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

*Bank:* An office building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, which may include accessory drive-up units on the same premises.

*Basement or Cellar:* A story partly or wholly underground. Where more than one-half ( $\frac{1}{2}$ ) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

*Bed and Breakfast Establishment:* An owner occupied structure other than a hotel or rooming house where lodging and breakfast only are provided to transient guests for compensation.

*Block:* A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines of municipalities.

*Boarding House:* A building other than a hotel, bed & breakfast establishment or restaurant, where meals are provided for compensation to four or more persons, who are not members of the keeper's family.

*Body Art Establishment:* An establishment that features the tattooing of the human body by means of inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise so as to produce an indelible mark or figure visible through the skin (see Tattoo Parlor)

*Borrow Pit:* Any place or premises where dirt, soil, sand, gravel or other material is removed by excavation or otherwise, below the grade of the surrounding land, for



any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

*Buildable Area:* The space remaining on a zoning lot after minimum yard requirements have been complied with.

*Building:* Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels (personal property), or property of any kind, and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by a party wall, then such portion shall be deemed to be a separate building.

*Building - Completely Enclosed:* A building separated on all sides from the adjoining open spaces by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

*Building - Detached:* A building surrounded by open space on the same zoning lot.

*Building Height:* The vertical distance from curb level to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar customary accessory structures and equipment, other than signs, shall not be included in calculating building height.

*Building Line:* The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

*Building, Principal:* A non-accessory building in which the principal use of the zoning lot on which it is located, is conducted.

*Building Setback Line:* A line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

*Building, Temporary:* Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

*Bulk:* The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another, and includes the following: (a) size and height of buildings, (b) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings, (c) floor area ratio, (d) all open space allocated to buildings, and (e) amount of lot area and lot width provided per dwelling unit.

*Business:* Any occupation, employment or enterprise where merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

*Campground:* An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

*Car Wash:* A building or portion thereof where automobiles are washed using automatic or hand operated mechanical devices. A self-service wash rack for the purpose of this ordinance shall be considered a car wash.

*Carport:* A structure attached or made a part of the main structure, and which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

*Cemetery:* A plot or parcel of ground set aside and used for the burial of the dead.

*Center or Clinic, Medical:* A Medical Center or Clinic is an establishment where three (3) or more licensed physicians, surgeons, dentists or other licensed medical practitioners engage in their respective medical practice, operating on an individual or group basis with pooled facilities, such as coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may include a prescription drug counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons, dentists and other licensed medical practitioners.

*Child Care Center:* A licensed agency operating as a primary use in a facility or structure, other than a family child care home, that provides care and supervision for children less than eighteen (18) years of age on a regular basis on less than a twenty-four (24) hour basis.

*Club or Lodge - Private:* A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

*Cluster Development:* A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

*Community Center:* A building for a community's educational and recreational activities.

*Community Residence:* A family-like living arrangement of no more than eight unrelated persons with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services provided by the operator, if any, of the community residence. Types of community residences include group homes and halfway houses.

*Comprehensive Plan:* A written plan, adopted by the corporate authorities, which sets forth their policy for future land usage within the planning jurisdiction of the municipality.

*Condominium:* An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment or office. A condominium may include, in addition, a separate interest in other portions of such real property.

*Conforming Building or Structure:* Any building or structure which: (a) complies with all the regulations of this ordinance or of any amendment thereof governing

bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or special use, as herein allowed in the district in which it is located.

*Conservation Area:* Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, wetlands, and other areas of significant biological productivity or uniqueness.

*Conservation Easement:* An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

*Contiguous:* In actual contact.

*Convenience Store:* Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

*Court:* An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

*Crematory:* A building containing a furnace for cremating.

*Curb Level:* The established level of the curb pavement edging, along the front lot line, at a point directly in front of the center line of the building wall facing the front lot line, or if a curb pavement edging does not exist, the established level, at such point; along the center line of the roadway pavement, except in cases of exceptional differences in grade elevations between lot corners or within the area of a lot, as determined by the Zoning Officer, the established curb level may be the average elevation of the finished ground grades at the building foundation walls even though such average elevation is higher than such established level of the curb pavement edging, or center line or roadway pavement.

*Decibel:* Is a unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in "decibels".

*Disability:* A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment. Individuals who pose a danger to others or to property are not regarded as people with disabilities.

*District:* The area into which the City of Sandwich has been divided for which uniform regulations governing the use, size and intensity of land and buildings, and open space about buildings, is established.

*District Map:* The official zoning map or maps incorporated herein as a part hereof, designating zoning districts.

*Drive-In Establishment:* An establishment or part thereof in which are provided facilities where serving or consuming commodities or both are intended to occur in patron's automobiles parked on the premises, or where commodities are purchased by customers waiting in automobiles for consumption off the premises.

*Driveway:* The area immediately adjacent to a structure over which vehicles may be driven so as to have access to said structure.

*Dwelling:* A building or portion thereof designed or used exclusively for residential purposes, including single family, two family and multiple family dwellings, but not including mobile homes or other trailers and lodging rooms in hotels, motels or lodging houses.

*Dwelling - Attached:* A dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

*Dwelling - Detached:* A dwelling which is surrounded on all sides by open spaces on the same lot.

*Dwelling - Multiple Family:* A dwelling containing three (3) or more dwelling units.

*Dwelling - Single Family:* A dwelling containing one (1) dwelling unit only.

*Dwelling - Semi-Detached:* A dwelling joined to one (1) other dwelling by a party wall, or vertical cavity wall, and above ground physically unifying horizontal structural elements.

*Dwelling - Two-Family:* A dwelling containing two (2) dwelling units only.

*Dwelling Unit:* One (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

*Efficiency Unit:* A dwelling unit consisting of one (1) principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

*Establishment - Business:* A building, structure, or land used in whole or in part as a place of business, the ownership or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

*Family:* Persons related by blood, marriage, or adoption; parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece or first cousin.

*Family Child Care Home:* A family home that provides care and supervision for children, for any part of a twenty-four (24) hour day. This does not include childcare centers and nursery schools.

*Flea Market:* An occasional or periodic sales activity held within a building, structure, or an open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

*Floor Area, For Determining Floor Area Ratio:* The sum of the gross horizontal areas of the several floors including the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two (2) buildings. The floor area shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells, (b) mechanical equipment, except if located on the roof, when either open or enclosed - i.e., bulkhead, water tanks, and cooling towers; (c) habitable attic space as permitted by the Building Code of the City of Sandwich, Illinois; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses. The floor area of structures used for bulk storage of materials - i.e., grain elevators, petroleum tanks shall also be included in the floor area and such floor area shall be determined on the basis if the height of such structure measures less than ten (10) feet but not less than five (5) feet over such floor height intervals, it shall be construed to have an additional floor.

*Floor Area, For Determining Off-Street Parking and Off-Street Loading*

*Requirements:* Floor area when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for a use shall be the sum of the gross horizontal area of the several floors of the building, excluding the horizontal areas of basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

*Floor Area Ratio:* The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio requirement as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

*Frequency:* Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

*Frontage:* All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway or other similar barrier.

*Funeral Establishments:* (including funeral homes, funeral parlors, mortuaries, and undertaking establishments) – a place of business, building or rooms for preparing the dead for burial or cremation and arranging/conducting funeral or wake services.

*Garage - Private:* An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the principal building to which it is accessory and in which no occupation or business for profit is carried on. Only one (1) of the motor vehicles may be a commercial vehicle which does not exceed

two (2) tons capacity. A travel trailer or a boat that, in each case, is owned and used by the occupant of such principal building may be stored in a private garage.

*Garage - Public:* A building or portion thereof other than a private, or storage garage, designed or used for equipping, servicing, or repairing motor vehicles. Hiring, selling, or storing of motor vehicles may be included.

*Garage - Storage:* A building or portion thereof designed or used exclusively for storage of motor vehicles and in which motor fuels and oils are not sold, except as herein regulated, and motor vehicles are not equipped, repaired, hired, or sold.

*Golf Course:* An area or course for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.

*Grade - Street:* The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this section.

*Gross Density:* The ratio between total number of dwelling units on a site and total site area in acres.

*Group Home:* A dwelling unit occupied as a single housekeeping unit in a family-like environment by persons with disabilities (the residents) plus support staff, if any. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents as an alternative to institutional care. Inter-relationships between residents are an essential component of a group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. A group home shall be considered a residential use of property for purposes of all zoning and building codes. (See *Community Residence*)

*Guest House:* Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

*Halfway House:* A temporary residential living arrangement for persons with disabilities leaving an institutional setting and in need of a supportive living arrangement so they can readjust to living outside an institution. These are persons who are receiving therapy and counseling from support staff, if any, who are present when residents are present. Inter-relationships between residents are an essential component of a halfway house. Residency is limited to a specified number of weeks or months. A halfway house shall be considered a residential use of property for purposes of all zoning and building codes. (See *Community Residence*)

*Health Care Facility Clinic and Hospital:* See Hospital and Center or Clinic, Medical.

*Home Occupation:* An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which

does not alter the exterior of the property or affect the residential character of the neighborhood.

*Hospital or Sanitarium:* An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

*Hotel, Apartment:* A hotel in which more than fifty percent (50%) but not more than eighty percent (80%) of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests.

*Hotel or Motel:* A building in which lodging rooms are provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house, or a rooming house and where customary hotel services such as maid, telephone and secretarial, bellboy, desk services, the use and upkeep of furniture, furnishings and laundry of linens are provided. Facilities may include restaurants, cocktail lounges, and meeting rooms. Not more than fifty percent (50%) of the accommodations in a hotel may be dwelling units occupied or intended for occupancy by permanent guests.

*Kennel - Commercial:* Any lot or premises or portion thereof on which more than four (4) dogs, cats, and other household domestic animals, over four (4) months of age, are kept for sale, or on which more than two (2) such animals are boarded for compensation.

*Laboratory - Commercial:* A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

*Laundry:* A business that provides coin operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four (4) persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.

*Limited Access Highway:* A traffic way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

*Livestock:* Riding horses, ponies, donkeys, sheep, goats, swine, poultry and cattle.

*Loading Berth:* A space within the principal building or on the same lot as the principal building providing for the standing, or unloading of trucks and with access to a street or alley.

*Lot:* A parcel of land legally described as a distinct portion or piece of land of record.

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

*Lot - Corner:* A lot of which at least two (2) adjacent sides abut for their full lengths upon streets, provided that the interior angle at the intersection of such two (2)

sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersecting at an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents above described.

*Lot Coverage:* The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

*Lot Depth:* The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

*Lot Frontage:* The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

*Lot - Interior:* A lot that is not a corner lot.

*Lot Lines:* The property lines bounding the lot.

*Lot Line - Interior:* A lot line which does not abut a street right-of-way line.

*Lot Line - Rear:* That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular, or gore shaped lot, a line ten (10) feet in length, within the lot, which is parallel to and a maximum distance from the front lot line.

*Lot Line - Side:* Any boundary of a lot which is not a front lot line or a rear lot line.

*Lot Line Adjoining a Street:* A side lot line of a corner lot which abuts a street, a rear lot line of a through lot, or a front lot line of any lot.

*Lot of Record:* An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

*Lot - Reversed Corner:* A corner lot, the side lot line adjoining a street of which is substantially a continuation of the front lot line of the first lot to its rear.

*Lot - Through:* A lot having a pair of opposite lot lines along two (2) more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines for the purpose of conforming with yard, other open area, and accessory building, structure and use regulations of this ordinance.

*Lot Width:* The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the buildable area.

*Manufacturing Establishment:* An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.

*Massage Therapy:* Manipulation of tissues (as by rubbing, stroking, kneading, or tapping) with the hand or an instrument for remedial or therapeutic treatment.

*Mausoleum:* Vault or other place of burial, often above ground.



*Mobile Home:* A trailer designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross area of 300 square feet or more.

*Mobile Home Park:* A parcel or tract of land with facilities for locating three (3) or more mobile homes and to be used solely for long term occupancy of mobile homes of a type designed to be transported after fabrication, on wheels, or a flat bed or other trailers or detachable wheels, and which are designed for permanent occupancy.

*Motor Freight Terminal:* A building or area in which freight brought by motor truck or railroad is assembled or stored for routing in intra-state or inter-state shipment by motor truck.

*Nameplate:* A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

*Net Density:* The ratio between total number of dwelling units on a site and the total site area (in acres) including parks and common open spaces but exclusive of existing street and alley right-of-way and all other non-residential use.

*Net Site Area:* The area inside of lot lines exclusive of established or existing street and alley rights-of-way.

*No-Access Strip:* A strip of land along the rear lot line, adjoining a thoroughfare right-of-way, or a through lot, and which is designated on a recorded subdivision plat or a property deed as land over which motor vehicular travel shall not be permitted.

*Non-Conforming Building or Structure:* Any building or structure lawfully established which: (a) does not comply with all the regulations of this ordinance or any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

*Non-Conforming Use:* Any building or structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all the codes, ordinances, and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

*Noxious Matter or Material:* A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effect on the physical or economic well-being of individuals.

*Nursery School:* A pre-kindergarten school for children, primarily between the ages of three (3) to five (5), located in a facility or structure other than a family home.

*Nursing Home or Rest Home:* A building containing facilities for the care and home of aged, chronically ill, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons not members of the family residing on the premises are received, and provided with food, shelter, and care, but not including hospitals, clinics, or similar institutions

devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

*Off-Street Parking Lot or Area:* Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein by district regulations.

*Office Park:* A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

*Office - Professional:* Any office used primarily for accounting, consulting, correspondence, editing, administration and related services.

*Open Sales Lot:* Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats, or similar commodities.

*Open Space, Common:* Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

*Outdoor or Open Storage:* The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

*Owner/Operator:* The owner of the bed and breakfast establishment, who is required to reside in the bed and breakfast establishment.

*Party Wall:* An interior wall of adjoining buildings - extending from its footing below grade to the underside of the roof, which divides and is in common use by such adjoining buildings.

*Performance Standard:* A criteria established to control smoke and particulate matter, noise, odor, toxic, or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

*Person:* Any individual, partnership, corporation, association, proprietorship, or other legal entity.

*Plan Commission:* The Plan Commission of the City of Sandwich, Illinois.

*Planned Unit Development:* A parcel or tract of land, at least ten (10) acres in size, initially under single ownership or control, which contains two (2) or more principal buildings and more than one (1) principal use - planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

*Plant Nursery:* Any land used to raise trees, shrubs, flowers, and other plants for sale to the public or for transplanting.

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

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

*Public Utility:* Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, water, sewer, cable television, etc.

*Railroad Right-of-Way:* A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

*Recycling Center:* A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

*Recycling Yard:* An open area of land and any accessory buildings or structures thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery, and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires and bottles.

*Religious Institution:* A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

*Research Laboratory:* A building or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Reservoir Parking Spaces:* Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

*Restaurant:* A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

*Restaurant, Fast Food:* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either (1) foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or (2) the

establishment includes a drive-up or drive-through service facility or offers curbside service.

*Roadway:* The portion of a street which is used or intended to be used for the travel of motor vehicles.

*Rooming House:* Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a rooming house.

*Satellite Dish Antenna:* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device transmits and/or receives radio or electromagnetic waves between earth based and/or orbitally based satellites. This definition includes but is not limited to what are commonly referred to as satellite earth stations, television reception only antennas and satellite microwave antennas.

*Self-Service Storage Facility:* A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

*Setback:* The minimum horizontal distance between a right-of-way line or lot line and the nearest foundation of a building or side of a structure facing such lines, or edge of the area of operation of a principal use when no building or structure is involved.

*Sexually Oriented Business:* Any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

*Single Ownership:* A lot in single ownership is one where the owner does not own adjoining vacant property.

*Sleeping Room:* A room rented on a weekly basis to an individual under terms that do not allow for kitchen, laundry, or meals for compensation.

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

*Specified Sexual Activities:* 1) Human genitals in a state of sexual stimulation or arousal; 2) Acts of human masturbation, sexual intercourse or sodomy; 3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

*Storm Water Definitions:* See Subdivision Ordinance.

*Story:* That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there are not more than four (4) feet differences in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third ( $\frac{1}{3}$ ) the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

*Story - Half:* A half-story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half ( $4\frac{1}{2}$ ) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3) stories in height, a half-story in a sloping room shall not be counted as a story.

*Street:* A public or private right-of-way or easement which is designated as a permanent right-of-way easement for common use as the primary means of vehicular access to properties abutting on it.

*Street Frontage:* All of the property fronting on one (1) side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along one (1) side of the street between an intersecting street and the end of such dead-end street.

*Street Line:* The street right-of-way line abutting a property line of a lot.

*Structure:* Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, signs, back stops for tennis courts and archways or arbors.

*Structural Alteration:* Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

*Swimming Club - Private (Commercial):* A private club operated for profit, maintaining and operating a swimming pool and apparatus and equipment pertaining to the swimming pool, with the specified limitations upon the number of members, for the exclusive use of members and their guests.

*Swimming Club - Private (Not-For-Profit):* A private club incorporated as a (Not-for-Profit) club or organization, maintaining and operating a swimming pool, with specified limitations upon the number of members, or limited to residents of a

block, subdivision, neighborhood, community or other specified area of residence, for the exclusive use of members and their guests.

*Swimming Pool - Commercial:* A swimming pool and the apparatus and equipment pertaining to the swimming pool, operated for profit, open to the public upon payment of an hourly, daily, weekly, monthly, annual or other fee.

*Swimming Pool - Private:* A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

*Swimming Pool - Public:* A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged.

*Tattoo Parlor:* An establishment which features the tattooing of the human body by means of inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

*Townhouse:* Row houses of not more than two (2) stories where each unit is owned individually. Also, a unit within such structure.

*Toxic Materials:* A substance (liquid, solid or gaseous) which, by reason of an inherent deleterious property, tends to destroy life or impair health.

*Trailer:* A vehicle with or without motive power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet the building code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" includes "camper" and "house car". A permanent foundation shall not change its character nor shall the erecting of additions to said trailer, unless the trailer and any additions conform to all city laws.

*Trailer - Sports or Camping:* A trailer designed for camping or other recreational purposes.

*Use:* The purpose or activity for which the land, buildings and structures thereon, is designed, arranged, or intended or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

*Use - Lawful:* The use of any building, structure, or land that conforms with all of the regulations of this ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this ordinance or any amendment thereto, for the structure or land that is being examined.

*Use - Permitted:* Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable performance standards of this ordinance for the district in which such use is located.

*Use - Special:* A use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that compliments or is otherwise compatible with the intended overall developments within a district. Compliance with special standards not necessarily applicable to other permitted or special uses in the district shall be required for a special use, as herein regulated in this ordinance.

*Vehicle - Motor:* Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

*Vending Machine:* A machine for dispensing merchandise or services designed to be operated by the customer.

*Vibration:* The periodic displacement, measured in inches, of earth at designated frequency - hertz (cycles per second).

*Warehouse:* A building used primarily for the storage of goods and materials.

*Warehousing and Distribution:* A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

*Wetland:* An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Yard:* An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance.

*Yard Adjoining a Street - Side:* A yard which is bounded by the front yard line, side yard adjoining a street line, rear yard line and side lot line adjoining a street.

*Yard - Front:* A yard which is bounded by the side lot lines, front lot lines, and the front yard line or the established setback line.

*Yard - Interior, Side:* A side yard which adjoins another lot or an alley separating such side yard from another lot.

*Yard Line:* A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure, or other obstruction shall not encroach into the area between the yard line and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this ordinance.

*Yard - Rear:* A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

*Yard - Side:* A yard which bounded by the rear yard line, front yard line, side yard line, and side lot line.

*Zero Lot Line:* A single family residence established on a zoning lot with one (1) side of the structure coterminous with one (1) interior side lot line of the adjacent zoning lot.

*Zoning Officer:* The person charged with the responsibility of administering and enforcing the Sandwich Zoning Ordinance.

*Zoning Districts:* The districts into which the City of Sandwich, Illinois, has been divided as set forth on the District Map, for the purposes of zoning regulations and requirements.

*Zoning Lot:* A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract of land to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot or record.

Section 1-4 - Interpretation:

1-4-1 - Minimum Requirements: The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

1-4-2 - Relationship with Other Laws: Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

1-4-3 - Effect of Existing Agreements: The ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of the ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.

1-4-4 - Vacancy in the Office of City Engineer: That should a vacancy occur in the office of City Engineer, any approval required under this ordinance shall be done by the Plan Commission.

Section 1-5 - Separability: It is hereby declared to be the intention of the City of Sandwich that the several provisions of this comprehensive amendment are separable, in accordance with the following:

1-5-1 - If any court of competent jurisdiction shall adjudge any provision of this comprehensive amendment to be invalid, such judgment shall not affect any other provisions not specifically included in said judgment.

1-5-2 - If any court of competent jurisdiction shall adjudge invalid the application of any provision of this comprehensive amendment to a particular property, building, or other structure, such judgment shall not affect the application of said provisions



to any other property, building or structure not specifically included in said judgment.

Section 1-6 - Scope of Regulations:

- 1-6-1 - Change in Structures or Use: Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- 1-6-2 - Non-Conforming Buildings, Structures, and Uses: Any lawful building, structure or use existing at the time of the zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, subject to the provisions of Chapter 4.
- 1-6-3 - Building Permits: Where a building permit for a building or structure has been issued in accordance with a law prior to the effective date of the ordinance and provided that construction is begun within ninety (90) days of such effective date and completed within eighteen (18) months, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject to the provisions of Chapter 4.
- 1-6-4 - Use: No building, structure or land or part thereof shall hereafter be erected, raised, moved, converted, extended or enlarged, or structurally altered except in conformity with the regulations herein specified for the district in which it is located unless otherwise stated in this ordinance.
- 1-6-5 - Access to Public Street: Except as otherwise provided for herein for a planned development, every principal building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of the ordinance.
- 1-6-6 - Number of Buildings on a Zoning Lot: Except in the case of a planned development, not more than one (1) principal detached residential building shall be located on a residential zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.
- 1-6-7 - Reserved.
- 1-6-8 - Existing Special Uses: Where a use is classified as a special use and exists as a permitted use at the date of the adoption of the ordinance, it shall be considered a legal use, without further action of the City Council, the Zoning Officer, or the Plan Commission.
- 1-6-9 - Use Not Specifically Permitted In Districts: When a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited unless by application and authorization as provided

for under Special Uses, it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted.

## Chapter 2 - Zoning Districts and Regulations

### Section 2-1 - General:

2-1-1 - Districts – General: For the purpose and provisions of this ordinance, Sandwich, Illinois is hereby organized into sixteen (16) districts:

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AG    Agricultural District  
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R-1    One-Family Residence District  
R-2    One-Family Residence District  
R-3    Two-Family Residence District  
R-4A   General Residence District  
R-4B   General Residence District  
R-4C   General Residence District  
R-5    General Residence District  
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B-1    Local Retail Business District  
B-2    General Retail Business District  
B-3    Service, Automotive, & Wholesale Business District  
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M-1    Limited Manufacturing District  
M-2    General Manufacturing District  
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O-1    Professional Office District  
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CBD-1        Central Business District 1  
CBD-2        Central Business District 2  
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2-1-2 - Maps: The boundaries of the zoning districts designated above are established as shown on the map entitled "City of Sandwich, District Map" which map is attached hereto and made a part hereof, and shall have the same force and effect as if the District Map, together with revisions, notations, references and other information shown thereon were fully set forth and described herein.

- 2-1-3 - District Boundaries: When uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply:
- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of section, tracts or lots, or such lines extended or as indicated.
  - B. In areas not subdivided into lots and blocks, whenever a district is indicated as a strip adjacent to and paralleling a street or highway the depth of such strips shall be in accordance with the dimensions shown on the map from section, quarter-section, or division lines, or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.
  - C. Where a lot held in one (1) ownership and of record on the effective date of the ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.
- 2-1-4 - Zoning of Streets, Alleys, Publicways, Waterways, and Railroad Rights-of-Way: All streets, alleys, publicways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such alleys, streets, publicways, and railroad rights-of-way, or waterways. Where the center line of a street, alley, public-way, waterway or a railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
- 2-1-5 - Rezoning of Public and Semi-Public Areas: An area indicated on the District Map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned R-1 One-Family Residence District until appropriate zoning is authorized by the City council within three (3) months after the date of application is filed for rezoning.
- 2-1-6 - Zoning of Annexed Land: All land which may hereafter become a part of the incorporated area of the City, as a result of the annexation, shall automatically be classified as R-1 One-Family Residence District, except as may be provided for by a pre-annexation or annexation agreement and following a public hearing by the Plan Commission.
- 2-1-7 - Zoning of Annexed Land Used for Agricultural Purposes: Notwithstanding Section 2-1-6, all land which may hereinafter become part of the incorporated area of the City of Sandwich, as the result of annexation and which land is zoned agricultural under any county zoning ordinance, or this ordinance, or which, at the time of annexation is being used principally for agricultural purposes, shall be automatically classified under this ordinance as an AG Agricultural District until such time as rezoning of the land to some other zoning use or district is approved by the City.

## Section 2-2 - Districts - Specific:

### 2-2-1 - AG Agricultural District

- A. Purpose: It is recognized that the public health and welfare of the citizens of the City of Sandwich and the area within contiguous territory not more than one and one-half (1½) miles beyond its corporate limits are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that the land areas therein which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.
1. This District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).
  2. Other specific purposes for which this district is established include:
    - a. To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
    - b. To provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
    - c. To prevent the conversion of agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
  3. The agricultural district boundaries are generally based on an analysis of soils that identified those especially suited for farming as classified by the U.S. Soil Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to non-farm development, the average parcel size of existing farms, and the minimum acreage needed for most farm operations.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
1. Agriculture and agricultural purposes.
  2. Agricultural labor housing, accessory to a farm residence located on a minimum of forty (40) acres, provided that such housing is located in

proximity to the farm residence. The total number of housing units on the farm, including the residence and all agricultural labor housing units, shall not exceed one (1) unit per forty (40) acres.

3. Conservation area for fauna, flora.
  4. Farm.
  5. Farm buildings.
  6. Farm drainage and irrigation systems.
  7. Farm residence.
  8. Forest preserve.
  9. Historic sites and structures.
  10. Nursery and/or orchards.
  11. Private stable.
  12. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back from the right-of-way at least fifty (50) feet, with off-street parking for a minimum of five (5) cars, or one (1) space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Parking spaces shall also be consistent with the requirements of Chapter 3: Off-Street Parking and Loading. Sales only permitted from March 15 through November 15.
  13. Trees, sod farms.
  14. Uses customarily accessory to farm operations.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. The following uses of land and structures may be permitted upon the issuance of a special use permit.
    - a. Agribusinesses, when the petitioner has proven that the business activity is directly and primarily used by those actively engaged in the pursuit of agricultural activities, and when the petitioner has shown, at the time of the hearing, that all local, state, and federal regulations will be complied with.
    - b. Animal shelters and animal hospitals.
    - c. Church.
    - d. Dairies.
    - e. Cemetery.
    - f. Government buildings.

- g. Home occupations.
  - h. Kennels.
  - i. Landscaping business, provided that all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an area enclosed structure, unless otherwise permitted under the terms of a special use permit.
  - j. Production of sweet cider, hard cider, and wine from crops grown on the same property where such production takes place, and the tasting, and sale thereof at wholesale or retail.
  - k. Roadside stands with not more than six hundred (600) square feet of gross floor area, and set back from the right-of-way at least fifty (50) feet, and with off-street parking for a minimum of five (5) cars, or one (1) space for each fifty (50) square feet of structure, whichever is greater. Such parking spaces shall also be consistent with the requirements of "Off-Street Parking, Loading, and Landscape Requirements." Sales only permitted from March 15 through November 15.
2. Standards applicable to all special use permits:
- a. The proposed use shall be sited upon lands which are less suitable for commercial agricultural lands within the district.
  - b. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agriculture land which is converted to the proposed use.
  - c. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agribusinesses into agricultural service centers shall be encouraged and accomplished by special use permit.

D. Minimum Lot Requirements:

- 1. The minimum lot area for a farm residence shall be forty (40) acres. The minimum lot width at the minimum front setback line for a parcel including a farm residence shall be two hundred (200) feet.
- 2. A subdivision, for the purpose of the sale or transfer of ownership of one (1) lot containing an existing residential building fully constructed prior to June 1, 2002, and being not less than two (2) acres. This provision is intended to allow for the division of an existing residence from the fields used for agricultural activities. Provided, however, in a division under this subparagraph 2. of E., if the existing dwelling to be divided off from the larger tract is located three hundred (300) feet or more from the street line from which access for the lot is obtained or to be obtained, an access strip may be used. The access strip must be at least twenty (20) feet in width and shall be included in the lot divided from the larger tract. The new lot, exclusive of the access strip, must meet the minimum lot area and width

requirements, with the lot being measured at the front of the existing dwelling. Such subdivision, if approved by the City Council, is not a violation of this ordinance. The lot which results from such subdivision shall be a legal, nonconforming residential lot in the AG district and the balance of the parcel from which the lot is divided shall not be buildable for future residences.

- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - 1. Front Yard: A front yard of not less than fifty (50) feet shall be provided.
  - 2. Side Yard: A side yard on each side of the principal building of not less than twenty-five (25) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to fifty (50) feet.
  - 3. Rear Yard: A rear yard of not less than thirty-five (35) feet shall be provided.
  - 4. Transitional Yards: Not required in the AG Agricultural District.
- F. Maximum Building Height: The maximum height for all buildings and structures in the AG District shall be two and one-half (2½) stories not to exceed thirty-five (35) feet, except for barns and silos which may have a maximum height of fifty (50) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: Not Applicable in the AG Agricultural District.
- H. Off-Street Parking and Loading Requirements: Not Applicable in the AG Agricultural District.
- I. Density: Not Applicable in the AG Agricultural District.
- J. Dwelling Standards: Not Applicable in the AG Agricultural District.
- K. Conditions of Use: The following conditions shall be required:
  - 1. All buildings and structures utilized for the conduct of an animal hospital shall be located not less than two hundred (200) feet from any property line.
  - 2. Animal and fowl shall be stabled not less than two hundred (200) feet from any property line.
- L. Landscaping and Buffering Requirements: Not Applicable in the AG Agricultural District.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.



## 2-2-2 - R-1 One-Family Residence District

- A. Purpose: The R-1 district is established to encourage the orderly transition of land from agricultural to low density residential use; to provide areas well suited for development from both a location and topographic standpoint; to meet market demands for large lots; and to prohibit any uses which are incompatible. The principal use of land is for single-family dwellings.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
1. One-family detached dwellings and permitted accessory uses. For the purpose of this district, a dwelling may be occupied by one (1) family or an individual, plus no more than two (2) lodgers, boarders, or guests.
  2. Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including accessory uses required for operation.
  3. Detention/Retention Basins, public or private.
  4. Parks, forest preserves, and recreational areas, when publicly owned and operated.
  5. Home occupations.
  6. Schools, public, denominational or private, elementary, junior high and high, including playgrounds and athletic fields auxiliary thereto.
  7. Signs, as permitted in Section 5-10.
  8. Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 3.
  9. Group homes for people with disabilities that are licensed, certified, or accredited by the State of Illinois or appropriate national licensing, certification, or accreditation body.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. Barber Shops and Beauty Shops.
  2. Bed and Breakfast establishments.
  3. Cemeteries; including mausoleums and crematories in conjunction therewith, if such appurtenances are located not less than two hundred (200) feet from any existing dwelling.
  4. Child Care Center, Family Child Care home, and Nursery School - day or nursery, public or private for pre-school age children, provided there is adequate outdoor play area for each child to be cared for, and that the play area be fenced and screened with planting from all adjoining lots in any "R" districts.

5. Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
6. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
7. Government building and facilities, including public libraries.
8. Health and medical institutions, as follows:
  - a. Convalescent nursing and rest homes.
  - b. Hospitals and sanitariums.
  - c. Institutional establishments providing care or care and residence for children or adults.
9. Planned unit developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least ten (10) acres. For such developments, the City Council may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the ordinance and will result in better land planning, and thus, be of greater benefit to the occupants of the development and to the community.
10. Public service uses:
  - a. Electric substations.
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Police and fire stations.
  - d. Sewage treatment plant.
  - e. Telephone exchange.
  - f. Other similar public service uses.
11. Radio and television stations and towers.
12. Sleeping rooms not exceeding three (3) per dwelling unit.
13. Group homes for people with disabilities for which the State of Illinois and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit.
14. Halfway houses for people with disabilities.

D. Minimum Lot Requirements:

1. Every one-family detached dwelling or community residence whether as a permitted use or a special use (notwithstanding 3. below) shall be located on a lot having an area of not less than thirteen thousand five hundred (13,500) square feet, and a width at the established building line of not less than ninety (90) feet.
  2. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than sixteen thousand (16,000) square feet with a minimum width of one hundred seven (107) feet at the established building line.
  3. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than sixteen thousand (16,000) square feet and a width of one hundred seven (107) at the established building line.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
1. Front Yard: A front yard of not less than thirty-five (35) feet shall be provided.
  2. Side Yard: A side yard on each side of the principal building of not less than ten (10) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to thirty-five (35) feet.
  3. Rear Yard: A rear yard of not less than thirty (30) feet shall be provided.
  4. Transitional Yards: Not required in the R-1 One-Family Residence District.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: Not more than thirty-five percent (35%) of the area of a zoning lot may be covered by buildings and structures, including accessory buildings.
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading shall be provided as required or permitted in Chapter 3.
- I. Density: The density for a one (1) family residence in the R-1 District shall not exceed three (3) dwelling units per gross acre.
- J. Dwelling Standards: Every one-story dwelling in any R-1 One-Family Residence District shall have a total ground floor area of not less than nine hundred (900) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used. Every dwelling of more than one (1)

story in any R-1 One-Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand two hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used.

- K. Conditions of Use: Not Applicable in the R-1 One-Family Residence District.
- L. Landscaping and Buffering Requirements: Not Applicable in the R-1 One-Family Residence District.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

### 2-2-3 - R-2 One-Family Residence District

- A. Purpose: The R-2 District is established to provide low density areas in which the principal use of land is for single-family dwellings.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
  - 1. Any use permitted in the R-1 One-Family Residence District.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
  - 1. Any use which may be allowed as a special use in the R-1 One-Family Residence District
- D. Minimum Lot Requirements:
  - 1. Every one-family detached dwelling or community residence whether as a permitted use or a special use (notwithstanding 3. below) shall be located on a zoning lot having an area of not less than eight thousand seven hundred twelve (8,712) square feet and a width at the established building line of not less than sixty-six (66) feet.
  - 2. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area not less than ten thousand (10,000) square feet and a minimum width of eighty (80) feet at the building line.
  - 3. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than ten thousand (10,000) square feet and a width of eighty (80) feet at the building line.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - 1. Front Yard: A front yard of not less than thirty-five (35) feet shall be provided.
  - 2. Side Yard: A side yard on each side of the principal building of not less than ten (10) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to thirty-five (35) feet.
  - 3. Rear Yard: A rear yard of not less than thirty (30) feet shall be provided.
  - 4. Transitional Yards: Not required in the R-2 One-Family Residence District.

- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: Not more than thirty-five percent (35%) of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading shall be provided as required or permitted in Chapter 3.
- I. Density: The density for one (1) family residences in the R-2 District shall not exceed four and one half (4½) dwelling units per gross acre.
- J. Dwelling Standards: Every one (1) story dwelling in any R-2 One-Family Residence District shall have a total ground floor area of not less than seven hundred (700) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes. Every dwelling of more than one (1) story in any R-2 One-Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand fifty (1,050) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes, except that enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.
- K. Conditions of Use: Not Applicable in the R-2 One-Family Residence District.
- L. Landscaping and Buffering Requirements: Not Applicable in the R-2 One-Family Residence District.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

#### 2-2-4 - R-3 Two-Family Residence District

- A. Purpose: The R-3 District is established to provide areas of a higher density than the R-2 District, but yet retains a similar character to the R-2 District. Dwellings other than detached single family structures are first recognized in the R-3 District.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
  - 1. Any use permitted in the R-1 One-Family Residence District.
  - 2. Two-family dwellings. For the purpose of this district a dwelling unit may be occupied by one (1) family or an individual, plus no more than two (2) lodgers, boarders, or guests.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
  - 1. Any use which may be allowed as a special use in the R-1 One-Family Residence District
  - 2. Two-Family Dwellings which are to be divided so that each of the two (2) units would be under separate ownership but only if all of the following standards are met for the purpose of providing for future maintenance of the building and preserving property values.
    - a. That a plat of survey suitable for recording shall be prepared and signed by a licensed Illinois land surveyor accurately dividing the building and lands into no more than two (2) distinct parts with a complete dwelling unit being in each respective part.
    - b. That a written declaration by all owners be prepared and suitable for recording which shall among other matters provide for all of the following:
      - 1. The right of each owner to have reasonable right of access to the exterior of the other unit for the purpose of performing ordinary and necessary maintenance, repair and replacement;
      - 2. The duty of each owner to pay either equally or in proportion to the size of the respective units in the cost of maintaining, repairing, or replacing the roof and exterior walls and appurtenances of the building;
      - 3. Party wall provisions for the creation and protecting of rights and imposing obligations on each unit owner in the party wall;
      - 4. Mutual cross-easements in favor of (i) utility companies, the City, and cable television for maintaining and installing necessary facilities; and (ii) each unit owner for maintenance purposes;

5. Landscaping standards to insure that the property maintains a uniform appearance of maintenance including provisions for mowing of grass in unison; and
  6. The right of a unit owner to reimbursement from the other unit owner for costs advanced for matters provided for in the agreement including lien rights, etc.
- c. The plat of survey and declaration shall upon approval of a special use be recorded in the office of the County Recorder of Deeds together with a certified copy of the special use. It is a violation of this zoning ordinance for any person to sell or offer for sale any unit in a two-family dwelling without (i) a special use having been previously issued in accordance with the above, and (ii) prior to all documents described above having been previously recorded.

D. Minimum Lot Requirements:

1. Every (i) one-family detached dwelling; or (ii) community residence whether as a permitted use or a special use (notwithstanding 4. below), occupying an entire building and not a two-family dwelling; shall be located on a lot having an area of not less than eight thousand, seven hundred and twelve (8,712) square feet and a width at the established building line of not less than sixty-six (66) feet.
  2. Every two-family dwelling shall be located on a zoning lot having an area of not less than ten thousand eight hundred (10,800) square feet and a width at the established building line of not less than ninety (90) feet, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to May 1, 1990, such lot may be occupied by a two-family dwelling, but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
  3. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet and a minimum width of eighty (80) feet at the building line.
  4. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall such lot have an area of less than ten thousand (10,000) square feet and a width of eighty (80) feet at the established building line.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
1. Front Yard: A front yard of not less than thirty-five (35) feet shall be provided.



2. Side Yard: A side yard on each side of the principal building of not less than ten (10) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to thirty-five (35) feet.
  3. Rear Yard: A rear yard of not less than thirty (30) feet shall be provided.
  4. Transitional Yards: Not required in the R-3 Two-Family Residence District.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: Not more than thirty-five percent (35%) of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.
- H. Off-Street Parking and Loading Requirements: Off-street parking shall be provided as required or permitted in Chapter 3.
- I. Density: The density in the R-3 District shall not exceed eight (8) dwelling units per gross acre.
- J. Dwelling Standards: One-family and two-family dwellings in the R-3 Two-Family Residence District shall conform to the floor areas as follows for each dwelling unit. Every one (1) story dwelling in any R-3 Two-Family Residence District shall have a total ground floor area of not less than seven hundred (700) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes. Every dwelling of more than one (1) story in any R-3 Two-Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand fifty (1,050) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes, except that enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area. If a one-family dwelling occupies only the second floor, it shall have a floor area of not less than seven hundred (700) square feet.
- K. Conditions of Use: Not Applicable in the R-3 Two-Family Residence District.
- L. Landscaping and Buffering Requirements: Not Applicable in the R-3 Two-Family Residence District.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-5 - R-4 General Residence Districts

- A. Purpose: The R-4 Districts are established as general residence districts to provide for a wider variety of dwelling accommodations with a higher density of dwelling units, with three (3) subdistricts as defined below.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
1. Any of the uses permitted in the R-1 through R-3 Districts.
  2. Multi-family dwellings. For the purpose of this district a dwelling unit may be occupied by one (1) family or an individual, plus no more than two (2) lodgers, boarders, or guests:
    - a. For R-4A:
      1. There shall be no more than four (4) dwelling units per building, and
      2. No more than forty percent (40%) of the lot area shall be used for buildings or structures, and
      3. Not more than twenty percent (20%) of the remaining sixty percent (60%) of lot area not covered by a building or structure may be hard surfaced except that on-site recreational facilities may be in addition to the above mentioned twenty percent (20%).
    - b. For R-4B:
      1. The R-4B zoning district is reserved for townhouses with no more than four (4) dwellings per building and condominiums with no more than four (4) dwellings per building, and
      2. No more than sixty percent (60%) of the lot area shall be used for buildings or structures, and
      3. Not more than twenty percent (20%) of the remaining forty percent (40%) of lot area not covered by a building or structure may be hard surfaced except that on-site recreational facilities may be in addition to the above mentioned twenty percent (20%).
    - c. For R-4C:
      1. Multiple family dwellings other than those specified in R-4A or R-4B.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. Any use which may be allowed as a special use in the R-1 One-Family Residence District Boarding and lodging houses.
  2. Mobile home parks.

3. Residential Buildings with four (4) dwelling units or less in a residential building in the R-4A and R-4B Districts which are to be divided so that each of the units would be under separate ownership but only if all of the following standards are met for the purpose of providing for future maintenance of the building and preserving property values.
  - a. That a plat of survey suitable for recording shall be prepared and signed by a licensed Illinois land surveyor accurately dividing the building and lands into no more than four (4) distinct parts with a complete dwelling unit being in each respective part.
  - b. That a written declaration by all owners be prepared and suitable for recording which shall among other matters provide for all of the following:
    1. The right of each owner to have reasonable right of access to the exterior of the other unit for the purpose of performing ordinary and necessary maintenance, repair and replacement;
    2. The duty of each owner to pay either equally or in proportion to the size of the respective units in the cost of maintaining, repairing, or replacing the roof and exterior walls and appurtenances of the building;
    3. Party wall provisions for the creation and protecting of rights and imposing obligations on each unit owner in the party wall;
    4. Mutual cross-easements in favor of (i) utility companies, the City, and cable television for maintaining and installing necessary facilities; and (ii) each unit owner for maintenance purposes;
    5. Landscaping standards to insure that the property maintains a uniform appearance of maintenance including provisions for uniform mowing of grass; and
    6. The right of unit owners to reimbursement from other unit owners for costs advanced for matters provide for in the agreement including lien rights, etc.
  - c. The plat of survey and declaration shall upon approval of a special use be recorded in the office of the County Recorder of Deeds together with a certified copy of the special use. It is a violation of this zoning ordinance for any person to sell or offer for sale any unit in a multi-family building without (i) a special use having been previously issued in accordance with the above, and (ii) prior to all documents described above having been previously recorded.

D. Minimum Lot Requirements:

1. One-family detached dwellings or a community residence, whether as a permitted use or a special use (notwithstanding paragraph 5. below), shall be located on a zoning lot having an area of not less than eight thousand

seven hundred twelve (8,712) square feet and a width at the established building line of not less than sixty-six (66) feet.

2. Two-family dwellings shall be located on a zoning lot having an area of not less than ten thousand eight hundred (10,800) square feet and a width at the established building line of not less than ninety (90) feet, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to May 1, 1990, such lot may be occupied by a two-family dwelling, but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
3. All buildings erected or structurally altered containing three (3) or more dwelling units shall be located on a lot which provides minimum lot area per dwelling unit as follows:
  - a. Dwelling units with three (3) or more bedrooms – 4,000 square feet
  - b. Dwelling units with two (2) bedrooms – 3,000 square feet
  - c. Dwelling units with one (1) bedroom – 2,500 square feet
  - d. Efficiency dwelling unit – 2,000 square feet

Provided, however, that in no event shall the minimum lot area be less than ten thousand eight hundred (10,800) square feet in area, and ninety (90) feet in width at the established building line.

4. All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than seventy-five (75) feet.
5. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall such lot have an area of less than ten thousand (10,000) square feet and a width at the established building line of not less than eighty (80) feet.

E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: For each building on a zoning lot, a front yard shall be provided of not less than thirty-five (35) feet. For buildings exceeding twenty-five (25) feet in height, the minimum front yard shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds twenty-five (25) feet, but in no case shall a front yard of more than forty (40) feet be required. Required front yards shall be unobstructed from ground level to sky, except as otherwise provided in Section 5-4-6.
2. Side Yard: For each building on a zoning lot, side yards shall be provided as follows:

- a. For one-family detached dwellings and for two-family dwellings, a side yard on each side of the principal building of not less than ten (10) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to thirty-five (35) feet.
  - b. For multiple family dwellings, the side yard on each side of each residential building shall be a minimum of ten (10) feet in width plus an additional two (2) feet in width for each additional story above two (2) stories in height. On corner lots there shall be maintained a side yard of not less than thirty-five (35) feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than ten (10) feet to the side lot line of said adjacent lots.
  - c. For lots improved with a non-residential building, there shall be a side yard of not less than twelve (12) feet on each side of the main structure and a combined total of side yards of not less than thirty (30) feet.
  - d. For special uses, side yards shall be established in the ordinance permitting the special use, but in no case shall the side yard be less than that required for nonresidential use in the paragraph above.
- 3. Rear Yard: A rear yard of not less than thirty (30) feet shall be provided.
  - 4. Transitional Yards: Not required in the R-4 General Residence District.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio shall be as follows:
- 1. One-family residence – 0.5;
  - 2. Two-family residence – 0.7;
  - 3. Multiple family dwellings – 1.0;
  - 4. Permitted non-residential uses – 1.0;
  - 5. Special uses – to be specified as part of the special use permit, but should not exceed 1.4.
- H. Off-Street Parking and Loading Requirements: Off-street parking shall be provided as permitted in Chapter 3.
- I. Density: Density in the R-4 General Residence Districts shall be as follows:

Zoning District	Units per Gross Acre
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R-4A	8.0
R-4B	10.0
R-4C	11.0

- J. Dwelling Standards: For one-family and two-family dwellings in the R-4 General Residence Districts, every dwelling unit shall have a total ground floor area of not less than seven hundred (700) square feet, measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes. Every dwelling unit of more than one (1) story shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand fifty (1,050) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes, except that enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area. If a one-family dwelling unit occupies only the second floor, it shall have a floor area of not less than seven hundred (700) square feet.
- K. Conditions of Use: Not Applicable in the R-4A, R-4B, or R-4C General Residence Districts.
- L. Landscaping and Buffering Requirements: Not Applicable in the R-4A, R-4B, or R-4C General Residence Districts.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-6 - R-5 General Residence District

- A. Purpose: The R-5 District is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units than is permitted in other residence districts.
- B. Permitted Uses: No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the following uses:
  - 1. Any of the uses permitted in the R-1 through R-4 Districts.
  - 2. Apartment hotels.
  - 3. Bed and breakfast establishments.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
  - 1. Any use which may be allowed as a special use in the R-1 through R-4 Districts
  - 2. Hotels, in which incidental business may be conducted only as a service for the persons living therein, provided there is no entrance to such places of business except from the inside of the building, and provided that no sign advertising such business shall be visible from the outside of the business.
  - 3. Medical and dental offices and group medical centers.
  - 4. Philanthropic or charitable uses or institutions.
  - 5. Private clubs or lodges, except those for which the chief activity is a service normally carried on as a business.
- D. Minimum Lot Requirements:
  - 1. For one- and two-family dwellings and for community residences, whether as a permitted or special use, shall be located on a zoning lot having an area of not less than ten thousand eight hundred (10,800) square feet and a width at the established setback line of not less than ninety (90) feet, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to May 1, 1990, such lot may be occupied by a two-family dwelling, but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
  - 2. For every building hereafter erected or structurally altered containing three (3) or more units, the following minimum lot areas per dwelling unit shall be provided:
    - a. Apartments with three (3) or more bedrooms – 3500 square feet
    - b. Apartments with one (1) and two (2) bedrooms – 2500 square feet

c. Efficiency apartments – 1500 square feet

No existing use shall be converted in such a way as to conflict with, or further conflict with, the foregoing requirements.

Further, no residential building shall be established hereafter on a lot which is less than eight thousand seven hundred twelve (8,712) square feet in area and sixty-six (66) feet in width at the established building line.

3. For non-residential principal uses permitted in this district, the lot area shall be not less than ten thousand (10,000) square feet with a width at the established building line of not less than seventy-five (75) feet.
4. Minimum lot sizes for special uses shall be prescribed by the Plan Commission, with the approval of the City Council, at the time a special use permit is authorized, but in no case shall any such lot size be less than ten thousand (10,000) square feet in area nor less than seventy-five (75) feet in width.

E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: For each building on a zoning lot, a front yard shall be provided of not less than thirty-five (35) feet. For buildings, exceeding twenty-five (25) feet in height, the minimum front yard shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds twenty-five (25) feet, but in no case shall a front yard of more than forty (40) feet be required. Required front yards shall be unobstructed from ground level to sky, except as otherwise provided in Section 5-4-6.
2. Side Yard: For each building on a zoning lot, side yards shall be provided as follows:
  - a. For one-family detached dwellings and for two-family dwellings, a side yard on each side of the principal building of not less than ten (10) feet shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to thirty-five (35) feet.
  - b. For multiple family dwellings, the side yard of each side of each residential building shall be a minimum of ten (10) feet in width plus an additional two (2) feet in width for each additional story above two (2) stories in height. On corner lots there shall be maintained a side yard of not less than thirty-five (35) feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard



required on the adjacent lot to the rear, nor be located nearer than ten (10) feet to the side lot line of said adjacent lots.

- c. For lots improved with a non-residential building, there shall be a side yard of not less than twelve (12) feet on each side of the main structure and a combined total of side yards of not less than thirty (30) feet.
  - d. For special uses, side yards shall be established in the ordinance permitting the special use, but in no case shall the side yard be less than that required for non-residential use in the paragraph above.
- 3. Rear Yard: A rear yard of not less than thirty (30) feet shall be provided.
  - 4. Transitional Yards: Not applicable in the R-5 General Residence District.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed forty (40) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratios shall be as follows:
- 1. One-family residence – 0.5;
  - 2. Two-family residence – 0.7;
  - 3. Multiple family residence – 1.5;
  - 4. Permitted non-residential use – 2.0.
  - 5. For special uses, the floor area ration shall be specified in the special use permit, but shall not exceed 3.0.

When off-street parking is provided within the principal building containing three (3) or more dwelling units the area within the structure devoted to such off-street parking shall not be counted in the maximum allowed floor area ratio.

- H. Off-Street Parking and Loading Requirements: Off-street parking shall be provided as required in Chapter 3.
- I. Density: Density in the R-5 General Residence District shall not exceed fourteen (14) dwelling units per gross acre.
- J. Dwelling Standards: Not Applicable in the R-5 General Residence District.
- K. Conditions of Use: Not Applicable in the R-5 General Residence District.
- L. Landscaping and Buffering Requirements: Not Applicable in the R-5 General Residence District.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-7 - B-1 Local Retail Business District

- A. Purpose: The B-1 District is established to provide certain limited sales and service facilities which are of such character and intensity so as to be compatible with the surrounding or adjacent neighborhood located within or near residential neighborhoods.
- B. Permitted Uses: The following retail business and services uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities.
1. Antique Shops.
  2. Art and school supply stores.
  3. Art galleries and studios.
  4. Bakery shops, including the baking and processing of food products when prepared for retail sale on the premises, limited distribution and catering.
  5. Banks and financial institutions, excluding drive-in teller windows.
  6. Barber shops, beauty parlors, chiropody, massage therapy, or similar personal service shops.
  7. Book and stationery stores.
  8. Candy and ice cream shops.
  9. Camera and photographic supply shops for retail sales.
  10. Carpet, rug, and linoleum stores.
  11. Child care center and nursery school.
  12. China and glassware stores.
  13. Coin and philatelic stores.
  14. Currency exchanges.
  15. Custom dressmaking, millinery, tailoring, or shoe repair shops, when conducted for retail sale on the premises only.
  16. Department stores.
  17. Detention/Retention basins, public or private.
  18. Drug stores.
  19. Dry good stores.
  20. Dry-cleaning and pressing establishments, when using non-flammable cleaning agents approved by the local fire district.
  21. Electrical appliance stores and repairs, but not including appliance assembly or manufacturing.
  22. Employment agency.
  23. Florist shops and conservatories for retail trade on the premises only.

24. Food, meat, and fruit stores.
25. Furniture stores and upholstery when conducted as a part of the retail operations and secondary to the main use.
26. Furrier, when conducted for retail trade on the premises only.
27. Gift shops.
28. Haberdasheries.
29. Hardware stores.
30. Hobby stores.
31. Household appliance stores and repair.
32. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
33. Jewelry and watch repair shops.
34. Laundries, automatic, self-service types, or hand.
35. Leather goods and luggage shops.
36. Locksmith.
37. Millinery shops.
38. Municipal government offices.
39. Musical instrument sales and repair, retail trade only.
40. Newsstands.
41. Offices, business and professional, including medical clinics.
42. Office supply, equipment, and furniture.
43. Off-street parking and loading facilities, as permitted or required in accordance with the provisions of Chapter 3.
44. Optician, optometrist.
45. Orthopedic and medical appliance store, but not including the assembly or manufacture of such articles.
46. Package liquor stores.
47. Pet shops, but not including animal hospitals.
48. Photography studios, including the development of film and pictures when done as part of the retail business on the premises.
49. Photo developing and processing.
50. Picture framing, when conducted for retail trade on the premises only.
51. Postal substations.

52. Public utility collection offices.
  53. Restaurants, tearooms, and cafes, excluding drive-ins.
  54. Sewing machine sales and service.
  55. Shoe and hat stores, and repairing when done as part of the retail business.
  56. Signs, as permitted and regulated by Section 5-10.
  57. Sporting goods stores.
  58. Taverns.
  59. Telecommunication offices.
  60. Telephone booths, public.
  61. Tobacco shops.
  62. Toy stores.
  63. Travel bureau and transportation ticket offices.
  64. Wearing apparel shops.
  65. Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Chapter 3.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. Other retail businesses not specifically listed above when found to have economic compatibility with established uses on adjoining property.
  2. Automatic teller machines, drive-up.
  3. Automobile service stations.
  4. Banks and Financial Institutions, with drive-in teller windows.
  5. Bed and Breakfast establishments.
  6. Car Wash.
  7. Churches, rectories, and parish houses.
  8. Clubs or lodges (non-profit), fraternal or religious institutions.
  9. Community Centers.
  10. Drive-in window service; provided service is for pick-up and delivery only, and materials or services rendered are not used or consumed on the premises. Ingress and egress of such drives shall not obstruct either vehicular or pedestrian traffic.
  11. Hospitals and sanitariums.
  12. Hotels and motels, including restaurants and meeting rooms.
  13. Meeting halls, clubs, lodges, and similar uses.

14. Parks, when publicly owned and operated.
15. Planned developments, business, as defined herein.
16. Public utility and public service uses including:
  - a. Bus terminal or other public transportation terminal facilities;
  - b. Electric substations;
  - c. Fire stations;
  - d. Police stations;
  - e. Public art galleries and museums;
  - f. Public libraries;
  - g. Sewage treatment plant;
  - h. Telephone exchange, repeater stations, microwave relay tower and stations, antenna towers, and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity;
  - i. Water filtration plants;
  - j. Water pumping stations;
  - k. Water reservoir;
17. Restaurants, Drive-in;
18. Residential uses provided by this ordinance including R-1 through R-5 uses.
19. Body Art Establishment

D. Minimum Lot Requirements: Not Applicable in the B-1 Local Retail Business District.

E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: On every zoning lot, a front yard of not less than twenty-five (25) feet in depth, or the established setback, shall be provided.
2. Side Yard: On every zoning lot, a side yard shall be provided along each side lot line of not less than five (5) feet.
3. Rear Yard: On every zoning lot, a rear yard shall be provided along the rear lot line of not less than five (5) feet.
4. Transitional Yards: Where a B-1 Local Retail Business District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- a. When lots in a B-1 Local Retail Business District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
  - b. In a B-1 Local Retail Business District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - c. In a B-1 Local Retail Business District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In a B-1 Local Retail Business District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.
  - e. In a B-1 Local Retail Business District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 5-4-6.
  - g. In a B-1 Local Retail Business District, where residential uses are included, the yard requirements of the R-4 General Residence District shall apply to that portion of the building containing dwelling units.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed forty (40) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio and maximum lot coverage, including accessory buildings shall be permitted in accordance with the following table:

Floor Area Ratio	Maximum Lot Coverage
1.0	90%
1.5	80%
2.0	70%
2.5	60%

- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the B-1 Local Retail Business District.
- J. Dwelling Standards: Not Applicable in the B-1 Local Retail Business District.
- K. Conditions of Use: All uses permitted in this district shall be retail trade/service or public use oriented establishments dealing directly with customers/consumers or providing a public benefit or service (with the exception of residential uses), and shall be subject to the following conditions:
  - 1. There shall be no manufacture, processing, or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
  - 2. Such uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
  - 3. That any exterior sign displayed shall pertain only to a use conducted within the building.
- L. Landscaping and Buffering Requirements: Where a commercial use abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-8 - B-2 General Retail Business District

- A. Purpose: The B-2 District is established to provide business use in areas adjacent to arterial streets and some collector streets and is intended to accommodate retail and service needs of a larger consumer population than the more restricted B-1 District.
- B. Permitted Uses: The following retail and service uses are permitted, provided they are operated entirely within a building, except for off-street parking or loading facilities, and except for establishments of the "drive-in" type offering goods and services directly to consumers waiting in parked motor vehicles except as otherwise provided herein.
1. Any business use permitted in the B-1 Local Retail Business District.
  2. Air conditioning and heating sales and service.
  3. Ambulance service.
  4. Amusement establishments – bowling alleys, pool halls, dance halls, skating rinks, roller rinks, video arcades, and other similar places of recreation.
  5. Auction rooms.
  6. Automobile accessory stores, where there is no driveway entrance across the sidewalk into the main building.
  7. Automobile sales and service shops, not to include painting and repairing of automobile bodies or major automobile repair.
  8. Bicycle sales and repair.
  9. Blue printing and photostating establishments.
  10. Boat showrooms – sales and service.
  11. Catering establishments.
  12. Churches, rectories, and parish houses.
  13. Costume rental shops.
  14. Cutting of glass and glazing establishments.
  15. Electrical appliances – retail or wholesale.
  16. Exterminating shops.
  17. Frozen food stores and lockers.
  18. Garages – public, for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons.
  19. Laboratories (medical, dental, research, experimental, and testing), provided no production or manufacturing of products takes place and provided the performance standards are complied with.
  20. Loan offices.



21. Mirror and glazing shops.
  22. Monument sales, but not including the cutting or grinding of stones or other material on an open lot or within a building.
  23. Off-street parking and loading facilities, as permitted or required in accordance with the provisions of Chapter 3.
  24. Pawn shop.
  25. Physical culture and health services.
  26. Plumbing showrooms or shops – retail or wholesale.
  27. Printing and publishing of newspapers, periodicals, books, and including letter process work.
  28. Radio and television broadcasting stations.
  29. Schools – music, dance, business, commercial, or trade.
  30. Second hand stores and rummage shops.
  31. Signs, as permitted and regulated in Section 5-10.
  32. Silver plating and repair shops.
  33. Telephone exchange, and other outdoor requirements essential to the operation of the exchange in the interest of public convenience and necessity, and including business offices in conjunction therewith, and further including microwave relay towers on the roof of any telephone exchange building.
  34. Theater, indoor.
  35. Undertaking establishments, funeral parlors, or mortuaries.
  36. Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Chapter 3.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. Any use which may be allowed as a special use in the B-1 Local Retail Business District.
  2. Funeral establishments without crematory.
  3. Funeral establishments with crematory (if crematory is located not less than two hundred (200) feet from any existing dwelling).
- D. Minimum Lot Requirements: Not Applicable in the B-2 General Retail Business District.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: On every zoning lot, a front yard of not less than twenty-five (25) feet in depth, or the established setback, shall be provided.
2. Side Yard: On every zoning lot, a side yard shall be provided along each side lot line of not less than five (5) feet.
3. Rear Yard: On every zoning lot, a rear yard shall be provided along the rear lot line of not less than five (5) feet.
4. Transitional Yards: Where a B-2 General Retail Business District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
  - a. When lots in a B-2 General Retail Business District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
  - b. In a B-2 General Retail Business District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.
  - c. In a B-2 General Retail Business District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In a B-2 General Retail Business District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.
  - e. In a B-2 General Retail Business District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 5-4-6.
  - g. In a B-2 General Retail Business District, where residential uses are included, the yard requirements of the R-4 General Residence District shall apply to that portion of the building containing dwelling units.

- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed forty (40) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio and the maximum lot coverage, including accessory buildings, shall be permitted in accordance with the following:

Floor Area Ratio	Maximum Lot Coverage
1.5	90%
2.0	80%
2.5	70%
3.0	60%
3.5	50% or less

- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the B-2 General Retail Business District.
- J. Dwelling Standards: Not Applicable in the B-2 General Retail Business District.
- K. Conditions of Use: Not Applicable in the B-2 General Retail Business District.
- L. Landscaping and Buffering Requirements: Where a commercial use abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-9 - B-3 Service, Automotive, and Wholesale Business District

- A. Purpose: The B-3 District is established to provide business use adjacent to arterial streets and designed to accommodate a wide range of retail and service needs for the City and surrounding areas.
- B. Permitted Uses: The following uses are permitted:
1. Any use permitted in the B-2 General Retail Business District.
  2. Agricultural equipment sales and services, exterior storage, and display.
  3. Amusement establishments, indoor or outdoor, including permanent carnivals, kiddy parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement.
  4. Animal hospitals, kennels, or pounds.
  5. Auto and truck sales, repairs and display, including painting and repairing of automobile and truck bodies or major automobile and truck repair.
  6. Bakeries, including the sale of bakery products to restaurants, hotels, clubs, and other similar establishments when conducted as part of the retail business on the premises.
  7. Banquet, convention, and exhibition halls.
  8. Building materials sales yard and storage.
  9. Bus terminals.
  10. Car wash.
  11. Cartage and express facilities, including buildings in which goods or products are brought by motor carrier for short term storage and delivery at points within a one hundred fifty (150) mile radius of the City of Sandwich.
  12. Dry cleaning establishments; subject to approval of the local fire district.
  13. Greenhouses, wholesale.
  14. Linen, towel, diaper and other similar supply service.
  15. Live bait stores.
  16. Mini warehouse/self storage facility.
  17. Model homes, and trailer sales and display.
  18. Monument sales, including the cutting or grinding of stones or other material on an open lot or within a building.
  19. Newspaper distribution agencies, for home delivery.
  20. Parcel delivery stations.
  21. Photo developing and processing.
  22. Stadiums, auditoriums and arenas - open or enclosed.

23. Theaters - outdoor.
  24. Trailer or automobile or other equipment rentals.
  25. Wholesale establishments.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
1. Any use which may be allowed as a special use in the B-2 General Retail Business District.
  2. Blacksmith and welding shops.
  3. Ceramic Shops.
  4. Fairgrounds.
  5. Grain elevators and storage.
  6. Radio and television towers.
  7. Woodworking/Cabinet Shops.
- D. Minimum Lot Requirements: Not Applicable in the B-3 Service, Automotive, and Wholesale Business District.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
1. Front Yard: On every zoning lot, a front yard of not less than twenty-five (25) feet in depth, or the established setback, shall be provided.
  2. Side Yard: On every zoning lot, a side yard shall be provided along each side lot line of not less than five (5) feet.
  3. Rear Yard: On every zoning lot, a rear yard shall be provided along the rear lot line of not less than five (5) feet.
  4. Transitional Yards: Where a B-3 Service, Automotive, and Wholesale Business District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
    - a. When lots in a B-3 Service, Automotive, and Wholesale Business District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
    - b. In a B-3 Service, Automotive, and Wholesale Business District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side

yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.

- c. In a B-3 Service, Automotive, and Wholesale Business District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In a B-3 Service, Automotive, and Wholesale Business District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.
  - e. In a B-3 Service, Automotive, and Wholesale Business District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 5-4-6.
  - g. In a B-3 Service, Automotive, and Wholesale Business District, where residential uses are included, the yard requirements of the R-4 General Residence District shall apply to that portion of the building containing dwelling units.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed forty (40) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio and the maximum lot coverage, including accessory buildings, shall be permitted in accordance with the following:
- | Floor Area Ratio | Maximum Lot Coverage |
|------------------|----------------------|
| 1.5              | 90%                  |
| 2.0              | 80%                  |
| 2.5              | 70%                  |
| 3.0              | 60%                  |
| 3.5              | 50% or less          |
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the B-3 Service, Automotive, and Wholesale Business District.
- J. Dwelling Standards: Not Applicable in the B-3 Service, Automotive, and Wholesale Business District.

K. Conditions of Use:

1. All retail uses and service establishments shall be conducted wholly within an enclosed building except for off-street parking and loading facilities and except as permitted herein on an open lot.
2. Outdoor display of items intended for direct sale to public shall be permitted as an accessory use only. Outdoor storage of items not intended for direct sale to the public shall also be allowed as an accessory use as long as the storage area is completely screened from public view and located behind the front building line of the principal building, except that automobiles, recreational vehicles, boats, etc., that have been serviced, or awaiting service, may be temporarily stored but in no case may any particular vehicle be stored more than sixty (60) days in a calendar year or thirty (30) consecutive days in front of the building line of the principal building.
3. No property shall be used, absent a used dealers license from the Secretary of State of the State of Illinois, for the selling or dealing in (on consignment or otherwise) or permitting the exhibiting for sale by others, of four (4) or more used vehicles of any make during a calendar year (except as to used vehicles, house trailers as authorized by law and rebuilt salvage vehicles sold by their rebuilders to persons licensed by the State of Illinois).

L. Landscaping and Buffering Requirements: Where a commercial use abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.

M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-10 - M-1 Limited Manufacturing District

A. Purpose: The M-1 District is established to provide industrial uses intended to be conducted in a manner not detrimental to the rest of the community by reason of and with limitation on noise, vibration, smoke, dust, toxic or noxious material, odor, fire, explosive hazard, glare and heat.

B. Permitted Uses: The following uses are permitted:

1. Production, processing, cleaning, testing, or repair, limited to the following uses and products:
  - a. Advertising displays.
  - b. Apparel and other products manufactured from textiles.
  - c. Art needle work and hand weaving.
  - d. Books - hand binding and tooling.
  - e. Brushes and brooms.
  - f. Cameras and other photographic equipment and supplies.
  - g. Canvas and canvas products.
  - h. Carpet and rug cleaning.
  - i. Carting, express hauling or storage yards.
  - j. Ceramic products - such as pottery and small glazed tile.
  - k. Clothing.
  - l. Cosmetics and toiletries.
  - m. Dentures.
  - n. Detention/Retention basins, public or private.
  - o. Drugs.
  - p. Electronics.
  - q. Fur goods, not including tanning and dyeing.
  - r. Glass products, from previously manufactured glass.
  - s. Hosiery.
  - t. Ice, dry and natural.
  - u. Jewelry.
  - v. Laundries.
  - w. Leather products, including shoes and machine belting.
  - x. Luggage.
  - y. Musical instruments.
  - z. Offices or office buildings.



- aa. Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers.
- bb. Pharmaceutical products, compounding only.
- cc. Plastic products, but not including the processing of the raw materials.
- dd. Precision instruments - such as optical, medical, and drafting.
- ee. Repair of household or office machinery or equipment.
- ff. Rubber products, small and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps, and atomizers.
- gg. Signs, as permitted and regulated in Section 5-10.
- hh. Umbrellas.
- ii. Warehousing/distribution centers: local cartage and express facilities (but not including motor freight terminals).
- jj. Public and Community Service Uses As Follows:
  1. Bus terminals, bus garages, bus lots, street railway terminals.
  2. Electric substations.
  3. Fire stations.
  4. Parks and recreation areas.
  5. Police stations.
  6. Sewage treatment plants.
  7. Telephone exchanges.
  8. Water filtration plants.
  9. Water pumping stations.
  10. Water reservoirs.
- kk. Miscellaneous Uses As Follows:
  1. Accessory uses.
  2. Off-street parking and loading, as permitted or required in Chapter 3.
  3. Radio and television towers.
  4. Self storage facility.
  5. Temporary buildings for construction purposes - for a period not to exceed the duration of such construction.

C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:

1. Animal pounds and shelters.
2. Automobile service stations where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto, may be conducted out-of-doors. Lubricating and washing facilities, including auto laundries, are permitted only if in a completely enclosed building.
3. Banks and financial institutions.
4. Battery and tire service stations.
5. Blacksmith and welding shops.
6. Car Wash.
7. Ceramic shops.
8. Churches, rectories, and parish houses.
9. Contractor or construction shops, such as building, cement, electrical, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating, and ventilating.
10. Crematory, if located not less than two hundred (200) feet from any existing dwelling.
11. Currency exchanges.
12. Drug stores.
13. Fuel sales, with storage of fuel oils, gasoline, and other flammable products limited to 120,000 gallons per tank, with the total storage on a zoning lot not to exceed 500,000 gallons.
14. Garages and parking lots - other than accessory - and subject to the provisions of Chapter 3.
15. Grain elevators and storage.
16. Greenhouses.
17. Hotels and motels.
18. Ice sales, linen, towel, diaper, and other similar supply services.
19. Lumber and building material yards.
20. Motor freight terminals.
21. Municipal or privately owned recreation buildings or community centers.
22. Planned development, industrial.
23. Recycling centers.
24. Restaurants.
25. Stadiums, auditoriums, and arenas.
26. Trade schools.

27. Woodworking/cabinet shops.

D. Minimum Lot Requirements: Not Applicable in the M-1 Limited Manufacturing District.

E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: On every zoning lot a front yard of not less than twenty-five (25) feet in depth shall be provided. However, where lots within the same block and comprising forty percent (40%) of the frontage on the same street are already developed on May 1, 1990, with front yards with an average depth of less than twenty-five (25) feet, then such average depth shall be the minimum required front yard depth for such frontage in said block.
2. Side Yard: On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten percent (10%) of the lot width, but need not exceed twenty (20) feet in width.
3. Rear Yard: On every zoning lot a rear yard shall be provided and maintained of not less than twenty (20) feet in depth, except that the inner ten (10) feet may be used for off-street parking.
4. Transitional Yards: Where an M-1 Limited Manufacturing District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
  - a. When lots in an M-1 Limited Manufacturing District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
  - b. In an M-1 Limited Manufacturing District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.
  - c. In an M-1 Limited Manufacturing District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In an M-1 Limited Manufacturing District, where a rear lot line coincides with a rear lot line of property in an adjacent residential

district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.

- e. In an M-1 Limited Manufacturing District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 5-4-6.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of five (5) stories, nor shall it exceed fifty (50) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio shall not exceed 1.5.
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the M-1 Limited Manufacturing District.
- J. Dwelling Standards: Not Applicable in the M-1 Limited Manufacturing District
- K. Conditions of Use: All permitted uses are subject to the following conditions:
- 1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials, or products shall conform with the performance standards set forth below.
  - 2. All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty (150) feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors and gates thereto) at least eight (8) feet high, but in no case lower in height than the enclosed storage, and suitably landscaped.
  - 3. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Chapter 3.
  - 4. Uses established on the effective date of this ordinance and, by its provisions, are rendered non-conforming, and shall be permitted to continue, subject to the provisions of Chapter 4.
- L. Landscaping and Buffering Requirements: Where an M-1 Limited Manufacturing District abuts a residential use, the abutting property line(s) shall be effectively

screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.

- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-11 - M-2 General Manufacturing District

- A. Purpose: The M-2 District is established to be located in selected areas so that its uses including noise, vibration, smoke, dust, toxic or noxious material, odor, explosive hazard, glare, heat, and other hazardous characteristics are not detrimental to the rest of the community.
- B. Permitted Uses: The following uses are permitted:
1. Any use permitted in the M-1 Limited Manufacturing District.
  2. Production, processing, cleaning, testing, or repair, limited to the following uses and products:
    - a. Automobile painting, upholstering, repairing, reconditioning, and body and fender repairing, when done within the confines of a structure.
    - b. Awnings, venetian blinds.
    - c. Bakeries, wholesale.
    - d. Beverages – non-alcoholic, bottling and distribution.
    - e. Bottling works.
    - f. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.
    - g. Canning and preserving.
    - h. Cleaning and dyeing establishments.
    - i. Creameries and dairies.
    - j. Electric appliances such as lighting fixtures, irons, fans, toasters, and electric toys.
    - k. Electric equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
    - l. Electrical supplies, manufacturing and assembly of, such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries.
    - m. Food products – processing, combining of baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing, and pressing.
    - n. House trailers, manufacturing of.
    - o. Ink mixing and packaging and inked ribbons.
    - p. Insecticides.
    - q. Laboratories – medical, dental, research, experimental, and testing – provided there is no danger from fire or explosion, nor offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

- r. Livestock depots and buying and sales yards.
- s. Machine shops for tool, die, and pattern making.
- t. Meat products.
- u. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing, and heat treatment.
- v. Metal stamping and extrusion of small products, such as custom jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils.
- w. Paper products, small such as envelopes and stationary, bags, boxes, tubes, and wallpaper printing.
- x. Perfumes and cosmetics.
- y. Printing and newspaper publishing, including engraving and photo-engraving.
- z. Public utility electric substations and distribution centers, gas regulation centers, and underground gas holder stations.
- aa. Silverware, plate and sterling.
- bb. Soap and detergents, packaging only.
- cc. Soldering and welding.
- dd. Sporting and athletic equipment, such as balls, baskets, cues, gloves, hats, rackets, and rods.
- ee. Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.
- ff. Storage and sale of trailers, farm implements, and other similar equipment on an open lot.
- gg. Textiles – spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn thread, and cordage, but not including textile bleaching.
- hh. Tobacco curing and manufacturing, and tobacco products.
- ii. Tool and die shops.
- jj. Tools and hardware – such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings, and plumbing appliances.
- kk. Toys.
- ll. Truck, tractor, trailer, or bus storage yard, but not including a truck or motor freight terminal which shall be treated under the subsection, Special Uses.
- mm. Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.

- nn. Vehicles, children's, such as bicycles, scooters, wagons, and baby carriages.
- oo. Watches and clocks.
- pp. Wood products, such as furniture, boxes, crates, baskets, and pencils and cooperage works.
- qq. Any production, processing, cleaning, servicing, testing, or repair or storage of materials, goods, or products which conform to the performance standards established in this district.

C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:

1. Any use which may be allowed as a special use in the M-1 Limited Manufacturing District.
2. Auto recycling yards, the performance standards for which follow:
  - a. All state and federal regulations concerning the disposal of oil, hydraulic fluids, battery acids, and other chemicals routinely found in automobiles shall be complied with and specific details for the disposition of those chemicals shall be presented to the corporate authorities when the special use permit is requested.
  - b. There shall be sufficient screening to block from the public view on any street within five hundred (500) feet of the automobile recycling yard the view of any junk or any other materials located within the automobile recycling yard. Said screening shall be maintained in an attractive condition at all times and shall be of sufficient height to block the view from the public streets of said junk and further to prevent the unauthorized access of children or other unauthorized individuals into said automobile recycling yard.
  - c. There shall be no vehicles stacked one (1) on top of the other so that the stack exceeds eight (8) feet in height at any time.
  - d. All weeds, grass, or other vegetation shall at all times be kept mowed and as otherwise required by the Ordinances of the City.
  - e. All federal and state regulations concerning the emission of light, smoke, and noise pollution pertaining to automobile recycling yards shall be considered to be included as performance standards hereunder and shall be met by the holder of any such special use permit.
3. Sanitary Land Fill
4. Sexually Oriented Business
  - a. Location of Sexually Oriented Businesses:
    1. No person shall operate or cause to be operated a sexually oriented business within one thousand (1,000) feet of any of the following



preexisting uses, including preexisting uses located outside the corporate limits of the City of Sandwich, and/or zoning districts:

- a. AG, R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, O-1, CBD-1, CBD-2, or M-1 district as defined by the City Zoning Ordinance;
  - b. Nursery school, preschool, or day care center;
  - c. Park, playground, or forest preserve;
  - d. Public or private elementary or secondary school; public or private elementary or secondary school bus stop locations, or guarded or unguarded school crossing locations;
  - e. Residences or religious institutions;
  - f. Sexually oriented business (any other); or
  - g. Tattoo parlor.
2. No person shall operate or cause to be operated a sexually oriented business, within any of the following preexisting uses and/or zoning districts:
- a. AG, R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, O-1, CBD-1, CBD-2, or M-1 district as defined by the City Zoning Ordinance; or
  - b. Any premises licensed to sell alcoholic liquor.
3. For the purposes of Section 2-2-11-C-4-a-1, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the other specified use.
- b. Amortization of Existing Sexually Oriented Business: Any sexually oriented business lawfully operating on May 1, 1990, and that is in violation of Section 2-2-11-C-4-a shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed three (3) years, unless sooner terminated for any reason, or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, and the sexually oriented business which was first established and continually operating at a particular location and is a conforming use, then the later-established business(es) is a nonconforming use.
5. Tattoo Parlor – *Deleted (Ordinance 2016-07)*

- a. Location of Tattoo Parlors:
  - 1. No person shall operate or cause to be operated a tattoo parlor within one thousand (1,000) feet of any of the following preexisting uses, including preexisting uses located outside the corporate limits of the City of Sandwich, and/or zoning districts:
    - a. AG, R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, O-1, CBD-1, CBD-2, or M-1 district as defined by the City Zoning Ordinance;
    - b. Nursery school, preschool, or day care center;
    - c. Park, playground, or forest preserve;
    - d. Public or private elementary or secondary school; public or private elementary or secondary school bus stop locations, or guarded or unguarded school crossing locations;
    - e. Residences or religious institutions;
    - f. Sexually oriented business; or
    - g. Tattoo parlor (any other).
  - 2. No person shall operate or cause to be operated a tattoo parlor, within any of the following preexisting uses and/or zoning districts:
    - a. AG, R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, O-1, CBD-1, CBD-2, or M-1 district as defined by the City Zoning Ordinance; or
    - b. Any premises licensed to sell alcoholic liquor.
  - 3. For the purposes of Section 2-2-11-C-5-a-1, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a tattoo parlor is conducted, to the nearest property line of the other specified use.
- b. Amortization of Existing Tattoo Parlors: Any tattoo parlor lawfully operating on May 1, 1990, and that is in violation of Section 2-2-11-C-4 shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed three (3) years, unless sooner terminated for any reason, or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more tattoo parlors are within one thousand (1,000) feet of one another and otherwise in a permissible location, and the tattoo parlor which was first established and continually operating at a particular location and is conforming use, than the later-established business(es) is nonconforming.

D. Minimum Lot Requirements: Not Applicable in the M-2 General Manufacturing District.

E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.

1. Front Yard: On every zoning lot a front yard of not less than twenty-five (25) feet in depth shall be provided. However, where lots within the same block and comprising forty percent (40%) of the frontage on the same street are already developed on May 1, 1990, with front yards with an average depth of less than twenty-five (25) feet, then such average depth shall be the minimum required front yard depth for such frontage in said block.
2. Side Yard: On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten percent (10%) of the lot width, but need not exceed twenty (20) feet in width.
3. Rear Yard: On every zoning lot a rear yard shall be provided and maintained of not less than twenty (20) feet in depth, except that the inner ten (10) feet may be used for off-street parking.
4. Transitional Yards: Where an M-2 General Manufacturing District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
  - a. When lots in an M-2 General Manufacturing District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
  - b. In an M-2 General Manufacturing District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.
  - c. In an M-2 General Manufacturing District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In an M-2 General Manufacturing District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.

- e. In an M-2 General Manufacturing District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in Section 5-4-6.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of five (5) stories, nor shall it exceed fifty (50) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio shall not exceed 3.0.
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the M-2 General Manufacturing District.
- J. Dwelling Standards: Not Applicable in the M-2 General Manufacturing District.
- K. Conditions of Use: All permitted uses are subject to the following conditions:
- 1. All production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth in the Performance Standards.
  - 2. Within one hundred fifty (150) feet of a residence district, all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials may be open to the sky, provided the storage area is enclosed with a solid wall or fence at least eight (8) feet high.
  - 3. However, within such one hundred fifty (150) feet of a residence district, off-street loading facilities and off-street parking of motor vehicles under one and one-half (1½) tons capacity may be unenclosed, except for such screening of parking and loading facilities as may be required under the provisions of Chapter 3.
- L. Landscaping and Buffering Requirements: Where an M-2 General Manufacturing District abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

2-2-12 - O-1 Professional Office District

- A. Purpose: The O-1 District is established in selected areas to provide professional service establishments or public uses.
- B. Permitted Uses: The following non-retail business and service uses are permitted for this district:
  - 1. Professional Offices limited to Medical, Dental, Legal, Engineer, Architect, Surveyor, Optometrist, Counseling, and Accounting.
  - 2. Pharmacy (as related and wholly contained within a related medical or dental clinic or facility with no drive-thru facility).
  - 3. Physical Rehabilitative offices and services.
- C. Special Uses: The following uses may be permitted in specific situations, in accordance with procedures outlined in Section 6-2-4 of this ordinance as appropriate:
  - 1. Hospitals.
  - 2. Libraries.
  - 3. Parks, when publicly owned and operated.
  - 4. Plan Development.
- D. Minimum Lot Requirements: Not Applicable in the O-1 Professional Office District.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - 1. Front Yard: On every zoning lot, a front yard of not less than twenty-five (25) feet in depth, or the established setback, shall be provided.
  - 2. Side Yard: On every zoning lot, a side yard shall be provided along each side lot line of not less than five (5) feet.
  - 3. Rear Yard: On every zoning lot, a rear yard shall be provided along the rear lot line of not less than five (5) feet.
  - 4. Transitional Yards: Where an O-1 Professional Office District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
    - a. When lots in an O-1 Professional Office District front on the street and at least eighty percent (80%) of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the front yard regulations for the residential district shall apply to the said lots in the business district.
    - b. In an O-1 Professional Office District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be

equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.

- c. In an O-1 Professional Office District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
  - d. In an O-1 Professional Office District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth.
  - e. In an O-1 Professional Office District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley, from such lot in the residential district.
  - f. Transitional yards shall be unobstructed from lowest level to sky except as allowed in 5-4-6 for which this District may qualify for a special use thereunder.
  - g. In an O-1 Professional Office District, where residential uses are permitted or applicable to the special use, the yard requirements of the Residence District shall apply to that portion of the building containing a dwelling unit or dwelling units.
- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of two (2) stories, nor shall it exceed thirty (30) feet.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio and maximum lot coverage, including accessory buildings shall be limited in accordance with the following table:
- | Floor Area Ratio | Maximum Lot Coverage |
|------------------|----------------------|
| 1.0              | 90%                  |
| 1.5              | 80%                  |
| 2.0              | 70%                  |
| 2.5              | 60%                  |
| 3.0              | 50% or less          |
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as required in Chapter 3.
- I. Density: Not Applicable in the O-1 Professional Office District.
- J. Dwelling Standards: Not Applicable in the O-1 Professional Office District.

- K. Conditions of Use: All uses permitted in this district shall be service or public use oriented establishments dealing directly with customers/consumers or providing a public benefit or service (with the exception of residential uses), and shall be subject to the following conditions:
1. There shall be no manufacture, processing, or treatment of products other than those which are clearly incidental and essential to the service business conducted on the same premises.
  2. Such uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
  3. That any exterior sign displayed shall pertain only to a use conducted within the building.
- L. Landscaping and Buffering Requirements: Where an O-1 Professional Office District abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-13 - Planned Unit Development

- A. Purpose: To encourage the most orderly development of properties through advance planning, and thus assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; assure adequate open space; protect residential areas from undue traffic congestion; protect residential areas from the intrusion of business, industrial, and other land uses that may create an adverse effect upon the living environment; and thus promote the general welfare of the community.
- B. Provisions: The basic provisions and requirements concerning Planned Unit Development are as follows: The subdivision, development and use of land containing ten (10) or more acres as an integral unit, combining more than one (1) primary land use and which may provide for single-family residential, multiple-family residential, and education, business, commercial, industrial, recreational, park, and common use areas may be described as a Planned Unit Development.
1. In its establishment and authorization as a special use, in addition to foregoing provisions, the following procedures, requirements, restrictions, standards, and conditions shall be observed.
  2. The Planned Unit Development may be excluded from the provisions of the Subdivision regulations and of the Zoning Ordinances of the City of Sandwich to the extent specified in the final authorization of the Planned Unit Development.
- C. Procedure:
1. Pre-Application Conference: A pre-application conference shall be held with the Plan Commission. At such conference, the applicant shall provide information as to the location of the proposed planned development, the uses, and approximate area of use for each use category; a list of any and all exceptions to the Subdivision regulations and zoning ordinance of Sandwich, and any other information necessary to clearly explain the planned development to the Plan Commission.
  2. The Plan Commission shall review and consider the proposed plan as to its compatibility with the Comprehensive Plan, and the goals and policies for planning of the City of Sandwich, and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposal that should be included in the application to the City for Special Use Permit for Planned Unit Development.
- D. Preliminary Plan: The applicant shall request the Special Use Permit, by letter addressed to the Zoning Officer, to be placed on the agenda of the meeting of the Plan Commission for a preliminary discussion of the proposed Planned Unit Development, and the Plan Commission shall consider the proposed Planned Unit Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development which shall include, but not necessarily be limited to the following:



1. The map or maps which shall be included as part of the application shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), or if the area of the site is more than two hundred (200) acres, one inch equals two hundred feet (1" = 200'). The following information shall be shown:
  - a. Boundary Survey: A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.
  - b. Topography: The existing topographic character of the land with contours shown at intervals no greater than five (5) feet. Topographic data shall refer to the U.S.G.S. North American Datum - Mean Sea Level Elevation.
  - c. Site Analysis: A detailed site analysis of the property in question, which shall show the following information:
    1. Physical factors information:
      - a. Existing land uses both on the site and immediately adjacent to it.
      - b. Scenic views.
      - c. Wooded areas.
      - d. Soil problem areas based upon a soils survey of the site to include a Natural Resource Report from the Soil and Water Conservation Service. Additional soil information may be requested by the Plan Commission and/or the City Engineer.
      - e. Portions of the site in any flood plain and/or flood plain fringe area.
      - f. Streams, drainage ditches, culverts, and standing water.
      - g. Isolated trees six (6) inches or more in diameter at one (1) foot above ground level able to be preserved.
      - h. General directions of the storm water run-off across the property.
    2. Public utilities information, which shall show the location and size of any existing sanitary sewers, storm sewers, and water lines both on the site and in easements and right-of-ways immediately adjacent to the site - gas, electric, and telephone.
    3. Other information consisting of, but not limited to:
      - a. Existing county and/or municipal zoning on all parts of the site.
      - b. Municipal corporate boundaries across and adjacent to the subject site.
      - c. School district boundaries across and adjacent to subject site.
      - d. Utility easements across and adjacent to subject site.

- d. Land Use Plan: A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:
    - 1. Identification and description:
      - a. Name of the Planned Unit Development.
      - b. Location of the subject site by section, township, and range or by other approved legal description.
      - c. Name and address of the site planner and/or engineer.
      - d. Name and address of the owner and/or trust beneficiary or developer.
      - e. Scale, northpoint, and date.
    - 2. Design features information, which shall show:
      - a. Right-of-way alignments, widths, and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the City or its environs unless such street is an extension of an already named street in which event that name shall be used.
      - b. The location of all multiple-family or single-family attached buildings and structures.
      - c. Off-street parking and service areas.
      - d. All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or preserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
      - e. The pedestrian circulation system, any parkway belt system, or bicycle circulation system.
      - f. All other information necessary to clearly show the proposed elements of the Planned Unit Development.
  - e. Utility Plan: A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all sanitary sewer, storm sewer, and water lines for all proposed land uses, drainage ditches, culverts, and water retention areas, as well as any utility easements.
- 2. The written statement which shall be included as part of the application for approval of the Preliminary Plan shall contain the following information:
    - a. A statistical tabulation of the acreage amounts of all of the land uses proposed in the Preliminary Plan.
    - b. The type and number of dwelling units for any proposed residential land uses.

- c. The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and end.
3. Other information may be requested if the Plan Commission finds that the Planned Unit Development may create special problems for traffic, parking, landscaping, and/or economic feasibility. Such information may include but not be limited to any of the following:
  - a. An off-street parking and loading plan.
  - b. A traffic study indicating the volume of traffic to be generated by the Planned Unit Development or this phase of it, and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the Planned Unit Development or this phase of it.
  - c. Economic impact - a tax impact study detailing the impact which the Planned Unit Development, or this phase of it, will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.
  - d. A landscaping planting plan, indicating the height, size, location, quantities, and variety of stock to be planted.
4. The procedure for approval of the Preliminary Plan shall be as follows:
  - a. The Zoning Officer shall refer the Preliminary Plan to the Sandwich Plan Commission. The Zoning Officer shall instruct the appropriate city departments and consultants to collaborate with the Plan Commission in reviewing the Preliminary Plan for the Planned Unit Development for its compliance with these regulations and other ordinances of the City of Sandwich. Such collaboration may include meetings at which the developer shall meet with city officials and consultants in order that the Plan Commission may have, prior to its public hearing the informal recommendations of its experts.
  - b. The Zoning Officer shall notify the applicant as to the time and place of the public hearing at which the applicant shall present his Preliminary Plan. The Zoning Officer shall cause notice of such public hearing to be published in a manner approved by the Plan Commission for all special use permits and as required by statute.
  - c. The Plan Commission and the City Council may utilize the services of the professional city consultants in arriving at recommendations or decisions. The applicant shall pay the City the reasonable cost incurred for the services rendered by its consultants within thirty (30) days after the submission of the bill from the City to him. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The city consultants shall include, but not be limited to, the persons who provide the City with advice in the fields of engineering, law, planning, traffic, design, and finance.

5. The Plan Commission shall proceed as quickly as possible in its review of the Preliminary Plan. Within no more than thirty (30) days after the final adjournment of the public hearing, the Plan Commission shall:
  - a. Approve or disapprove the Preliminary Plan and shall submit its written recommendation, which may include the recommendations of the City Engineer, City Planner, and/or City Attorney, to the City Council, with a copy being sent to the applicant; or
  - b. Advise the applicant in writing if the Plan Commission finds that changes, additions, or corrections are required in the Preliminary Plan. The applicant shall re-submit ten (10) copies of the revised Preliminary Plan for consideration of the Plan Commission at a continuation of or a new public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission shall submit its recommendations in writing to the City Council, which may also include the recommendations of the City Engineer, City Planner, and/or City Attorney, with a copy also being sent to the applicant.
6. The City Council shall accept or reject the Preliminary Plan within forty-five (45) days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. The applicant and the City Council may mutually agree to extend the forty-five (45) day period.
  - a. If the Preliminary Plan is disapproved, the City Council may state in writing the reasons for the disapproval, and such writing, if prepared, shall be filed with the City Clerk, and a copy shall be sent to the applicant.
  - b. If the Preliminary Plan is approved, the City Council shall authorize the applicant to submit a final development plan for the Planned Unit Development.
  - c. Within one (1) year following approval of the preliminary development plan, the applicant shall file with the Plan Commission a final development plan, completing in final form, all information required as noted in this section.

#### E. Final Development Plan

1. Within one (1) year following the approval of the preliminary development plan the applicant shall file with the Plan Commission a final development plan, containing in final form the information required in the preliminary plan. The final development plan shall also include the following:
  - a. A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other lands subdivided into lots, as well as the division of other lands not so

treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

- b. An accurate legal description of the entire area under immediate development within the planned development.
  - c. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, to the extent that compliance with the subdivision regulations of the City, shall be required.
  - d. An accurate legal description of each separate unsubdivided use area, including common open space.
  - e. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
  - f. Certificates, seals, and signatures required for the dedication of land and recording the document.
  - g. Tabulations of each separate unsubdivided use area, including land area and number of dwelling units per gross acre.
  - h. Landscaping plan.
  - i. Utilities and drainage plan.
  - j. Final agreements, by-laws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open area or other common facilities.
  - k. Final development and construction schedule.
  - l. Final architectural plans.
  - m. Final engineering drawings.
2. The final development plan shall be approved as follows:
- a. The Plan Commission shall review the final development plan within forty-five (45) days of the filing of the last required document, and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Plan Commission shall certify to the City Council that the final development plan is in conformity with the previously filed preliminary development plan.
  - b. If the final plan is substantially changed from the approved preliminary plan, the Plan Commission shall recommend to the City Council that a new public hearing be held in conformance with the procedures for approval of preliminary plan.
  - c. The City Council, after receipt of the recommendations of the Plan Commission, shall review the final development plan and shall, if it is

in conformity with the preliminary development plan, authorize issuance of special use permits. If the final development plan is held not to be in conformity with the Preliminary Development Plan, the City Council shall inform the applicant with regard to the specific areas found to be not in compliance.

F. Changes and Modification of the Planned Unit Development After Approval of the Final Plan

1. After the approval of the Final Plan, the use of land and the construction, modification, or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved Final Plan, rather than by any other provision of the Zoning Ordinance of the City.
2. No changes may be made in the approved Final Plan, except upon application to the appropriate agency according to the following procedures:
  - a. During the construction of the Planned Unit Development, the procedure shall be as follows:
    1. Minor changes in the location, siting, and height of buildings and structures, and in the location of streets and ways of public access, and in the size and location of open space, may be authorized by the Plan Commission as required by engineering or other circumstances not foreseen at the time that the Final Plat was approved.
    2. All changes in land uses, any re-arrangement of lots, block, and building tracts, any major changes in the provisions for common open space, and all other changes in approved Final Plan must be made by the City Council, under the procedures authorized by the Zoning Ordinance for the amendment to the District Map.
    3. Any changes, which are approved for the Final Plat, must be recorded as amendments to the recorded copy of the Final Plat. If changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the City.
  - b. After the completion of the construction of the Planned Unit Development, the procedure shall be as follows:
    1. Any minor extension, alterations, or modifications of existing buildings or structures may be authorized by the Zoning Board of Appeals, if they are consistent with the purpose and intent of the Final Plat.
    2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plat, unless an amendment to the Final Plat is approved following the procedures for the amendment of the District Map.

3. All other changes in the Final Plan must be made by the City Council, under the procedure authorized by the Zoning Ordinance for the amendment of the District Map. No changes may be made in the Final Plan unless they are required for the continued successful functioning of the Planned Unit Development, or unless they are required by changes in conditions that have occurred since the Final Plan was approved or by changes in the development policy of the City.
3. Construction of Improvements: The petitioner shall construct and install the required improvements, and must post with the City a sum in cash, or negotiable securities, a non-declining irrevocable letter of credit, or a surety bond running to the City, in a form approved by the City, and in an amount sufficient to cover the full cost, including engineering and inspection fees and costs, plus ten percent (10%) of such total, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinabove provided. If a surety bond is submitted, it shall have good and sufficient surety thereupon, and shall not be accepted until approved by the Mayor and the City Council.

If the Planned Unit Development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based on the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the City Engineer.

4. Street Classifications: Street classifications, definitions, and specifications, shall be in accord with the regulations pertaining to same, as established in the Subdivision Regulations of the City of Sandwich, as may be amended from time to time.
5. Standards: No Planned Unit Development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:
  - a. General:
    1. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
    2. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
    3. That any industrial park areas established in the Planned Unit Development conform to all requirements therefore as set forth elsewhere in this ordinance.

4. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subject to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a Planned Unit Development use.
  5. When private streets and common driveways are made a part of the Planned Unit Development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the City Council.
- b. Residential:
1. Residential density for a Planned Unit Development shall not be greater than the recommended density, as shown on the General Development Plan (map) of the Comprehensive Plan for the City, nor shall any lot to be used for residential purposes be less in area or dimension than that required by the district regulations applicable to the district in which the Planned Unit Development is located, except that the Plan Commission may recommend and the City Council may grant a reduction in such lot area and dimension, but not more than fifteen percent (15%) when the Planned Unit Development provides common open space equal to, but not less than ten percent (10%) of the gross area of the Planned Unit Development.
  2. Business uses may be included as part of a planned residential development when the Plan Commission finds that such business uses are beneficial to the overall Planned Unit Development, and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater in area than ten percent (10%) of the Planned Unit Development.
  3. The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only by the residents of the planned development.
  4. For that part of a planned development devoted to residential uses, the Plan Commission may recommend and the City Council may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulations for the district in which the planned development is located, provided:



- a. That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwellings being served;
  - b. The spacing between the buildings shall be approved by the Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys;
  - c. The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the planned development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Plan Commission and approved by the City Council.
- c. Cluster Subdivision: In any single-family cluster subdivision, the Plan Commission may recommend and the City Council may authorize the following exceptions to the regulations of the district in which the cluster subdivision is permitted as a special use:
1. A reduction of the lot area be not more than five percent (5%) and in no case shall the lot area be less than eight thousand six hundred and fifty (8,650) square feet.
  2. A reduction of the lot width to:
    - Seventy (70) feet in the R-1 District.
    - Sixty-five (65) feet in the R-2 District.
  3. That in the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be not more than five percent (5%) less than that required for permitted uses in the district regulations applicable to the district in which the planned development is located;
 

Reduction of such lot area shall be recommended by the Plan Commission and approved by the City Council only where there is contained within the planned development permanent open area, the area and location of which shall meet with the approval of the Commission, and that such open space shall not be less than that which would pertain if developed on individual lots;

Such open areas shall be preserved over the life of the planned development, for use only by the residents of the planned development or dedicated to the City of Sandwich for school, park, playground, or other public uses; and

4. That in a planned development devoted to residential uses, the Plan Commission may recommend and the City Council may approve, access to a dwelling by a driveway or pedestrian walk easement; however, off-street parking facilities for such dwellings shall be located not more than two hundred (200) feet from the dwelling served; yards of lesser widths or depths than required for permitted uses in the district regulations applicable to the district in which the planned development is located, provided:
    - a. That protective covenants are recorded which perpetuate access easements and off-street parking spaces for use by the residents of the dwellings served;
    - b. That spacing between buildings shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys;
    - c. Spacing between principal buildings within a part of a planned development shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located.
  5. That in a planned business development, the following additional requirements are hereby specified:
    - a. All buildings shall be set back not less than thirty (30) feet from all streets bounding the site;
    - b. Required off-street parking space shall be provided in the ratio of not less than ten (10) parking spaces for every one thousand (1,000) square feet of gross floor area;
    - c. All walks within the planned development shall be paved with a hard surfaced material meeting the specifications of the City Engineer.
    - d. Any part of the planned development not used for buildings, loading and access ways, shall be attractively landscaped with grass, trees, shrubs or pedestrian walkways, according to a landscape plan, as approved by the Plan Commission;
    - e. The buildings in the planned development shall be planned and designed as a unified and single project.
- d. Variations of Minimum Requirements
1. Wherever the applicant proposes to provide and set out, by platting, deed, dedication, restriction, or covenant, any land or space separate from single-family or multi-family residential districts to be used for parks, playgrounds, commons, greenways, or open areas, the Plan Commission may consider and recommend to the City Council, and the City Council may vary the applicable

minimum requirements of the subdivision regulations and the zoning ordinance, which may include but not necessarily be limited to the following:

- a. Rear yard;
- b. Side yard;
- c. Lot area;
- d. Bulk;
- e. Intensity of Use;
- f. Street width;
- g. Sidewalks;
- h. Public utilities;
- i. Off-street parking

2. Business

- a. Business uses shall be as prescribed by the Plan Commission.
- b. All business and storage of materials shall be conducted or stored within a completely enclosed building.
- c. Not more than thirty percent (30%) of the lot area shall be covered by buildings or structures.
- d. At least ten percent (10%) of the lot shall be provided for landscape and open space purposes.
- e. No building shall be more than forty (40) feet in height.
- f. No dwelling shall be permitted in a planned business development.
- g. Off-street parking shall be provided and maintained on the same lot based upon three (3) square feet of parking space for each square foot of gross floor area unless the Plan Commission recommends and the City Council requires additional off-street parking space.
- h. Service and loading and unloading facilities shall be provided as recommended and approved by the Plan Commission.
- i. No building shall be located nearer than fifty (50) feet to any street line.
- j. Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches, or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

- k. Outside lighting shall be so designed and placed so as not to be disturbing to adjacent residential areas.
  - l. Signs shall comply with the regulations of the Municipal Code of the City of Sandwich.
3. Industrial
- a. The standards for industrial area in a Planned Unit Development shall conform to the applicable standards in the zoning ordinances of the City for industrial areas.
  - b. At least twenty percent (20%) of the industrial land use areas shall be reserved for landscape and open space purposes.
6. Conditions and Guarantees: Prior to granting any special uses, the Plan Commission may recommend, and the City Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. In all cases in which special uses are granted, the City Council shall require such evidence and guarantee, if it may deem necessary, as proof that the conditions stipulated in connection therewith are being and will be complied with.
7. Effect of Denial of a Special Use: After a public hearing, no application for a special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the City Council.
8. Termination of Special Use Permit: If work on the proposed development has not begun within eighteen (18) months from the date of the authorization order of the City Council, the authorization shall become null and void and all rights thereunder shall lapse.

## 2-2-14 - CBD-1 Central Business District 1

- A. Purpose: The CBD-1 Central Business District 1 is established to preserve the atmosphere of the historic downtown commercial area by providing relief of the setback and off-street parking requirements of other zoning districts. The intent of this district is to continue the historic nature of the existing downtown commercial area permitting the present configuration of its buildings into the future. The district is established to accommodate the retail and other business uses which are characteristic of the downtown business core of the City.
- B. Permitted Uses: The following retail and service uses are permitted in the CBD-1 Central Business District 1, provided they are operated entirely within a building, except for off-street parking and loading facilities, and except for establishments of the “drive-in” type offering goods and services directly to consumers waiting in parked motor vehicles except as otherwise provided herein:
  - 1. Any use permitted in the B-2 General Retail District.
- C. Special Uses: The following uses may be allowed by special use permit in the CBD-1 Central Business District 1, in accordance with procedures outlined in Section 6-2-4 of this ordinance:
  - 1. The special uses in the B-1 Local Retail Business District and the B-2 General Retail District.
- D. Minimum Lot Requirements: No minimum lot area or minimum lot width is established for permitted and special uses in the CBD-1 Central Business District 1.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - 1. Front Yard: No building setback is required from a front line or street line.
  - 2. Side Yard: No building setback is required from a front line or street line.
  - 3. Rear Yard: No building setback is required from a front line or street line.
  - 4. Transitional Yards: Where a CBD-1 Central Business District 1 adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
    - a. Where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard equal in dimension to the minimum side yard required under this ordinance for a residential use on the adjacent property in the residential district shall be provided.
    - b. Where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard equal in dimension to the minimum side yard required under this ordinance for a residential use on the adjacent property in the residential district shall be provided.

- c. Where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a rear yard shall be provided along the rear lot line of not less than twenty (20) feet.

CHURCH STREET

Notwithstanding any of the foregoing regulations of this sub-paragraph E. or any other yard regulations found in the Sandwich Zoning Ordinance, no building or structure in the Central Business District shall hereafter be erected, structurally altered, or enlarged unless there is provided and maintained in connection with such building, structure, or enlargement, a required yard setback from Church Street (U.S. Route 34) of not less than thirty-five (35) feet in depth.

- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed sixty (60) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: No maximum floor area ratio or lot coverage requirement is established for permitted and special uses.
- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as follows:
  - 1. Non-Residential Uses: For all permitted and special non-residential uses, the required amount of off-street parking spaces shall be the number that existed on the zoning lot as of November 1, 2007. All non-residential permitted and special uses established as of November 1, 2007 may be enlarged without providing additional off-street parking spaces. Except for the foregoing, there shall be no further requirements for non-residential uses.
  - 2. Residential Uses: Notwithstanding the requirements of 3-6-1, there shall be off-street parking (non-public) for dwelling units as follows: 1 parking space for each efficiency unit of less than 1,300 square feet; 1.5 parking spaces for each efficiency unit of 1,300 or more square feet; 1.5 parking spaces for each one bedroom unit; 1.8 parking spaces for each two bedroom unit; and 2 parking spaces for each unit with more than two bedrooms. The foregoing requirements may be modified if the City Council provides for permit parking on City streets or other publicly maintained property and the number of permitted parking spaces together with the number of any provided off-street parking spaces equals or exceeds the foregoing requirements.
- I. Density: No density requirement is established for permitted and special uses.
- J. Dwelling Standards: No dwelling standard requirement is established for permitted and special uses.
- K. Conditions of Use: All uses permitted in this district shall be subject to the following conditions:
  - 1. There shall be no manufacturing of products.

2. All uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
  3. That any exterior sign displayed shall pertain only to a use conducted within the building.
  4. There shall be no basement, sub-grade, ground, street, or first floor level residential dwelling units.
  5. The floor area of dwelling units altered, enlarged or created after November 1, 2007 shall require a minimum of 1,200 square feet total floor area per dwelling unit.
- L. Landscaping and Buffering Requirements: Where an enlarged or created commercial use abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

## 2-2-15 - CBD-2 Central Business District 2

- A. Purpose: The CBD-2 Central Business District 2 is established to create a transitional downtown commercial area to expand therein commercial uses and provide relief from off-street parking required while maintaining setbacks. The intent of this district is to recognize the need for expanded commercial uses in the area surrounding and contiguous to the historic downtown area. The district is established to accommodate the retail and other business uses which are characteristic of an expanding downtown business area from the core of the City.
- B. Permitted Uses: The following retail and service uses are permitted in the CBD-2 Central Business District 2, provided they are operated entirely within a building, except for off-street parking and loading facilities, and except for establishments of the “drive-in” type offering goods and services directly to consumers waiting in parked motor vehicles except as otherwise provided herein:
  - 1. Any use permitted in the B-2 General Retail District.
- C. Special Uses: The following uses may be allowed by special use permit in the CBD-2 Central Business District 2, in accordance with procedures outlined in Section 6-2-4 of this ordinance:
  - 1. The special uses in the B-1 Local Retail Business District and the B-2 General Retail District.
- D. Minimum Lot Requirements: No minimum lot area or minimum lot width is established for permitted and special uses in the CBD-2 Central Business District 2.
- E. Yard Requirements: No building or structure shall hereafter be erected, structurally altered, or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - 1. Front Yard: On every zoning lot, a front yard of not less than twenty-five (25) feet in depth shall be provided.
  - 2. Side Yard: On every zoning lot, a side yard shall be provided upon each side lot line of not less than seven and one-half (7.5) feet.
  - 3. Rear Yard: On every zoning lot, a rear yard shall be provided along the rear lot line of not less than twenty (20) feet.
  - 4. Transitional Yards: Where a CBD-2 Central Business District 2 adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
    - a. Where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard equal in dimension to the minimum side yard required under this ordinance for a residential use on the adjacent property in the residential district shall be provided.
    - b. Where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard equal in dimension to the minimum



side yard required under this ordinance for a residential use on the adjacent property in the residential district shall be provided.

- c. Where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a rear yard shall be provided along the rear lot line of not less than twenty (20) feet.

CHURCH STREET

Notwithstanding any of the foregoing regulations of this sub-paragraph E. or any other yard regulations found in the Sandwich Zoning Ordinance, no building or structure in the Central Business District shall hereafter be erected, structurally altered, or enlarged unless there is provided and maintained in connection with such building, structure, or enlargement, a required yard setback from Church Street (U.S. Route 34) of not less than thirty-five (35) feet in depth.

- F. Maximum Building Height: No building shall be erected or enlarged to exceed a height of four (4) stories, nor shall it exceed sixty (60) feet in height.
- G. Maximum Floor Area Ratio and Lot Coverage: The maximum floor area ratio and the maximum lot coverage, including accessory buildings, shall be permitted in accordance with the following:

Floor Area Ratio	Maximum Lot Coverage
1.5	90%
2.0	80%
2.5	70%
3.0	60%
3.5	50% or less

- H. Off-Street Parking and Loading Requirements: Off-street parking and loading requirements shall be provided as follows:
  - 1. Non-Residential Uses: For all permitted and special non-residential uses, the required amount of off-street parking spaces shall be the number that existed on the zoning lot as of November 1, 2007. All non-residential permitted and special uses established as of November 1, 2007 may be enlarged without providing additional off-street parking spaces. Except for the foregoing, there shall be no further requirements for non-residential uses.
  - 2. Residential Uses: Notwithstanding the requirements of 3-6-1, there shall be off-street parking (non-public) for dwelling units as follows: 1 parking space for each efficiency unit of less than 1,300 square feet; 1.5 parking spaces for each efficiency unit of 1,300 or more square feet; 1.5 parking spaces for each one bedroom unit; 1.8 parking spaces for each two bedroom unit; and 2 parking spaces for each unit with more than two bedrooms. The foregoing requirements may be modified if the City Council provides for permit parking on City streets or other publicly maintained property and the number of permitted parking spaces together

with the number of any provided off-street parking spaces equals or exceeds the foregoing requirements.

- I. Density: No density requirement is established for permitted and special uses.
- J. Dwelling Standards: No dwelling standard requirement is established for permitted and special uses.
- K. Conditions of Use: All uses permitted in this district shall be subject to the following conditions:
  - 1. There shall be no manufacturing of products.
  - 2. All uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
  - 3. That any exterior sign displayed shall pertain only to a use conducted within the building.
  - 4. There shall be no basement, sub-grade, ground, street, or first floor level residential dwelling units together with a commercial use on the zoning lot.
  - 5. The floor area of dwelling units altered, enlarged or created after November 1, 2007 shall require a minimum of 1,200 square feet total floor area per dwelling unit.
- L. Landscaping and Buffering Requirements: Where an enlarged or created commercial use abuts a residential use, the abutting property line(s) shall be effectively screened by a wall, fence, or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height.
- M. Performance Standards: Any use established shall be so operated as to comply with the current performance standards set forth by the Illinois Environmental Protection Agency.

### **Chapter 3 - Off-Street Parking and Loading**

Section 3-1 - Purpose: The purpose of this section is to alleviate or prevent congestion of the public streets and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

Section 3-2 - General Provisions – Parking and Loading:

3-2-1 - Procedure: An application for a building permit for a new or enlarged building, structure or use, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of these suggested standards.

3-2-2 - Scope of Regulations: The off-street parking and loading provisions herein shall apply as follows:

- A. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per seat), or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities herein shall be provided for such increase in intensity of use.

However, no owner of a building or structure lawfully established prior to May 1, 1990, shall be required to provide such additional parking or loading facilities unless and until the uses established increase the parking requirements by fifteen percent (15%) or more measured by the requirements, existing on May 1, 1990, in which event parking or loading facilities as required herein shall be provided for the total increase.

- B. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 1, 1990, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.

3-2-3 - Existing Parking and Loading Facilities: Accessory off-street parking or loading facilities that are located on the same lot as the building or use served, and that were in existence on May 1, 1990, or were provided voluntarily after such effective date shall not thereafter be reduced below; or if already less than, shall not further be reduced below the requirements of this ordinance for a similar new building or use.

3-2-4 - Permissive Parking and Loading Facilities: Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.

3-2-5 - Damage and Destruction: For any conforming or legally non-conforming building or use which is in existence on May 1, 1990, which subsequent thereto

is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

Section 3-3 - Additional Regulations – Parking:

3-3-1 - Use of Parking Facilities: Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section, shall be used solely for the parking of passenger automobiles and not more than one (1) truck of not more than one and one-quarter (1¼) tons capacity used by occupants of the dwelling structures to which such facilities are accessory. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments.

3-3-2 - Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

Section 3-4 - Design and Maintenance Standards:

3-4-1 - Applicability: The following design and maintenance standards shall apply to all accessory parking facilities and to all commercial or public parking facilities built as a primary land use.

3-4-2 - General On-Site Circulation Design Standards

- A. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking, and loading space.
- B. For access, each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- C. Roads, pedestrian walks, and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed building and appropriate landscaping.
- D. Buildings, vehicular circulation, and open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- E. Landscaped, paved, and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.

- F. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs, and benches shall be of good appearance, easily maintained, and indicative of their function.
- G. Ramps shall be provided giving access from parking areas to the building served for disabled persons utilizing wheelchairs.

3-4-3 - General On-Site Parking and Loading Design Standards

- A. A site plan shall be submitted to the City Engineer for his approval when the required off-street parking is for more than three (3) parking spaces.
- B. Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of large concentrations of parked cars.
- C. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.
- D. Any above grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness.
- E. Adequate parking spaces shall be specially designated for the parking of vehicles of disabled persons. Such spaces shall be located close to the building entry. All parking spaces for the physically handicapped shall comply with the standards set forth by the Americans with Disabilities Act, Title III: Public Accommodations.

3-4-4 - Sizes of Parking Spaces

- A. The following schedule of parking space and layout standards shall apply to all parking facilities in the city, in accordance with this article:

	Angle of Parking Row to Driveway Aisle (degrees)			
	45 One-Way	60 One-Way	75 One-Way	90 One- or Two-Way
Width parallel to aisle	12.7	10.4	9.3	9.0
Depth of parking row	18	19	19	18
Width of parking space	9	9	9	9
Width of aisle	13	18	22	24

Parallel parking spaces shall be at least twenty-two (22) feet in length, and eight (8) feet in width.

- 3-4-5 - Parking Surface, Drainage, and Maintenance: All open off-street parking areas shall be improved with a compacted select gravel base surfaced with an all-weather, dustless material suitably designed for the intended use to a standard approved by the City Engineer. Parking and loading facilities shall be provided with adequate storm water drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys. Parking and loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

- 3-4-6 - Marking: All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation of the lot.
- 3-4-7 - Lighting: Lighting shall be provided to illuminate any off-street parking or loading spaces to be used at night. If provided, the lighting shall be arranged and installed to deflect, shade, and focus lights away from adjacent properties. The height, type, spacing, and degree of cut-off of a light standard may be further regulated by the City Engineer in relation to specific site conditions or types of development. Standards to be used shall be in accordance with the Illuminating Engineering Society of North America's publication entitled "Lighting for Parking Facilities".
- 3-4-8 - Screening and Landscaping: All parking and loading areas shall be properly screened and landscaped as set forth in this article. It is the purpose and intent of this article to require adequate protection for contiguous property against undesirable effects from the creation and operation of parking or loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods and of the city through the screening effects and aesthetic qualities of such landscaping.
- A. The landscaping shall include to the extent necessary to further the intent of this section, berms, shrubs, bushes, hedges, trees, decorative walls, or fencing as set forth below.
  - B. The frontage along the entire parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any parking area from the adjacent streets.
  - C. When off-street parking or loading uses and other areas zoned for any use except one-family and two-family residential districts, are located adjacent to a residential district or to any lot upon which there is a dwelling as a permitted use, there shall be provided along the lot line a continuous, solid fence, a masonry wall, or a densely planted compact hedge, to a height adequate to prevent the direct light from automobile headlights being cast on adjacent residential units both with a minimum height of four (4) feet and not more than six (6) feet except that the height of such fence or wall shall not exceed three (3) feet within any front yard setback.
  - D. In addition to any landscaped front, back, or side yard areas required by this or any other section, a minimum of ten (10) square feet of interior landscaped area for each parking space, shall be provided within a parking lot which has 30 or more parking spaces. The landscaping shall be in one (1) or more areas so as to minimize and reduce the apparent size of parking areas.
  - E. All interior landscaped areas provided in accordance with the preceding paragraph, shall be raised and curbed and shall have a minimum area of thirty (30) square feet and a minimum width of five (5) feet. The ends of parking rows

abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible.

- F. No landscaped hedge shall be less than two (2) feet in height, and three (3) feet in spread; however, no hedge, wall, or berm shall exceed three (3) feet in height within ten (10) feet of any driveway opening. The individual plants used in the development of such a hedge shall be placed so as to be not more than twenty-four (24) inches on center.
  - G. Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of ground cover or open spaced pavers on a sand and gravel base located beneath the surrounding trees and shrubs.
  - H. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved.
  - I. A perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five (5) feet between a parking lot or driveway and the abutting property line at a side or rear yard. The landscaped strip shall be at least five (5) feet in width along any front or side property line abutting a public or private street. More restrictive standards for yards or buffering shall govern where required by this chapter.
  - J. All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate permanent curb as approved by the City Engineer to restrict the destruction of the landscaped areas by vehicles.
- 3-4-9 - Number of Entrances and Exits to Parking Lots: There shall be not more than one (1) entrance and one (1) exit or one (1) combined entrance and exit along any street unless same is deemed necessary by the Plan Commission and/or City Engineer for the alleviation of traffic congestion and interference of traffic movement along such street. The maximum width for entrances and exits shall be thirty-five (35) feet for commercial and industrial and thirty (30) feet for residential.
- 3-4-10 - Maintenance: Any persons operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking lot. Such persons shall also keep all adjacent sidewalks free from dirt, ice, sleet, and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes. The City shall have the authority to prohibit use of the area for parking purposes unless and until proper maintenance, repair, or rehabilitation is completed, including the replacement of any landscaping

material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area.

Section 3-5 - Location of Parking Facilities:

- 3-5-1 - Extent of Control: Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve:
- A. For one- and two-family dwellings, on the same lot with the building they are required to serve.
  - B. For three- and four-family dwellings not over two (2) stories in height, on the same lot or parcel of land as the building they are required to serve. For the purpose of these suggested standards, a group of such uses constructed and maintained under single ownership or management shall be assumed to be on a single lot or parcel of land.
  - C. For apartment houses containing four (4) or more dwelling units, on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the principal building being served, provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.
  - D. For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the principal building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
  - E. For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the principal building being served, or on a separate lot or parcel of land not over one thousand (1,000) feet from the entrance of the principal building, measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for parking facilities is located in the same district as the principal permitted use or in a less restricted district.
- 3-5-2 - Control of Off-Street Parking Facilities: When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the Zoning Board Of Appeals has reviewed the plans and heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities will be maintained at all times during the life of the proposed



use or building. A covenant to this effect shall be recorded with the DeKalb, LaSalle, or Kendall County Recordors.

Section 3-6 - Schedule of Parking Requirements: For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

3-6-1 - Residential Uses, As Follows:

- A. One-Family Dwellings and Two-Family Dwellings: Two (2) parking spaces shall be provided for each dwelling unit.
- B. Buildings Containing More Than Two (2) Dwelling Units:
  - Efficiency and one (1) bedroom units - one and one-half (1½) parking spaces.
  - Two (2) bedroom units - two (2) parking spaces.
  - Three (3) or more bedroom units - two and one-quarter (2¼) parking spaces.
- C. Motels and Inns: One (1) parking space shall be provided for each guest room, plus one (1) space for the manager and two (2) additional spaces for each three (3) employees.
- D. Hotels: One (1) parking space for each guest room and one (1) parking space for each employee shall be provided.
- E. Lodging, Rooming, and Boarding Houses: One (1) parking space shall be provided for each lodging room, plus one (1) space for each employee.
- F. Private Clubs and Lodges (with sleeping facilities for guests): One (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to seventy-five percent (75%) of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
- G. Mobile Home Parks: Two (2) parking spaces shall be provided for each mobile home space.
- H. Community Residences: Two (2) parking spaces shall be provided for each community residence.

3-6-2 - Retail and Service Uses, as follows:

- A. Retail Stores and Banks: One (1) parking space shall be provided for each two hundred (200) square feet of floor area. Drive-in banks or other similar drive-in establishments shall provide six (6) stacking spaces per teller or customer service window.
- B. Automobile Service Stations: One (1) parking space shall be provided for each employee, plus three (3) spaces for each service stall.
- C. Bowling Alleys: Five (5) parking spaces shall be provided for each alley, plus such additional spaces as may be required for affiliated uses- bars, restaurants, and the like.

- D. Car Wash: Ten (10) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each employee.
  - E. Establishments Dispensing Food or Beverages for Consumption on the Premises: One (1) parking space shall be provided for each one hundred (100) square feet of floor area.
  - F. Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shops: One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
  - G. Theaters (indoor): For single or double screen, one (1) parking space shall be provided for each two (2) seats; for three (3) or more screens, one (1) parking space shall be provided for each three and one-half (3½) seats.
  - H. Undertaking Establishment, Funeral Parlors: Twenty-five (25) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
- 3-6-3 - Office-Business, Professional, and Governmental: One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
- 3-6-4 - Medical or Dental Clinics: Eight (8) parking spaces shall be provided for every doctor or one (1) space for every two hundred (200) square feet of floor area, whichever is greater.
- 3-6-5 - Wholesale Establishments (but not including warehouses and storage buildings other than accessory): One (1) parking space shall be provided for each six hundred (600) square feet of floor space.
- 3-6-6 - Manufacturing Uses or any establishments engaged in production, processing, cleaning, servicing, testing, or repair of materials, goods, or products: One (1) parking space shall be provided for each employee as related to the working period when the maximum number of employees are employed on the premises, plus one (1) parking space for each vehicle used in the conduct of the enterprise. But in no case less than one (1) parking space per six hundred (600) square feet of floor space.
- 3-6-7 - Warehouses and Storage Buildings: One (1) parking space shall be provided for each employee, plus one (1) space for each vehicle used in the conduct of the business.
- 3-6-8 - Community Service Uses, as follows:
- A. Church, School, College, and other Institutional Auditoriums: One (1) parking space shall be provided for each four (4) auditorium seats. Adequate space shall also be provided for buses used in connection with activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
  - B. Colleges, Universities, and Business, Professional, and Trade Schools: One (1) parking space shall be provided for each employee and one (1) parking space shall be provided for each student based on the maximum number of students

attending classes on the premises at any one time during any twenty-four (24) hour period.

- C. Health Centers, Government Operated: Eight (8) parking spaces shall be provided for every doctor or one (1) space for every two hundred (200) square feet of floor area, whichever is greater.
  - D. Hospitals: Two (2) parking spaces shall be provided for each three (3) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff.
  - E. Libraries, Art Galleries, and Museums – Public: One (1) parking space shall be provided for each five hundred (500) square feet of floor area.
  - F. Municipal or Privately Owned Recreation Buildings or Community Centers: One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the visiting public.
  - G. Public Utility and Public Service Uses: One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public, plus one (1) space for each service vehicle.
  - H. Schools – Nursery, Elementary: One (1) parking space shall be provided for each employee plus one (1) for each twenty (20) students.
  - I. High School: One (1) parking space shall be provided for each employee plus one (1) space for each three (3) students.
- 3-6-9 - Places of Assembly: Stadiums, Arenas, Auditoriums (other than Church, College, or Institutional School), Convention Halls, Dance Halls, Exhibition Halls, Skating Rinks, and other similar places of assembly: Parking spaces equal in number to one (1) for every two (2) persons shall be provided.
- 3-6-10 - Miscellaneous Uses, as follows:
- A. Fraternities, Sororities, and Dormitories: One (1) parking space shall be provided for each three (3) active resident members, plus one (1) parking space for the manager thereof.
  - B. Rest Homes, Nursing Homes, and Institutional Care Facilities: One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff or one (1) parking space for every five hundred (500) square feet of floor area, whichever is greater.
  - C. Private Clubs and Lodges (without sleeping facilities for guests): Parking spaces equal in number to forty percent (40%) of the capacity in persons shall be provided.
  - D. Reserved.
  - E. Reserved.
  - F. Theaters – Automobile Drive-in: Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such theaters shall be provided.

G. For the following uses, parking spaces shall be provided in adequate number, as determined by the City Engineer, to serve persons employed or residing on the premises as well as the visiting public:

1. Airports or aircraft landing fields; heliports.
2. Convents and monasteries.
3. Crematories or mausoleums.
4. Implement dealer, machinery, and automobile sales.
5. Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
6. Penal and correctional institutions.
7. Rectories and parish houses.
8. Swimming pools.

3-6-11 - Mixed Uses: When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum for the most similar listed use, or as determined by the City Engineer.

3-6-12 - Other Uses: For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the City Engineer.

Section 3-7 - Additional Regulations – Off-Street Loading:

3-7-1 - Location: All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residence district, unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located in any front or side yard. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

3-7-2 - Size: Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

3-7-3 - Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

3-7-4 - Surfacing: All open off-street loading berths shall be improved with a compacted base of Number 8 crushed stone, not less than eight (8) inches thick, and surfaced with not less than two (2) inches of asphaltic concrete or six (6) inches of portland cement concrete with pavement mesh on a compacted subgrade or equal.

- 3-7-5 - Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.
- 3-7-6 - Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portion thereof.
- 3-7-7 - For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the City Engineer, shall be provided.
- 3-7-8 - Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities off of any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

Section 3-8 - Schedule of Loading Requirements: For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein:

- 3-8-1 - Hospitals, sanitariums, and other institutional uses: One (1) berth plus one (1) additional berth for each one hundred thousand (100,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-2 - Hotels, clubs, and lodges except as set forth in 3.8.3 below: One (1) berth for each structure over fifteen thousand (15,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-3 - Hotels, clubs, and lodges when containing any of the following: retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory): One (1) berth for each structure twenty thousand (20,000) to one hundred thousand (100,000) square feet plus one (1) berth for each additional one hundred thousand (100,000) square feet or fraction thereof of gross floor area. Minimum horizontal dimensions are 10 feet x 50 feet.
- 3-8-4 - Retail stores: One (1) berth for each structure over ten thousand (10,000) square feet of gross floor area plus one (1) berth for each additional one hundred thousand (100,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-5 - Establishments dispensing food or beverages for consumption on the premises: Two (2) berths for each structure over ten thousand (10,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-6 - Motor vehicle and machinery sales: One (1) berth plus one (1) additional berth for each twenty-five thousand (25,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 50 feet.
- 3-8-7 - Wholesale establishments (but not including warehouse and storage building other than accessory): Three (3) berths for each structure forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area plus

one (1) berth for each additional one hundred thousand (100,000) square feet or fraction thereof of gross floor area. Minimum horizontal dimensions are 10 feet x 50 feet.

- 3-8-8 - Auditoriums, convention halls, sports areas, stadiums, and halls: One (1) berth plus one (1) additional berth for each one hundred thousand (100,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-9 - Bowling alleys: One (1) berth plus one (1) additional berth for each one hundred thousand (100,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 50 feet.
- 3-8-10 - Banks and offices – business, professional, and governmental: One (1) berth for each structure of ten thousand (10,000) square feet of gross floor area plus one (1) berth for each additional one hundred thousand (100,000) square feet or fraction thereof of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-11 - Manufacturing uses of any establishment engaged in production, processing, cleaning, servicing, testing, or repair of goods, materials, and products: One (1) berth for each structure plus one (1) for each sixty thousand (60,000) square feet of gross floor area over forty thousand (40,000) square feet. Minimum horizontal dimensions are 10 feet x 25 feet for the first berth; additional berths shall be 10 feet x 50 feet.
- 3-8-12 - Warehouses and storage buildings: One (1) berth for each structure plus one (1) for each additional one hundred thousand (100,000) square feet of gross floor area. Minimum horizontal dimensions are 10 feet x 50 feet.
- 3-8-13 - Theaters: One (1) berth for each structure eight thousand (8,000) to twenty-five thousand (25,000) square feet of gross floor area plus one (1) for each additional fifty thousand (50,000) square feet or fraction thereof of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.
- 3-8-14 - Undertaking establishments and funeral parlors: One (1) berth for each structure eight thousand (8,000) to one hundred thousand (100,000) square feet of gross floor area plus one (1) for each additional one hundred thousand (100,000) square feet or fraction thereof of gross floor area. Minimum horizontal dimensions are 10 feet x 25 feet.

## **Chapter 4 - Non-Conforming Buildings and Uses**

Section 4-1 - Purpose: This ordinance establishes separate districts, each of which is an appropriate area for location of the uses which are permitted in that district. It is necessary and consistent with the establishments of those districts that those non-conforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction. The purpose of this chapter is to provide for the regulation of non-conforming buildings, structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses shall be permitted to continue.

### Section 4-2 - Continuance of Use:

- 4-2-1 - Any lawfully established use of a building or land, on the effective date of ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- 4-2-2 - Any legal, non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, as otherwise permitted herein.
- 4-2-3 - Any building for which a permit has been lawfully granted prior to the effective date of ordinance or amendments thereto, may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

### Section 4-3 - Discontinuance of Use:

- 4-3-1 - Whenever any part of a building, structure, or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of the ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.
- 4-3-2 - Whenever a non-conforming use of a building or structure or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of this district.
- 4-3-3 - Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.

### Section 4-4 - Change of Non-Conforming Use:

- 4-4-1 - The non-conforming use of any building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another non-conforming use thereof, but only if such other use is permitted by a Special Use Permit as authorized in Chapter 6.

4-4-2 - A non-conforming structure that was erected, converted, or structurally altered in violation of the provisions of the ordinance which this ordinance amends, shall not be validated by the adoption of this ordinance, and such violations or any violations of this ordinance may be ordered, removed, or corrected by the proper officials at any time.

Section 4-5 - Repairs and Alterations:

4-5-1 - Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

4-5-2 - No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:

- A. When the alteration is required by law.
- B. When the alteration will actually result in eliminating the non-conforming use.
- C. When a building in a residential district, containing residential non-conforming uses, is altered in any way to improve livability, provided no structural alteration is made which would increase the number of dwelling units or the bulk of the building.

Section 4-6 - Damage and Destruction:

4-6-1 - If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of the damage or destruction, and diligently completed within a period not to exceed eighteen (18) months.

4-6-2 - Residential Non-Conforming Use: A single family home which is a non-conforming use in any zoning district can be rebuilt, if damaged or destroyed, provided that the residence is occupied by the owner thereof and complies with all other provisions of this ordinance regarding non-conformance.

Section 4-7 - Additions and Enlargements:

4-7-1 - A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.



- 4-7-2 - No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- 4-7-3 - No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of the ordinance, or to displace any conforming use in the same building or on the same parcel.
- 4-7-4 - A building or structure which is non-conforming with respect to yards, floor area ratio, or any other element of bulk regulated herein, shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformity with respect to the bulk regulations for the district in which it is located.

Section 4-8 - Conversion to Special Use: Any non-conforming use may be made a special use by the granting of a special use permit, as authorized in Chapter 6 when such special use is a permitted special use in the district in which it is located.

## Chapter 5 - Supplemental Regulations

### Section 5-1 - Home Occupation Standards:

- 5-1-1 - Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- 5-1-2 - In addition to all of the use limitations applicable in the district in which a home occupation is located, no home occupation shall be permitted unless it complies with the following restrictions in all residence districts:
- A. No person who is not a member of the immediate family occupying such and residing in the dwelling unit shall be employed in connection with the occupation.
  - B. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling, except one (1) nameplate, no more than two (2) square feet in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and not illuminated.
  - C. No wholesale, jobbing, or retail business shall be permitted unless sales are conducted entirely by mail or telephone and the business does not involve more than the incidental receipt, shipment, delivery, or storage of merchandise on or from the premises.
  - D. There shall be no alteration of the principal residential building which changes the character thereof as a dwelling.
  - E. No more than 25% of the area of one (1) story of a single-family dwelling, nor more than 20% of the area of any other dwelling unit, shall be devoted to the home occupation.
  - F. No mechanical or electrical equipment may be used, except such type as are customary for purely domestic, household, or hobby purposes.
  - G. There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.
  - H. The home occupation shall be conducted entirely within the principal residential building.
  - I. The home occupation shall be for part-time practice and shall not be the principal office for the practice of any profession or business.
- 5-1-3 - Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each occupation shall be subject to the above requirements.
- A. Artists, sculptors, and authors or composers.
  - B. Dressmakers, seamstresses, and tailors.
  - C. Homecrafts, such as model-making, rug-weaving, lapidary work, and cabinet making, provided, however, that no machinery or equipment shall be used or employed, other than that which would customarily be incidental to residential occupancy, such machinery or equipment shall include that which would

customarily be employed in connection with a hobby or avocation not conducted for gain or profit.

- D. Massage Therapy.
  - E. Music teachers, but regular instruction shall be limited to two (2) pupils at a time, except for occasional groups.
  - F. Office facilities for architects, engineers, lawyers, insurance agents, and members of similar professions.
  - G. Offices of duly ordained leaders of a religious or spiritual community.
  - H. Office facilities for real estate, sales representatives, and manufacturers representatives, when no retail or wholesale transactions are conducted on the premises.
- 5-1-4 - The following home occupation uses are prohibited in residential districts unless specifically permitted by the district regulations:
- A. Animal hospitals.
  - B. Barber shops and beauty shops.
  - C. Dancing schools.
  - D. Funeral homes.
  - E. Medical or dental offices, clinics or hospitals.
  - F. Nursery schools and day care centers.
  - G. Renting of trailers.
  - H. Restaurants.
  - I. Stables or kennels.
  - J. Tourist homes, lodging houses, or bed and breakfast establishments.

Section 5-2 - Bed and Breakfast Standards:

5-2-1 - Every bed and breakfast establishment shall meet the following standards:

- A. No building or other structure shall be used for bed and breakfast establishments unless the same shall contain, exclusive of garage, basement, and open porches not less than one thousand six hundred (1,600) square feet of usable living space.
- B. No building or other structure may be used for a bed and breakfast establishment unless not less than fifty percent (50%) of the structure shall be occupied by the owner/operator of said establishment.
- C. No accessory or ancillary structure shall be removed to create the bed and breakfast use.
- D. Every bed and breakfast establishment shall provide, in addition to the parking requirements for the zoning district in which it is located as they relate to said structure, one (1) parking space for each room rented. All parking plans shall be submitted to the City Engineer for approval of a parking site plan prior to zoning approval herein.
- E. No more than five (5) rooms may be rented as guest rooms at any bed and breakfast establishment. No guest room shall contain kitchen or cooking facilities in such room nor shall hot plates, coffee pots, or the like be allowed.
- F. No bed and breakfast establishment shall allow any guest to stay there for a period in excess of seven consecutive days, and every such establishment shall maintain a registration book daily showing the name of every such guest registered and the date.
- G. No exterior signs shall be placed on any property utilized as a bed and breakfast establishment other than one (1) sign in accordance with, and in compliance with, the sign ordinance and provided said sign does not exceed six (6) square feet. Said sign may not be illuminated except by a source of light which indirectly is cast upon or falls upon the surface of the sign and thus illuminates it by reflection only.
- H. Every room rented as a guest room in a bed and breakfast establishment shall contain not less than one hundred (100) square feet.
- I. Every such building and structure utilized as a bed and breakfast establishment shall have no less than two (2) exits to be utilized in case of fire or other emergency.
- J. No guest room may be occupied in any such bed and breakfast establishment by more than two (2) people.
- K. No meals, other than breakfast, may be served at any such bed and breakfast establishment to said guests of said establishment, nor shall any meals be charged separately.
- L. No structure proposed to be used as a bed and breakfast establishment shall be structurally changed so as to alter the exterior design of the structure.

- M. There shall be no person employed at any proposed bed and breakfast establishment who is a non-family member of the owner/operator, except for the sole purpose of maintaining daily housekeeping.
- N. Any special use permit granted for the operation of a bed and breakfast establishment shall be terminated on the sale of the property for which it is issued.
- O. The Plan Commission and/or City Council may impose such other restrictions upon the issuance of a special use permit for a bed and breakfast establishment as the facts and circumstances of each application may require.
- P. A special use permit granted hereunder for a bed and breakfast establishment shall terminate upon revocation of any license granted by the City of Sandwich for said establishment or upon the failure of the City of Sandwich to issue the required license for the operation of said establishment.
- Q. Any special use permit granted hereunder, for a bed and breakfast establishment shall have no force and effect until such time as the appropriate City license for the operation of a bed and breakfast establishment is filed for, approved, and issued by the appropriate city agency.

Section 5-3 - Mobile Home Park Standards:

5-3-1 - Purpose: It is the purpose of this subsection to regulate the placement of mobile homes and mobile home parks within the City and within one and one-half (1½) miles of the city limits in order to assure that mobile home parks are located in areas which are compatible with them, and assure that residents of mobile homes are provided a healthy, safe, and habitable environment.

5-3-2 - Definitions: For the purpose of this subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Dependent Mobile Home:* A mobile home without inside toilets and bath. Such mobile homes are prohibited in a mobile home park as defined in this subchapter.

*Licensee:* Any person licensed to operate and maintain a mobile home park under the provisions of this subchapter.

*Mobile Home:* A dwelling unit designed to be transported on streets to the place where it is to be occupied as a dwelling unit complete and ready for year-round and permanent occupancy attached to a permanent foundation except for minor and incidental unpacking and assembly operations.

*Mobile Home Park Subdivision:* A parcel or tract of land subdivided into mobile home lots and developed with facilities for locating mobile homes. No mobile home park shall include a sales lot on which unoccupied trailers, either new or used, are parked for the purpose of inspection or sale. This shall not mean that any adjacent area may not be zoned for commercial purposes and used in conjunction with any mobile home park subdivision.

*Mobile Home Lot:* A lot within a mobile home park designed for the accommodation of one (1) mobile home.

*Park:* A mobile home park.

*Permanent Foundation:* A closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.

5-3-3 - Occupancy: No mobile home as defined above shall be parked, stored, occupied, or used for any purpose including but limited for sleeping or living unless it is located in a mobile home park that has been granted a Special Use Permit in accordance with this Ordinance. However, individual mobile homes may be located outside of mobile home parks as follows:

- A. For use as a shelter or office on the site of a construction project, during time of construction.
- B. For temporary housing of personnel working with a circus, carnival, rodeo, fair, exposition, or similar public event during the duration of the event.

5-3-4 - License: It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City, unless such person shall first obtain a license therefore.

- A. Application for initial license. An initial Mobile Home Park License shall be obtained through City Council approval of a Mobile Home Park Special Use Permit. Every year thereafter, an annual certificate shall be obtained from the office of the City Clerk renewing said license.
  - B. The annual license renewal fee shall be fifty dollars (\$50.00).
  - C. The fee for transfer of license shall be fifty dollars (\$50.00).
  - D. The license certificate shall be conspicuously posted in the office of or on the premises of the Mobile Home Park at all times.
- 5-3-5 - Placement of Mobile Home Parks: The Plan Commission may recommend, and the City Council may authorize, the establishment of a mobile home park in an R-4 or R-5 District, provided that:
- A. The procedure for obtaining a Special Use Permit as outlined in Chapter 6 is followed.
  - B. All provisions are complied within this subsection.
  - C. No Mobile Home Park shall be placed within one thousand five hundred (1,500) linear feet of an existing mobile home park.
  - D. No Special Use shall be recommended by the City Plan Commission unless they shall find:
    - 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
    - 2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
    - 3. The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
    - 4. Adequate utilities, access roads, drainage, or other necessary facilities have been or are being provided;
    - 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 5-3-6 - Application and Review Procedures:
- A. For the purposes of this section, “Owner” shall mean and include any public body corporate or a holder of a written option to purchase.
  - B. Applicant: The applicant for a Mobile Home Park Special Use Permit shall be the owner of the site, or if more than one (1), all owners of the site acting jointly.
    - 1. Pre-application Conference: Each prospective applicant shall confer with the Zoning Officer in connection with the preparation of the application

prior to the submission of such application. At this conference, the following basic information shall be considered.

- a. The boundaries of the property.
- b. Existing easements and covenants affecting the property.
- c. Land characteristics, such as natural drainage, swamp areas, and wooded areas.
- d. Development characteristics, such as surrounding streets, existing buildings, available community sewer, water, and other utilities.
- e. The proposed layout, including the location and extent of various types of uses, buildings, park, playgrounds, and other community facilities.

C. Filing Procedure: An application for a Mobile Home Park Special Use Permit shall be filed with the Plan Commission on a form prescribed by the Commission for that purpose. A fee shall accompany the application based on an adopted fee schedule. The application shall consist of the following:

1. Overall development plans showing:
  - a. All information and data required by the subdivision code.
  - b. Kind, location, bulk, and capacity of proposed structures and uses.
  - c. Proposed finished topography.
  - d. Engineering and improvement plans.
  - e. Provisions for automobile parking and loading.
  - f. Ten (10) copies of each of the required plans.
  - g. The boundaries of the property.
  - h. Existing easements and covenants affecting the property.
  - i. Land characteristics, such as natural drainage, swamp areas, and wooded areas.
  - j. Development characteristics, such as surrounding streets, existing buildings, available community sewer, water, and other utilities.
  - k. Proposed layout, including the location and extent of the various types of uses, parks, playgrounds, and other community facilities.
2. A written statement of facts, explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for service, maintenance, and continued protection of the Mobile Home Park development and adjoining territory.
3. The Plan Commission may recommend reasonable conditions regarding the layout, circulation, and performance of the proposed development.

D. Public Hearing: The Plan Commission shall hold a public hearing on the proposed Mobile Home Park. The hearing shall be at a regularly scheduled



meeting of the Plan Commission or by special call of the Chairman. Notice of the hearing shall be published in a newspaper of general circulation in the city not more than thirty (30) days nor less than fifteen (15) days prior to the hearing.

1. Authorization

- a. Authority to Impose Conditions: The Plan Commission may recommend and the City Council may provide conditions or restrictions on the construction, location, and operation of a Mobile Home Park Special Use, including, but not limited to, provision for off-street parking, as shall be deemed necessary to secure the specific purposes, the requirements, and general objectives of this subchapter.
  - b. Performance Bonds: The Plan Commission may recommend and the City Council may require the posting of a performance bond to insure that improvements stipulated will be completed. The bond shall be valid for a specific time as determined by the City Council. The bond shall be sufficient to cover the cost of the improvements and approved by the City Engineer.
  - c. In the event a written protest against a proposed Mobile Home Park is made by the owners of twenty percent (20%) of the frontage immediately adjoining or across a street, alley, or public easement there from, and filed with the City Clerk, such Mobile Home Park Special Use Permit shall not be granted except by an affirmative vote of at least two-thirds ( $\frac{2}{3}$ ) of all the members of the City Council.
- E. Recorded Plats Required: A plat of subdivision shall be recorded. The plat shall show building lines, common land, streets, easements, and other applicable features required by the Subdivision Code. All applicable procedures, standards, and requirements of the Subdivision Code shall be followed except those in conflict with this section. No building permits or occupancy permits shall be issued until after final authorization of the Mobile Home Park Special Use Permit and recording of the subdivision plat as finally approved by the City Council.
- F. Development Shall Follow Approved Plans: An approved Mobile Home Park shall be constructed and maintained in accordance with the plans and conditions approved by the City Council.
- G. Delay in Construction: In the event that construction of an approved Mobile Home Park Special Use is not started within one (1) year after approval by Council, the permit shall expire and reapplication for approval of the Special Use shall be necessary.
- H. Effect of Denial: No application for a Mobile Home Park Special Use Permit which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of that denial, except on the grounds of new evidence or proof of changed conditions found valid by the Plan Commission.

5-3-7 - Design and Criteria and Performance Standards: Prior to approval of a mobile home park, the owner or developer of the park shall demonstrate that the following design criteria and performance standards will be met:

A. Site.

1. The site of a mobile home park shall not be exposed to objectionable smoke, dust, noise, odor, or other adverse influences, and no portion of the site shall be subject to predictable sudden flooding or erosion. The conditions of soil, ground water level, drainage, and topography shall not create hazards to the property or health and safety of the occupants.
2. The site of the mobile home park that is subject to flooding or any portion of the park that is within a "Special Flood Hazard Area" must be designed in accordance with Section 5-9. In addition, storm water detention constructed with a controlled release in accordance with the appropriate sections of the City of Sandwich Subdivision Ordinance.
3. The Mobile Home Park shall be served by city sewer and water lines adequate to meet the needs of the park, and pursuant to City and State standards.
4. The streets and highways serving as access roads to the site shall be of adequate width and design to accommodate the increase in traffic.

B. Minimum plan requirements.

1. The minimum site for a mobile home park shall be ten (10) acres with a minimum of fifty (50) lots and shall not exceed forty (40) acres in area.
2. A mobile home park shall provide indoor and outdoor community use facilities and recreational open space of not less than fifteen thousand (15,000) square feet in area for each gross ten (10) acres or portion thereof or three hundred (300) square feet for each mobile home site, whichever is greater.
3. A buffer strip of thirty (30) feet shall be maintained adjacent to the property line of the Mobile Home Park except that fifty five (55) feet shall be required adjacent to a principal city, county, or township highway right-of-way. Seventy-five (75) feet shall be required adjacent to a state and interstate right-of-way.
4. At least one (1) permanent building within the mobile home park shall be constructed of brick, cinder block, or other material suitable to serve as a shelter during times of high winds or storms. The shelter area must be usable at all times and provide space equal to fifteen (15) square feet for each mobile home unit.
5. The owner or developer shall provide adequate landscaping including trees and shrubs along the buffer strip of the mobile home park pursuant to an approved landscaping plan.

6. All utility services, including television service, within the mobile home park shall be located underground.
  7. Signage shall be per Section 5-10.
  8. No more than one (1) conventional dwelling unit (caretaker residence) shall be located within the perimeter of the park.
  9. No mobile home or other permitted building shall be closer than twenty (20) feet from the interior line of the mobile home park buffer strip.
  10. Walkways not less than sixty (60) inches wide constructed of concrete or asphalt pursuant to city standards; and
    - a. Shall be provided across all lot frontage.
    - b. Shall be provided from mobile home to frontage walkway or parking space pad.
    - c. Shall be provided where foot traffic is concentrated such as near park entrance, office, and community facilities.
  11. All streets and walkways shall be lighted at night.
- C. Individual Mobile Home Spaces: Each individual mobile home space shall conform to the following minimum requirements:
1. Each space shall contain a minimum of five thousand (5,000) square feet, with a minimum lot width of fifty (50) feet.
  2. No mobile home or accessory structure shall be closer than twenty five (25) feet from an interior street curb, and ten (10) feet from an interior lot line.
  3. There shall be a minimum of twenty (20) feet between mobile homes and fifty (50) feet between mobile homes and other permitted buildings. This setback shall include garages, carports, patio covering, and accessory structures, such as storage sheds and similar structures. Standard window awnings, steps, and other small attachments are acceptable within the required setback.
  4. Carports shall be attached to mobile home units.
  5. All mobile homes shall be anchored to permanent foundations.
  6. All mobile homes shall be supplied:
    - a. An electrical supply with a minimum of 100-115/220-250 volts, 100 amperes.
    - b. Full connection to city sewer services with a minimum four (4) inch sewer line.
    - c. Full connection to city water supply.
  7. Address numbers to be placed on mobile homes facing streets and visible for emergency use, and no less than six (6) inches in height.

- D. Parking Provisions: Required off street parking shall be in accordance with Chapter 3.
- E. Garages: Garages are permitted on each mobile home lot provided that:
  - 1. Each individual attached or detached garage shall not exceed twenty-four by twenty-four (24 x 24) feet in dimension. (576 square feet)
  - 2. All setbacks are maintained.
  - 3. Shall not exceed fifteen (15) feet in height.
  - 4. Building permits shall be obtained prior to the construction of any attached or detached garage.
- F. Streets: The mobile home park developer shall provide private streets for the safe and convenient vehicular access from abutting public streets and roads to each mobile home space. Construction materials and specifications for interior streets shall meet standards as set forth in the City of Sandwich Subdivision Ordinance. Streets with allowance for guest parking shall be thirty-six (36) feet measured from back of curb to back of curb. Park owner shall be responsible for maintenance of the private streets.

5-3-8 - General Provisions:

- A. Garbage Receptacles: Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located on the mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- B. Fire Protection: Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable reasonable regulations of the Fire Department. Fire hydrants shall be placed throughout the Mobile Home Park in compliance with the City Fire code. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.
- C. Supervision: The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this chapter to which the licensee or permittee is subject.
- D. Revocation of License: The officer as designated by the City may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such conviction, the license shall be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

- E. Inspection: The placement of a mobile home on a mobile home space shall be subject to the regulations and control of the City Building Inspector. The City Building Inspector shall be authorized to verify the mobile home park's compliance with the stipulations of the Special Use Permit.

Section 5-4 - Cellular Towers and Antennas:

5-4-1 - General:

- A. Findings: The Mayor and the City Council hereby adopt and incorporate all of the recitations above specifically and expressly as the findings of the Mayor and the City Council as if fully set forth and incorporated herein as the findings of the Mayor and the City Council.
- B. Purpose: The purpose of this Ordinance is to provide specific regulations for the placement, construction, and modification of personal wireless telecommunications facilities. The goals of this ordinance are to:
  - 1. Protect residential areas and land uses from potential adverse impacts of Towers and Antennas;
  - 2. Encourage the location of Towers in non-residential areas;
  - 3. Minimize the total number of Towers throughout the community;
  - 4. Strongly encourage the joint use of new and existing Tower sites as a primary option rather than construction of additional single-use Towers;
  - 5. Encourage users of Towers and Antennas to locate them, to the extent possible, in areas where the adverse effect of the community is minimal;
  - 6. Encourage users of Towers and Antennas to configure them in a way that minimizes the adverse visual impact of the Towers and Antennas and accessory buildings through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - 7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
  - 8. Consider the public safety of communication towers; and
  - 9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City of Sandwich shall give due consideration to its Comprehensive Plan, District Map, existing land uses, and environmentally sensitive areas in approving sites for the location of Towers and Antennas. The provisions of this Ordinance are not intended and shall not be intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Ordinance be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless services. To the extent that any provisions of this Ordinance amending the Zoning Ordinance or the provisions of this Ordinance are inconsistent or in conflict with any other provision of the Zoning Ordinance, provisions of this amending Ordinance shall be deemed controlling.

- C. Procedure: In the course of reviewing any approval required under this Section 5-4 made by an applicant to provide personal wireless service or to install personal wireless service facilities, the Zoning Officer, the Plan Commission, or the City Council, as the case may be, shall act within a reasonable period of time after the request is duly filed with the City of Sandwich, taking into account the nature and scope of the request, and any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. All applications shall be processed in their usual and customary manner, and this Section 5-4 shall not be interpreted to require expedited processing of an application.
- D. Effect: Should the application of this Section 5-4, or any portion or sub-portion thereof, have the effect of prohibiting a person or entity from providing personal wireless service to all or a portion of the City of Sandwich, such applicant may petition the Zoning Officer for an amendment to this Section 5-4, or any portion or sub-portion therefore, in the manner provided in Chapter 6 of the Zoning Ordinance. The Zoning Officer, upon receipt of such petition, shall promptly forward the Petition to the Zoning Board of Appeals for review and for a public hearing in the usual and customary manner for zoning text amendments as provided in Chapter 6 of the Zoning Ordinance.

5-4-2 - Rules and Definitions:

*Alternative Tower Structure:* Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

*Antenna:* Any structure or device used to receive or radiate electromagnetic waves as defined by the FCC or any successor agency.

*Antenna Structure:* Those structures which include the radiating and/or receive system, its supporting structures (see Towers), and any appurtenance mounted thereon as defined by the FCC or any successor agency.

*Back Haul Network:* The lines that connect a provider's Towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*FAA:* Federal Aviation Administration.

*FCC:* Federal Communications Commission.

*Height:* When referring to a Tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the Tower or other structure, including the base pad and Antenna Structures.

*No Impact Antennas and Towers:* A Tower or Antenna which is either (1) virtually invisible to the casual observer, such as an Antenna behind louvers on a building, or inside a steeple or similar structure, or (2) camouflaged so as to blend in with its surroundings to such an extent that it is no more obstructive to the casual observer than the structure on which it is (a) placed, such as a rooftop, lighting

standard, or existing tower, or (b) replacing, such as a school athletic field light standard.

*Pre-Existing Towers or Antennas:* Any Tower or Antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this Ordinance, including permitted Towers and Antennas that have not yet been constructed so long as such approval is current and not expired.

*Towers:* Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-support lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. This includes the structure and any support thereto.

*Tower and Antenna Ordinance:* Refer to this Ordinance.

*Personal Wireless Facility:* Any facility for the provision of Personal Wireless Services as defined by the FCC or any successor agency.

*Unlicensed Wireless Service:* Service which offers telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct-to-home satellite services as defined by the FCC or any successor agency.

#### 5-4-3 - Applicability

- A. New Towers and Antennas: All new Towers and Antennas in the City of Sandwich shall be subject to these regulations, except as provided in Section 5-4-3/B-D, inclusive.
- B. Amateur Radio Operations/Receive Only Antennas: This ordinance shall not govern any Tower or the installation of any Antenna that is under eighty (80) feet in Height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only Antennas. No Receive-Only Antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet.
- C. Pre-Existing Towers or Antennas: Existing Towers and existing Antennas which predated this Ordinance shall not be required to meet the requirements of this Ordinance other than the requirements of Section 5-4-4/E,F,H, and R. All pre-existing Towers and Antennas shall be subject to the Tower & Antenna Administrative Fee as of January 1, 2001.
- D. AM Array: For purposes of implementing this Ordinance, AM Array, consisting of one (1) or more Tower units and supporting ground system which functions as one (1) AM broadcasting Antenna, shall be considered one (1) Tower. Measurements of the Towers included in the AM Array. Additional Tower units may be added within the perimeter of the AM Array by right.

#### 5-4-4 - General Requirements:



- A. Special Use: Antennas and Towers may be considered a Special Use. A different existing use of an existing Structure on the same lot shall not preclude the installation of an Antenna or Tower on such lot.
- B. Lot Size: For purposes of determining whether the installation of a Tower or Antenna complies with the City of Sandwich development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Antennas or Towers may be located on leased parcels within such lot.
- C. Approved Site Zoning Districts: Antennas, Antenna Structures, and Towers shall be allowed as Permitted Uses as provided in Section 5-4-5 and as Special Uses as provided in 5-4-6.
- D. Inventory of Existing Sites: Each applicant for approval of an Antenna and/or Tower shall provide to the Zoning Officer an inventory of its existing Towers, Antennas, or sites approved for Towers and Antennas, that are either within the jurisdiction of the City of Sandwich or within one (1) mile of the border thereof, including specific information about the location, height, and design of each Tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or Special Use Permits under this Ordinance or other organizations seeking to locate Antennas within the jurisdiction of the City of Sandwich, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- E. Aesthetics: Towers and Antennas shall meet the following requirements:
  - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - 2. At a Tower site, the design of the buildings and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
  - 3. If an Antenna is installed on a Structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible.
- F. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- G. State or Federal Requirements: All Towers must meet or exceed current standards or regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, then the owners of the Towers and Antennas governed by this Ordinance shall bring such Towers and Antennas into

compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the Tower and Antenna at the owner's expense.

- H. Building Codes/Safety Standards: Any owner or operator of an Antenna, Antenna Structure or Tower shall maintain the Antenna, Antenna Structure or Tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for Towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the City of Sandwich concludes that a Antenna, Antenna Structure or Tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner or operator of the Antenna, Antenna Structure or Tower, that the owner or operator shall have thirty (30) days to bring such Antenna, Antenna Structure or Tower into compliance with the applicable standards. Failure to bring the Antenna, Antenna Structure or Tower into compliance within the thirty (30) day period shall constitute grounds for removal of the Antenna, Antenna Structure or Tower at the owner's and/or operator's expense.
- I. Measurement: For purposes of measurement, Tower setback and Tower separation distances shall be calculated and applied to facilities located in the City of Sandwich irrespective of municipal and county jurisdictional boundaries.
- J. Not Essential Services: Antennas, Antenna Structures and Towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- K. Public Notice: For purposes of this Ordinance, any special use request, variance request, or appeal of any administratively approved use or special use shall require public notice and individual notice by the City of Sandwich to all abutting property owners and all property owners of properties that are located within two hundred fifty (250) feet of the zoning lot in question. Streets, alleys, and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty (250) feet.
- L. Signs: No signs shall be allowed on an Antenna or Tower other than those required by the FCC.
- M. Buildings and Support Equipment: Buildings and support equipment associated with Antennas and Towers shall comply with the requirements of Section 5-4-6/K of this Ordinance.
- N. Multiple Antenna/Tower Plan: The City of Sandwich encourages all plans for Tower and Antenna sites to be submitted in a single application for approval of multiple Towers and/or Antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

- O. Antennas on Existing Structures: Any Antenna which is not attached to a Tower may be approved by the City of Sandwich as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided.
1. The Antenna does not extend more than thirty (30) feet above the highest point of the structure.
  2. The Antenna complies with all applicable FCC and FAA regulations; and
  3. The Antenna complies with all applicable building codes and safety standards as referenced in Section 5-4-4-H hereinabove.
- P. Antenna on Existing Towers: An Antenna which is attached to an existing Tower may be approved by the Zoning Officer and, to minimize adverse visual impacts associated with the proliferation and clustering of Towers, collocation of Antennas by more than one (1) carrier on existing Towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
1. A Tower which is modified or reconstructed to accommodate the collocation of an additional Antenna shall be of the same Tower type as the existing Tower, unless the Zoning Officer allows reconstruction as a monopole.
  2. Height.
    - a. An existing tower may be modified or rebuilt to a taller Height, not to exceed thirty (30) feet over the Tower's existing Height, such Height not exceeding one hundred fifty (150) feet in total, to accommodate the collocation of an additional Antenna.
    - b. The Height change referred to in Section 5-4-4-P-2-a above may only occur one (1) time per communication Tower.
    - c. The additional Height referred to in Section 5-4-4-P-2-a shall not require a distance separation. The Tower's pre-modification Height shall be used to calculate such distance separations.
  3. Onsite Location
    - a. A Tower which is being rebuilt to accommodate the collocation of an additional Antenna may be moved onsite within fifty (50) feet of its existing location.
    - b. After the Tower is rebuilt to accommodate collocation, only one (1) Tower may remain on the site.
    - c. A relocated onsite Tower shall continue to be measured from the original Tower location for purposes of calculating separation distances between Towers. The relocation of a Tower hereunder shall in no way be deemed to cause a violation of this Ordinance.

- d. The onsite relocation of a Tower which comes within the separation distances to residential units or residentially zoned lands as established in the Zoning Ordinance shall only be permitted when approved by the Zoning Officer.
4. New Towers in non-residential zoning districts: An applicant may locate any new Tower in a B-1, B-2, B-3, M-1, or M-2 zoning district, provided that:
- a. A licensed professional engineer certifies the Tower can structurally accommodate the number of shared users proposed by the applicant;
  - b. The Zoning Officer concludes the Tower is in conformity with the goals set forth in Section 5-4 and the requirements of Section 5-4; 3) the Tower meets the setback and separation requirements in Section 5-4-6/E; and, 4) the Tower meets the following Height and usage criteria:
    - 1. For a single user, up to and including one hundred twenty (120) feet in height;
    - 2. For two (2) users, up to one hundred fifty (150) feet in height; and
    - 3. For three (3) or more users, up to and including one hundred eighty (180) feet in Height.
- Q. Roadway Access: All sites on which Antennas, Antenna Structures, and Towers are located must have a passable roadway access in accordance with Chapter 3, Section 3-4-2/B of the Zoning Ordinance.
- R. Fencing: The structures upon any site upon which an Antenna, Antenna Structure, or Tower is located shall be surrounded by an opaque screen which is no less than eight (8) feet in height where the lot line of the Tower or Antenna Structure site is adjacent to non-residentially zoned property, or six (6) feet in height where the lot line of the Tower or Antenna Structure site is adjacent to residentially-zoned property. Said opaque screen shall be equipped with an appropriate anti-climbing device. Screening materials shall include either wooden or chain link fencing. Barbed wire shall be prohibited. Shrubbery and bushes shall be required in accordance with Section 5-5-7 of the Zoning Ordinance, in addition to the wooden or chain link fence, unless specifically waived by the City of Sandwich in its discretion in appropriate cases.
- S. Disguised Structures: The provider of an Antenna, Antenna Structure, or Tower may propose to disguise the proposed Antenna, Antenna Structure, or Tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of City of Sandwich residents shall not be endangered. The City of Sandwich may require the disguise of an Antenna, Antenna Structure, or Tower as a condition of approval of a building permit or special use permit if the Antenna, Antenna Structure, or Tower is to be erected on a golf course or other public recreational area.

- T. Annual Administrative Fee and Certifications: Each owner and/or operator of an Antenna, Antenna Structure or Tower shall be required annually on January 1 to pay an Administrative Fee of five hundred dollars (\$500.00) and to provide the following certifications in writing by a certified engineer:
1. That the owner or operator's Antenna, Antenna Structure or Tower has been inspected and is in compliance with all state and local building codes and standards published the Electronic Industry Association; and
  2. That the owner or operator's Antenna is in compliance with the FCC RF Emissions Standards.

The City of Sandwich reserves the right to increase the amount of the Administrative Fee as it deems necessary. A separate Administrative Fee shall be paid by each user or co-locator on a Tower.

- U. Permit Required: Prior to the construction of an Antenna, Antenna Structure or Tower the provider of the radio, television, or telecommunications services shall obtain a Permit from the City of Sandwich for the erection of such Antenna, Antenna Structure or Tower. An applicant for a Permit for an Antenna, Antenna Structure or Tower shall pay a fee in accordance with the Fee Schedule set forth in Section 6-5 of the Zoning Ordinance, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.
- V. Waiver of Provisions: An applicant can request a waiver of any provision of this Ordinance upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply.

5-4-5 - Permitted Uses:

- A. General: The following uses listed in this Section 5-4 are deemed to be Permitted Uses and shall not require administrative approval or a Special Use Permit.
- B. Antennas, Antenna Structures, and Towers are specifically permitted in zoning districts M-1 and M-2, so long as said Antennas or Towers conform to all other requirements of this title:
1. Antennas or Towers located on property owned, leased, or otherwise controlled by the City of Sandwich, particularly and expressly including the City of Sandwich's water tower sites, and City Hall and Police Station sites, provided that a lease authorizing such Antenna, Antenna Structure, or Tower has been approved by the City of Sandwich.
  2. Antennas or Towers are permitted to be located on the Burlington Northern Santa Fe Railroad Right-of-Way running Southwest and Northeast through the City of Sandwich, subject to Section 5-4-6-D through O, inclusive.
  3. No-impact Antennas and Towers.
- C. Antennas, Antenna Structures, and Towers shall be allowed as Permitted Uses only consistent with all of the requirements of this Ordinance in the M-1 (Limited

Manufacturing District) and M-2 (General Manufacturing District) zoning districts.

5-4-6 - Special Uses:

A. General Provisions:

1. Radio and telecommunications Antennas, Antenna Structures, and Towers used for Personal Wireless Facilities, Personal Wireless Services, radio transmission, or television transmission shall be subject to the Special Use provisions contained within Section 6-2-4 of the Zoning Ordinance and applications for Special Use Permits shall be subject to the procedures and requirements of the Zoning Ordinance, except as modified in this Section 5-4.
2. In granting a Special Use Permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed Tower on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. An applicant for a Special Use Permit shall submit the information described in this Section 5-4 and a non-refundable fee as established by resolution of the City Council of the City of Sandwich to reimburse the City of Sandwich for the cost of reviewing the application.
5. Antennas, Antenna Structures, and Towers shall be allowed as special uses only consistent with all of the requirements of this Ordinance in the following zoning districts:  
R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, CBD-1, CBD-2, or O-1.

B. Information Required: In addition to any information required for applications for Special Use Permits referenced above, each petitioner requesting a Special Use Permit under this Ordinance for an Antenna, Antenna Structure, or Tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals, showing the location, type, and dimensions of all improvements, including information concerning topography, radio frequency coverage, Tower Height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by the City of Sandwich to be necessary to assess compliance for this Ordinance. In addition, the following information shall be supplied.

1. Legal description of the parent track and leased parcel (if applicable);

2. The setback distance between the proposed Structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property.
  3. The separation distance from other such structures described in the inventory of existing sites submitted pursuant to Section 5-4-4/D shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing Structure(s) and the owner/operator of the existing Structure(s), if known;
  4. A landscape plan showing specific landscape materials;
  5. The method of fencing, and finish color and, if applicable, the method of camouflage and illumination;
  6. A description of compliance with Section 5-4-4/C, E through I, and M and all applicable federal, state or local laws.
  7. A notarized statement by the applicant as to whether the construction of the Tower will accommodate collocation of additional antennas for future users;
  8. Identification of the entities providing the Back Haul Network for the Structure(s) described in the application and other cellular sites owned or operated by the applicant in the City of Sandwich;
  9. A description of the suitability of the use of existing Towers, other Structures, or alternative technology not requiring the use of Towers of Structures to provide the services to be provided through the use of the proposed new Tower; and
  10. A description of the feasible location(s) of future Towers or Antennas within the City of Sandwich based upon existing physical, engineering, technological, or geographical limitations in the event the proposed Tower is erected.
- C. Factors Considered in Granting Special Use Permits: The City of Sandwich shall consider the following factors in determining whether to issue a Special Use Permit above and beyond those factors referenced in Section 6-2-4 of the Zoning Ordinance. The City of Sandwich may waive or reduce the burden on the petitioner of one (1) or more of these criteria if the City of Sandwich concludes that the goals of this Ordinance are better served thereby.
1. Height of the proposed Antenna, Antenna Structure, or Tower;
  2. Proximity of the Antenna, Antenna Structure, or Tower to residential structures and residential district boundaries;
  3. Nature of uses on adjacent and nearby properties;
  4. Surrounding topography;
  5. Surrounding tree coverage and foliage;

6. Design of the Antenna, Antenna Structure, or Tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  7. Proposed ingress and egress; and
  8. Availability of other suitable existing Antennas, Antenna Structures, Towers, Alternative Power Structures and other Structures or alternative technologies not requiring the use of Towers or Structures as discussed elsewhere in this Ordinance.
- D. Height: No Antenna, Antenna Structure, or Tower shall exceed a Height of one hundred eighty (180) linear feet in aerial Height. Where an arm has been installed to facilitate collocation of an additional Antenna on the existing Antenna Structure or Tower, the arm shall not exceed a length of twelve (12) linear feet.
- E. Setbacks and Separation:
1. Setbacks: Antennas, Antenna Structures, or Towers must be set back a distance equal to the Height of the Antenna, Antenna Structure, or Tower from any off-site residential structure. Antenna Structures, guy Setbacks. Antennas, Antenna Structures, or Towers must be setback a lines, and equipment shelters must satisfy the minimum setback requirements for R-1, R-2, R-3, R-4A, R-4B, R-4C, R-5, B-1, B-2, B-3, O-1, CBD-1, CBD-2, M-1, and M-2 zoning districts.
  2. Separation: The following separation requirements shall apply to all Towers and Antennas for which a Special Use Permit is required; provided, however, that the Plan Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby, or if enforcement of said setback would effectively prohibit said Tower.
    - a. Separation from off-site uses/designated areas.
      1. Tower separation shall be measured from the base of the Tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
      2. Separation requirements for Towers shall comply with the minimum standards established in Table 1.



**TABLE 1: Tower Separation Requirements**

<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family or duplex residential units - principal building.	500 feet
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	500 feet
Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than a duplex.	500 feet
Existing multi-family residential units greater than a duplex.	100 feet or 100% of the tower height, whichever is greater
Non-residentially zoned lands or non-residential areas.	None. Only setbacks apply.
The shoreline of any lake, detention pond, or watercourse.	500 feet
The centerline of any State or Federal Highway.	500 feet

b. Separation distances between Towers.

1. Separation distances between Towers shall be applicable for and measured between the proposed Tower and Pre-existing Towers.
2. The separation distances shall be measured by drawing or following a straight line between the base of the existing Tower and the proposed base, pursuant to a site plan, of the proposed Tower. The separation distances (listed in linear feet) are as shown in Table 2.

**TABLE 2: Existing Towers – Minimum Separation Distances by Types (in feet)**

	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole Height &gt; 75 feet</b>	<b>Monopole Height &lt; 75 feet</b>
<b>Lattice</b>	1,000	1,500	500	250
<b>Guyed</b>	1,000	1,750	1,500	1,250
<b>Monopole Height &gt; 75 feet</b>	500	1,500	250	250
<b>Monopole Height &lt; 75 feet</b>	250	1,250	250	250

F. Siting on Wetland Prohibited: No Antenna, Antenna Structure, or Tower shall be located in an area which has been designated as a wetland either by the City of

Sandwich, DeKalb, Kendall, or LaSalle Counties, the State of Illinois Department of Natural Resources, the United States Department of the Interior or the United States Army Corps of Engineers, and any and all governmental bodies and agencies having jurisdiction.

- G. FCC Signage: To the extent that signage is required by the FCC on an Antenna Structure, or Tower that signage shall constitute no more than five percent (5%) of the square footage of the Antenna, Antenna Structure, or Tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.
- H. Preservation of Landscape: Existing mature trees growth and natural land forms on the proposed Antenna, Antenna Structure, or Tower site shall be preserved to the maximum extent possible.
- I. Utilities and Access Required: Radio and Telecommunications Antennas, Antenna Structures, and Towers, including, but not limited to those used for Personal Wireless Services, Personal Wireless Facilities and Unlicensed Wireless Services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the Antenna, Antenna Structure or Tower. All such utilities shall be buried.
- J. Signal Interference: No signal transmission from any Antenna, Antenna Structure, or Tower shall interfere with police, fire, public works or any other governmental radio bank signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed Antenna, Antenna Structure, or Tower, the petition for Special Use shall be denied.
- K. Equipment Shelter and Equipment Cabinets:
  - 1. Equipment Shelter: A provider of a radio, television, or telecommunications Antenna, Antenna Structure, or Tower may provide an equipment shelter on the site of the Antenna, Antenna Structure, or Tower. The square footage of the equipment shelter may not exceed more than twenty percent (20%) of the total square footage of the Antenna, Antenna Structure or Tower ground site or four hundred fifty (450) square feet, whichever is greater. At any Antenna, Antenna Structure, or Tower site in which more than one (1) Antenna has been collocated, no more than three (3) equipment shelters shall be allowed. Multiple equipment shelters shall be contained under one (1) roof it at all practicably possible. No equipment shelter shall be approved as part of the Site Plan unless appropriate electrical power and road ingress and egress facilities are planned for inclusion at the equipment shelter site. The equipment shelter shall be constructed from either brick or textured concrete materials of a neutral color.
  - 2. Equipment Cabinets:
    - a. In residential districts, the equipment cabinet or structure may be located in a rear or side yard provided the cabinet or structure is no greater than four (4) feet in height or twenty-four (24) square feet of

gross floor area and the cabinet/structure is located in a minimum of six (6) feet from all residentially-zoned lot lines, or eight (8) feet from any non-residentially zoned lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least six (6) feet.

- b. In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight (8) feet and a planted height of at least six (6) feet. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of six (6) feet.
- c. In commercial or industrial districts the equipment cabinet or structure shall be no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight (8) feet. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or a hedge with an ultimate height of six (6) feet.

L. Code Requirements: Any Antenna, Antenna Structure, or Tower must meet code requirements established by the National Electrical Code, and BOCA codes currently in effect as required by the City of Sandwich and all applicable marking and lighting standards as established by the Federal Aviation Administration.

M. Engineering Justification: No new Tower shall be permitted unless the applicant provides justification and demonstrates to the reasonable satisfaction of the Plan Commission that no existing Tower, Structure, or alternative technology that does not require the use of Towers or Structures can accommodate the applicant's proposed Antenna. An applicant shall submit information requested by the Plan Commission related to the availability of suitable existing Towers, other Structures, or alternative technology can accommodate the applicant's proposed Antenna may consist of the following:

1. No existing Antennas, Antenna Structures, or Towers are located within the geographic area required to meet petitioner's engineering requirements.
2. Existing Antennas, Antenna Structures, Towers, or other structures are not of sufficient height to meet petitioner's engineering requirements.
3. Existing Antennas, Antenna Structures, Towers, or other structures do not have sufficient structural strength to meet petitioner's engineering requirements.
4. The petitioner's proposed Antenna, Antenna Structure, or Tower would cause electromagnetic interference with the existing Antenna, Antenna

Structure, or Tower, or the Antenna on the existing structure would cause interference with the petitioner's proposed Antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing Antenna, Antenna Structure, or Tower or to adapt to an existing Antenna, Antenna Structure, or Tower are unreasonable. Costs exceeding new Antenna, Antenna Structure, or Tower development are considered unreasonable.
  6. The petitioner demonstrates that there are other limiting factors that render existing Antennas, Antenna Structures, or Towers or other structures unsuitable.
  7. The applicant demonstrates that an alternative technology that does not require the use of Towers or Structures, such as a cable micro-cell network using multiple low-powered transmitters and receivers attached to a wireline system, is unsuitable. Cost of alternative technology that exceeds new Tower or Antenna development shall not be presumed to render the technology unsuitable.
- N. Removal of Abandoned Antennas, Antenna Structures, or Towers: Any Antenna, Antenna Structure, or Tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such Antenna, Antenna Structure, or Tower shall remove same from within ninety (90) days of receipt of written notice from the City of Sandwich notifying the owner of such abandonment. If such Antenna, Antenna Structure, or Tower is not removed within said ninety (90) days, the City of Sandwich shall remove such Antenna, Antenna Structure, or Tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two (2) or more users of a single Antenna, Antenna Structure, or Tower, then this provision shall not become effective until all users cease using the Antenna, Antenna Structure, or Tower.
- O. Collocation: A request for approval of a Special Use Permit for the installation of an Antenna, alternative Antenna, Antenna Structure, or Tower, the Plan Commission may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of personal wireless telecommunications services to co-locate additional antennas or antenna structures on a free-standing pole which is part of applicant's proposed personal wireless facility, where such collocation is technologically feasible.

#### 5-4-7 - Non-Conforming Uses:

- A. Prohibited Expansion of Non-Conforming Use: Towers that are constructed and Antennas that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

- B. Pre-Existing Towers: Pre-existing Towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new Tower of light construction and height) shall be permitted on such pre-existing Towers. New construction other than routine maintenance on a pre-existing Tower shall comply with the requirements of this Ordinance.
  - C. Rebuilding Damaged or Destroyed Non-Conforming Antennas: Notwithstanding any provision in this Ordinance to the contrary, bona fide non-conforming Antennas, Antenna Structures or Towers or Antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a Special Use Permit and without having to meet the separation requirements specified elsewhere in this Ordinance. The type, height, and location of the Tower on site shall be of the same type and intensity as the original facility approved. Building permits to rebuild a facility shall comply with the then applicable building codes and shall be obtained within one hundred and eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the Tower or Antenna shall be deemed abandoned as specified in Section 5-4-6-N.
- 5-4-8 - Annual Reporting of Information: Each owner of an Antenna, Antenna Structure, or Tower regulated under this Ordinance, and including those previously existing structures which would have been regulated under this Ordinance, shall, on an annual basis, furnish the City of Sandwich, with such information as is required by the City of Sandwich to aid with the administration of this Ordinance, such as changes in availability of space on any Tower for collocation of additional Antennas, plans to abandon a position on a Tower, thereby leaving space for the possible collocation of another Antenna, plans and/or willingness to modify said Tower and Antenna Structure so as to provide for the possibility of collocation, or intentions to abandon a Tower Structure, or other non-proprietary information as may be required by the City of Sandwich. Upon written notice from the City of Sandwich to the owner thereof, the effective date of this Ordinance, which Tower and/or Antenna Structure would otherwise be regulated by this Ordinance, shall register with the City of Sandwich, and shall provide such non-proprietary information as is deemed useful by the City of Sandwich for administration of this Section 5-4. This Section 5-4 is specifically deemed to have retroactive effect.

Section 5-5 - Accessory Buildings:

- 5-5-1 - Location: An accessory building in a side yard area shall be located no closer to the side lot line than the required side yard setback. When located in a rear yard area, an accessory building shall be located no closer than three (3) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard, except where there is an accessory building with doors opening onto an alley, such building shall not be located closer than five (5) feet to the rear lot line. In a residential district, no detached accessory building shall be constructed closer than ten (10) feet from the principal building.
- 5-5-2 - Time of Construction: No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- 5-5-3 - Percentage of Required Rear Yard Occupied: No accessory building or buildings shall occupy more than forty percent (40%) of the area of a required rear yard.
- 5-5-4 - Accessory Buildings in Residential Districts: No accessory building or portion thereof shall:
- A. Exceed fifteen (15) feet in height to the peak of the roof;
  - B. Have more than two (2) overhead doors; and
  - C. Exceed maximum dimensions of twenty-six (26) feet in width or thirty (30) feet in length.
- 5-5-5 - On Reversed Corner Lots: On a reversed corner lot in a residential district and within fifteen (15) feet of an adjacent property to the rear in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty percent (60%) of the least depth which would be required hereunder for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.

Section 5-6 - Bulk Regulations:

- 5-6-1 - Bulk: All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenance shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City of Sandwich.
- 5-6-2 - Maintenance of Yards, Courts, and Other Open Spaces: The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space, or minimum lot area allocated to any building, shall by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.
- 5-6-3 - Division of Zoning Lots: No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
- 5-6-4 - Location of Required Open Space: All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- 5-6-5 - Required Yards for Existing Buildings: No yards, now or hereafter, provided for a building existing on May 1, 1990, shall subsequently be reduced below, or further reduced below, if already less than the minimum yard requirements of the ordinance for equivalent new construction.
- 5-6-6 - Yard Requirement Exceptions: The following are permitted obstructions or intrusions in required yards as indicated:
- F Denotes permitted obstruction in front yards and side yards adjoining streets.
  - S Denotes permitted obstruction in interior side yards.
  - R Denotes permitted obstruction in rear yards.
  - C Denotes permitted obstruction in open courts.
- A. Air conditioning equipment shelters which may project more than six (6) feet into required yard or court. S R C
  - B. Arbors or trellises, and where trellises are attached to the principal building, they may also project into front yards, side yards, and courts. F S R C
  - C. Architectural entrance structures on a lot not less than two (2) acres in area or at entrance roadways into subdivisions containing one hundred (100) or more lots. F S R

- D. Awnings or canopies, which may project not more than three (3) feet into a required yard or court. F S R C
- E. Bay windows - projecting not more than three (3) feet into a yard. F S R
- F. Chimneys, attached, projecting not more than twenty-four (24) inches into a yard or court. F S R C
- G. Eaves and gutters on principal building or accessory buildings. F S R C
- H. Fallout shelters, attached or detached, when conforming also with other codes and ordinances of the City. R
- I. Fences. F S R C
- J. Fire escapes, open or enclosed, or fire towers may project into a required front yard or side yard adjoining a street not more than five (5) feet and into a required interior side yard or court not more than three and one-half (3½) feet.  
F S R C
- K. Flagpoles. F S R C
- L. Front entry roofs projecting not more than four (4) feet into a yard. F
- M. Garages or carports, detached. S R
- N. Growing of farm and garden crops in the open. S R
- O. Hedges. F S R C
- P. Lawn furniture, such as benches, sundials, birdbaths, and similar architectural features. F S R C
- Q. Open off-street loading spaces. R
- R. Open off-street parking spaces which shall be located not less than five (5) feet from a lot line, or not less than ten (10) feet from a building wall in courts, or greater distance if required herein for a specific use. In Manufacturing Districts and all Business Districts, open off-street parking spaces may be in a required front yard or side yard adjoining a street as hereinafter regulated. S R C
- S. Ornamental light standards. F S R C
- T. Playground and laundry-drying equipment. S R C
- U. Playhouses and open-sided summer houses. S R
- V. Satellite dish antennas. S R
- W. Sheds and storage buildings for garden equipment and household items as accessory to dwellings and buildings and structures customarily incidental to the pursuit of agriculture. R
- X. Sills, belt courses, cornices, and ornamental features of the principal building, projecting not more than eighteen (18) inches into a yard or court. F S R C



- Y. Steps, open, necessary for access to and from the dwelling or an accessory building, steps as access to the lot from the street, and in gardens or terraces, provided there are no more than eight (8) steps for access to and from a principal or accessory building. F S R C
- Z. Swimming pools, private, when also conforming with other codes or ordinances of the City. R
- AA. Terraces, patios, decks, and outdoor fireplaces. S R
- BB. Tennis courts, private. S R
- CC. Trees, shrubs, and flowers. F S R C
- DD. Walks. F S R C
- EE. Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use. F S R C

5-6-7 - Additional Standards Regulating Fences, Walls, and Hedges:

- A. A fence, wall, hedge, or shrubbery may be erected, placed, or maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall, hedge, or shrubbery which is located in a required front yard shall exceed a height of three (3) feet. Where such lot line is adjacent to non-residentially-zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery within a rear or side yard area.
- B. No fence, wall, hedge, or shrubbery shall be erected, placed, or maintained, or grown along a lot line on any non-residentially zoned property which is adjacent to either residentially or non-residentially zoned property, to a height exceeding eight (8) feet, except that no such fence, wall, hedge, or shrubbery which is located in a required front yard shall exceed a height of three (3) feet.
- C. In any other district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- D. Unless a written agreement signed by the adjacent owner of record is filed with the City Clerk, a hedge or shrubbery must be placed or grown at least thirty-six (36) inches inside the lot line. Fences and walls shall be erected not less than three (3) inches inside the lot line with no written agreement of adjacent property owners necessary.
- E. Any fence constructed on any property shall have the finished side of the fence facing the adjacent property.
- F. No fence shall be constructed in a front yard setback area except split-rail, wrought iron, chain link, or open-space picket fences, all of which shall not exceed three (3) feet in height.

5-6-8 - Established Setback: When forty percent (40%) or more of the lots fronting on one (1) side of the street within a block are improved, the setback shall be established on that side of the street by the average setback of the four (4) improved lots in the block nearest the lot in question. This established setback shall be used to determine front yard requirements for existing structures where no setback was recorded. If there are less than four (4) improved lots, the maximum number of improved lots in the block, then the total lots in the block shall be used to determine the average set back.

Section 5-7 - Lot Area Requirements:

- 5-7-1 - Contiguous Parcels: When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.
- 5-7-2 - Lots or Parcels of Land of Record: Any single lot or parcel of land, which is part of a subdivision, or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally approved by the City Council and recorded in the Office of the Recorder of Deeds on or before May 1, 1990, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than ninety percent (90%) of the minimum required dimensions and areas.

Section 5-8 - Airport Area Development: Airports and surrounding territory are subject to the rules and regulations of the State of Illinois, Department of Aeronautics and to the following:

- 5-8-1 - Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois, Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
- 5-8-2 - A Runway Obstacle Free Zone (OFZ) shall extend for a horizontal distance of two hundred (200) feet beyond the end of each runway. Fragile NAVAIDS are the only object penetration of air space allowed in this OFZ.
- 5-8-3 - A Runway Protection Zone (RPZ) shall extend for a horizontal distance of one thousand (1,000) feet beyond the end of the runway Obstacle Free Zone, or twelve hundred (1,200) feet beyond the end of each runway. The RPZ shall have an inner width of two hundred fifty (250) feet and an outer width of four hundred fifty (450) feet. For every two hundred (200) feet of horizontal distance within the RPZ, the height of structures may not be increased by more than ten (10) feet (20:1 approach slope).
- 5-8-4 - Building Restriction Lines (BRL) shall be established in respect to the centerlines of airport runways, and which reflect the Inner-Transitional Obstacle Free Zone air space slope surfaces as established by the Federal Aviation Administration and the State of Illinois, Department of Aeronautics.

Section 5-9 - Floodplain Regulations:

5-9-1 - Purpose: This ordinance is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code (65ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. To make federally subsidized flood insurance available; and
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, enhance the community and enhance economic development.

5-9-2 - Definitions: For the purposes of this ordinance, the following definitions are adopted:

*Base Flood:* The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood. The base flood elevation at any location is as defined in Section 5-9-3 of this ordinance.

*Base Flood Elevation (BFE):* The elevation in relation to mean sea level of the crest of the base flood.

*Basement:* That portion of a building having its floor sub-grade (below ground level) on all sides.

*Building:* A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days per year.

*Critical Facility:* Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

*Development:* Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. Substantial improvement of an existing building;
3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. Installation of utilities, construction of roads, bridges, culverts or similar projects;
5. Construction or erection of levees, dams, walls, or fences;
6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; and
7. Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

*Existing Manufactured Home Park or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an Existing Manufactured Home Park or Subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FEMA:* Federal Emergency Management Agency.

*Flood:* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

*Flood Fringe:* That portion of the floodplain outside of the regulatory floodway.

*Flood Insurance Rate Map:* A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

*Flood Insurance Study:* An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

*Floodplain and Special Flood Hazard Area:* These two terms are synonymous. Those lands within the jurisdiction of the City of Sandwich, the extraterritorial jurisdiction of the City of Sandwich, or that may be annexed into the City of Sandwich that are subject to inundation by the base flood. The floodplains of the City of Sandwich within DeKalb County are generally identified as such on panel numbers 475, 488, and 500 of the countywide Flood Insurance Rate Map of DeKalb County (17037C) prepared by the Federal Emergency Management Agency and dated January 2, 2009. The floodplains of the City of Sandwich within Kendall County are generally identified as such on panel number 15 of the countywide Flood Insurance Rate Map of Kendall County (17093C) prepared by the Federal Emergency Management Agency and dated February 4, 2009. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated DeKalb County that are within the extraterritorial jurisdiction of the City of Sandwich or that may be annexed into the City of Sandwich are generally identified as such on the Flood Insurance Rate Map prepared for DeKalb County by the Federal Emergency Management Agency and dated January 2, 2009. The floodplains of those parts of unincorporated Kendall County that are within the extraterritorial jurisdiction of the City of Sandwich or that may be annexed into the City of Sandwich are generally identified as such on the Flood Insurance Rate Map prepared for Kendall County by the Federal Emergency Management Agency and dated February 4, 2009. The floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of Sandwich or that may be annexed into the City of Sandwich are generally identified as such on the Flood Insurance Rate Map prepared for LaSalle County by the Federal Emergency Management Agency and dated September 7, 2001.

*Floodproofing:* Any combination of structural or nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate, property and their contents.

*Floodproofing Certificate:* A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

*Flood Protection Elevation (FPE):* The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

*Floodway:* That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Harvey Creek, Little Rock Creek, and Somonauk Creek shall be according to the best data available from Federal, State, or other sources.

*Freeboard:* An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

*Historic Structure:* Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

*IDNR/OWR:* Illinois Department of Natural Resources/Office of Water Resources.

*Lowest Floor:* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 5-9-7 of this ordinance.

*Manufactured Home:* A structure transportable in one (1) or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

*Manufactured Home Park or Subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

*New Construction:* Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

*New Manufactured Home Park or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

*NFIP:* National Flood Insurance Program.



*Recreational Vehicle or Travel Trailer:* A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less in size;
3. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

*Repetitive Loss:* Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

*SFHA:* See definition of *floodplain*.

*Start of Construction:* Includes *substantial improvement* and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement occurred within one hundred eighty (180) days of the date the building permit being issued. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

*Structure:* See definition of *building*.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).

*Substantial Improvement:* Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of the improvements:

1. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
2. Increases the floor area by more than twenty percent (20%).

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have

incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

*Violation:* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

- 5-9-3 - Base Flood Elevation: This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA and the IDNR/OWR for approval prior to any development of the site.
- A. The base flood elevation for the floodplains of Harvey Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of DeKalb County prepared by the Federal Emergency Management Agency and dated January 2, 2009 and the countywide Flood Insurance Study of Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009.
  - B. The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of DeKalb County and the countywide Flood Insurance Rate Map of Kendall County.
  - C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of DeKalb County and the countywide Flood Insurance Rate Map of Kendall County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.
  - D. The base flood elevations for the floodplains of those parts of unincorporated DeKalb County that are within the extraterritorial jurisdiction of the City of Sandwich, or that may be annexed into the City of Sandwich, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of DeKalb County prepared by the Federal Emergency Management Agency and dated January 2, 2009. The base flood elevation for the floodplains of those parts of unincorporated Kendall County that are within the extraterritorial jurisdiction of the City of Sandwich, or that may be annexed into the City of Sandwich, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of

Kendall County prepared by the Federal Emergency Management Agency and dated February 4, 2009. The base flood elevations for the floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of Sandwich, or that may be annexed into the City of Sandwich, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated September 7, 2001.

- 5-9-4 - Duties of the City Engineer: The City Engineer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the City of Sandwich meet the requirements of this ordinance. Specifically, the City Engineer shall:
- A. Process development permits in accordance with Section 5-9-5;
  - B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 5-9-6;
  - C. Ensure that the building protection requirements for all buildings subject to Section 5-9-7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;
  - D. Assure that all subdivisions and annexations meet the requirements of Section 5-9-8;
  - E. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 5-9-9.
  - F. If a variance is requested, ensure that the requirements of Section 5-9-11 are met and maintain documentation of any variances granted;
  - G. Inspect all development projects and take any and all actions outlined in Section 5-9-13 as necessary to ensure compliance with this ordinance;
  - H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
  - I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
  - J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
  - K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and
  - L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
  - M. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
  - N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification

of the floodplain may change the base flood elevation or result in a change to the floodplain map.

5-9-5 - Development Permit: No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the City Engineer. The City Engineer shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
1. Drawings of the site, drawn to scale showing property line dimensions;
  2. Existing grade elevations and all changes in grade resulting from excavation or filing;
  3. The location and dimensions of all buildings and additions to buildings; and
  4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 5-9-7 of this ordinance; and
  5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

- B. Upon receipt of an application for a development permit, the City Engineer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The City Engineer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The City Engineer shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The City Engineer shall not issue a permit unless all other federal, state, and local permits have been obtained.

- C. There shall be a building or obstacle setback line on each side of the centerline of any creek or storm or flood water channel within the city limits of the City of Sandwich, and to the extent permitted by law within one and one-half (1½) miles from the city limits of the City of Sandwich, the setback shall be a distance of fifty (50) feet on either side of said centerline or in the alternative, the setback shall be equal to the distance from said centerline to the 100-year base flood elevation, whichever is farthest from said centerline.

5-9-6 - Preventing Increased Flood Heights and Resulting Damages: Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in Section 5-9-6-B of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
  - a. The crossing will not result in an increase in water surface profile elevation in excess on one (1.0) foot, and
  - b. The crossing will not result in an increase in water surface profile elevation in excess of one-half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.
  - c. There are no buildings in the area impacted by the increases in water surface profile.
  - d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
  - e. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
  - f. The design must be certified by a second licensed professional engineer.
2. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit No. 3:
  - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
3. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit No. 4:
  - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
  - b. A utility line attached to an existing bridge shall be constructed above the low chord elevation of the bridge.
  - c. No supporting towers or poles shall be located in a river, lake or stream.

- d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
  - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
  - f. All Illinois Commerce Commission, National Electric Safety Code, and federal requirements must be met.
4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit No. 5:
- a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limit established by the IDNR and Corps of Engineers.
  - b. The width of the boat dock shall not be more than ten (10) feet.
  - c. For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.
  - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
  - e. Dock posts must be marked by reflective devices.
  - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
  - h. This permit does not authorize any other related construction activity such as shore protection or fill.
  - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
  - j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corps of Engineers.
5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit No. 6:
- a. The following activities (not involving fill or positive change in grade) are covered by this permit:
    - 1. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.

2. The construction of light poles, sign posts, and similar structures.
  3. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
  4. The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
  5. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
  6. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
6. Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit No. 7:
    - a. Any outfall structure, including any headwall or end section, shall not extend riverward or lakeward of the existing natural bank slope or adjacent bank protection.
    - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
    - c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
    - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  7. Underground pipeline and utility crossings meeting the following conditions of IDNR/OWR Statewide Permit No. 8:
    - a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
    - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent the erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

- c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
8. Bank stabilization projects meeting the following conditions of IDNR/OWR Statewide Permit No. 9:
- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban.)
  - b. In addition to the materials listed in Section 5-9-6-A-8-a, other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
  - c. The following material shall not be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
  - d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1,000) feet.
  - e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
  - f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent or opposite the project.
  - g. Materials shall not be placed higher than the existing top of the bank.
  - h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten



percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- i. If broken concrete is used, all protruding materials such as reinforcing steel shall be cut flush with the surface of the concrete and removed from the construction area.
  - j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
  - k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
    1. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
    2. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  - l. Excess material excavated during construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, and shall not be placed in a floodway.
9. Accessory structures and additions to existing residential buildings meeting the following conditions of IDNR/OWR Statewide Permit No. 10:
- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
  - b. The principal structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
  - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
  - d. Must not involve the placement of any fill material.
  - e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
  - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  - g. Only one (1) accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
  - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed

floodway areas shall be seeded or otherwise stabilized upon completion of construction.

10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit No.11:
  - a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1,000) feet.
  - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to re-establishing flows in the natural stream channel, and
  - c. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.
  - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    1. Removed from the floodway;
    2. Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of stream bank;
    3. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
    4. Used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
    5. Placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
    6. Used for beach nourishment, provided the material meets all applicable water quality standards.
  - e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
  - a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
    1. No buildings or structures have been impacted by the backwater induced by the existing structure, and

2. There is no record of complaints of flood damages associated with the existing structure.
  - b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
  - c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR.)
  - d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, Channel and Stream Bank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
  - e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
12. Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13:
  - a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
  - b. The term "temporary" shall mean not more than one (1) construction season. All temporary construction materials must be removed from the stream and floodway within one (1) year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
  - c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
  - d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.

- e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this Statewide Permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
  - f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
  - g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
  - h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
13. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- B. Other development activities not listed in Section 5-9-6-A may be permitted only if:
- 1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
  - 2. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

5-9-7 - Protecting Buildings:

- A. In addition to the damage prevention requirements of Section 5-9-6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
- 1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or with an area greater than seventy (70) square feet;
  - 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
  - 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If

substantially damaged, the entire structure must meet the flood protection standards of this section.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)
  5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  6. Repetitive loss to an existing building as defined in Section 5-9-2.
- B. Residential or non-residential buildings can meet the building protection requirements by one (1) of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
    - a. The lowest floor (including basement) shall be at or above the flood protection elevation;
    - b. The fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation;
    - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
    - d. The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
    - e. Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated.
  2. The building may be elevated on solid walls in accordance with the following:
    - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
    - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
    - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every

one (1) square foot of enclosed area subject to flooding below the base flood elevation; and

- d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.
  1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
  2. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
  3. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
  4. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  - a. The building must be designed and adequately anchored to resist floatation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
  - c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
  - d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of foundation walls must not exceed four (4) feet at any point.
  - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
  - f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
  - g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

- C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
1. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
  2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
  3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
  4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- D. Manufactured homes or travel trailers to be permanently installed on site shall be:
1. Elevated to or above the flood protection elevation in accordance with Section 5-9-7-B, and
  2. Anchored to resist floatation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Illinois Administrative Code Section 870.
- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 5-9-7-D unless the following conditions are met:
1. The vehicle must either be self-propelled or towable by light duty truck.
  2. The hitch must remain on the vehicle at all times.
  3. The vehicle must not be attached to external structures such as decks and porches.
  4. The vehicle must be solely designed for recreation, camping, travel or seasonal use rather than as a permanent dwelling.
  5. The vehicle's largest horizontal projections must be no larger than four hundred (400) square feet.
  6. The vehicle's wheels must remain on axles and inflated.
  7. Air conditioning units must be attached to the frame so as to be safe for movement from the floodplain.
  8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
  9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
  10. Must either:

- a. Entirely be supported by jacks, or
  - b. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by a block in a manner that will allow the block to be easily removed by the use of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
- 1. The garage or shed must be non-habitable.
  - 2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
  - 3. The garage or shed must be located outside of the floodway or have the appropriate state or federal permits.
  - 4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
  - 5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
  - 6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
  - 7. The garage or shed must have at least one (1) permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
  - 8. The garage or shed must be less than ten thousand dollars (\$10,000.00) in market value or replacement cost whichever is greater or less than five hundred (500) square feet in area.
  - 9. The structure shall be anchored to resist floatation and overturning.
  - 10. All flammable and toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
  - 11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

5-9-8 - Subdivision Requirements: The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 5-9-6 and 5-9-7 of this ordinance. Any proposal for such development shall include the following data:
  - 1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;



2. The boundary of the floodway when applicable; and
3. A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and to utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

#### 5-9-9 - Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Section 5-9-6 and Section 5-9-7 of this ordinance, the following standards apply:
  1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a licensed professional engineer or floodproofed building constructed according to the requirements of Section 5-9-7 of this ordinance.
  2. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage.
  3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
  5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three (3) feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

- 5-9-10 - Carrying Capacity and Notification: For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the City of Sandwich shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.
- 5-9-11 - Variances: Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the City of Sandwich Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance, as it deems necessary to further the intent of this ordinance.
- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
  2. An exceptional hardship would result if the variance were not granted.
  3. The relief requested is the minimum necessary.
  4. There will be no additional threat to public health, safety, or creation of a nuisance.
  5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
  7. All other state and federal permits have been obtained.
- B. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 5-9-7 that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage;
  2. Increase the risks to life and property; and
  3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 5-9-7 of this ordinance requested in connection with the reconstruction, repair or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Section 5-9-6 through Section 5-9-7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

5-9-12 - Disclaimer of Liability: The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

5-9-13 - Penalty: Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the City Engineer may determine that a violation of the minimum standards of this ordinance exists. The City Engineer shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days notice to correct the violation:

1. The City shall make application to the circuit court for an injunction required conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
2. Any person who violates this ordinance shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
4. The City shall record a notice of the violation on the title of the property.

B. The City Engineer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The City Engineer is authorized to issue an order requiring the suspension of the subject development. The stop work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop work order. The stop work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. The time and place of the hearing.

At such hearing, the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
- 5-9-14 - Abrogation and Greater Restrictions: This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including Ordinance 2002-07 and the floodplain management revisions of Ordinance 2005-20. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 5-9-15 - Severability: The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.
- 5-9-16 - Effective Date: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

## Section 5-10 - Sign Regulations:

5-10-1 - Definitions: As used in this article, the following terms and words shall have the meaning ascribed to them in this section.

*Awning:* An overhanging roof-like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials. Permanent or collapsible, but by definition does not include any lettering, signage or advertising information.

*Awning sign:* A sign which is attached or incorporated in an awning.

*Banner:* A piece of cloth, plastic, or other non-rigid material which is attached to a staff or line to attract attention or used as a sign. Examples of banner signs include balloons, pennants, etc.

*Canopy:* An ornamental, overhanging, roof-like structure designed for shade or shelter, including awnings, constructed of canvas or other material, but excluding from the definition thereof any lettering, signage or advertising information.

*Canopy sign:* A sign which is attached to or incorporated in a canopy.

*Erect:* To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of murals.

*Event sign:* A sign used to advertise a specific sale, product, or event.

*Freestanding sign:* A sign erected on a supporting structure, mast or pole, not attached in any way to a building.

*Frontage:* That part of a building facing a public street or alley and not separated from said street or alley by a distance exceeding fifty (50) feet.

*Illuminated sign:* Any sign which has characters, letters, figures or outlines illuminated by electric lights, luminous tubes, or any other means of illumination.

*Marquee:* A permanent roofed structure projecting over public property and attached to a building and supported by the building or column supports from grade level or a combination of both, but excluding by definition any lettering, signage or advertising information.

*Marquee sign:* A sign which is attached to or incorporated in a marquee.

*Message board:* A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

*Multiple frontage:* Two (2) or more exterior walls of a building that abut a public way.

*Mural:* An advertisement painted on the wall of the structure.

*Off-premise sign:* A sign identifying or advertising a business, person, activity, or service located other than on the premises where the sign is located.

*On-premise sign:* A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

*Political sign:* A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election process.

*Portable sign:* A sign not designed or intended to be permanently affixed into the ground or to a structure.

*Premises:* The contiguous land in the same ownership or control which is not divided by a street.

*Projecting sign:* A sign attached to a building wall or structure with a sign face that projects horizontally perpendicular more than twelve (12) inches from the face of the wall.

*Public way:* Any corridor designed for vehicular or pedestrian use that is maintained with public funds. The term “right-of-way” is synonymous with public way.

*Real estate sign:* A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

*Safety control sign:* Warning, control, OSHA, or required public safety sign erected by municipal officers.

*Sign:* A sign is an object, device, display, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a sign shall constitute a separate sign.

*Sign area:* The facing of a sign, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.

*Sign face:* The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

*Subdivision:* The division of a parcel of land into two (2) or more adjacent parcels.

*Time and temperature sign:* Illuminated signs primarily displaying the time and temperature, but may automatically alternate between the time and temperature and a text message.

*Traffic control sign:* A sign to regulate traffic that has been erected by municipal officers having jurisdiction over the public way.

*Traffic flow informational sign:* A sign directing traffic to or from or within or providing information for a commercial, residential or industrial development.

*Wall sign:* A sign mounted parallel to the exterior surface of a building.

*Window sign:* Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or

service that is permanently affixed inside a window or upon the interior window panes or glass and is visible from the exterior of the window.

#### 5-10-2 - Administration and Enforcement

- A. All administration and enforcement of this article shall be primarily implemented by the Zoning Officer. However, other staff in the Department will also be prepared to enforce this article.
- B. All signs, except as otherwise provided in 5-10-7 and 5-10-8 of this article, shall require a sign permit prior to being constructed or reconstructed. Sign permits shall be issued by the Zoning Officer.
- C. All applications for sign permits for the erection or relocation of a sign shall be submitted to the Zoning Officer.
- D. Application for Permit: Applications for sign permits shall be made upon blanks provided by the Zoning Officer and shall contain or have attached thereto the following information:
  - 1. Name, address and telephone number of the applicant;
  - 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
  - 3. Position of the sign or other advertising structure in relation to nearby buildings or structures;
  - 4. Drawings of the plans and specifications and method of construction and attachments to the building or in the ground;
  - 5. At the discretion of the building inspector, copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other articles of the City;
  - 6. Name of person, firm, corporation or association erecting the structure;
  - 7. Any electrical data required for said sign; and
  - 8. Such other information as the building inspector shall require to prove full compliance with this and all other laws and articles of the City.
- E. Permit Fees: Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time.
- F. Permit Application Completeness: Within five (5) working days of receiving an application for a sign permit, the Zoning Officer shall review it for completeness. If the Zoning Officer finds that it is complete, the application shall then be processed. If the Zoning Officer finds that it is incomplete, the Zoning Officer shall send to the applicant a notice specifying the deficiency, with appropriate references to the applicable sections of this article.
- G. Permit Issuance/Denial Action:  
The Zoning Officer shall either:

1. Issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirement of this article; or
2. Deny the sign permit if the sign that is the subject of the application fails in any way to conform to the requirements of this article.

- H. Inspection upon Completion: Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Zoning Officer upon completion of the work. The Zoning Officer shall then conduct an inspection within seven (7) working days. If the construction is complete and in full compliance with this article and with the building and electrical codes, the Zoning Officer shall issue a final acceptance certificate to the sign applicant. If the construction is substantially complete but not in full compliance with this article and applicable codes, the Zoning Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of the inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.
- I. Lapses of Sign Permit: A sign permit shall lapse if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more. A sign that was constructed or maintained in conformance with a permit under this article, but for which the permit has lapsed, shall be in violation of this article. If the work authorized under a sign permit has not been completed within six months after the date of issuance, the permit shall lapse and reapplication is required.
- J. Assignment of the Sign Permit: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject of to filling such application as the Zoning Officer may require and paying any applicable fee. The assignment shall be accomplished by filing.
- K. Violations: The Zoning Officer, upon finding that any provision of this article or any condition or a permit issued under this article is being violated, is authorized to institute legal proceedings to enjoin violations of this article.
- L. Appeal Procedure: Any person applying for a sign permit that is denied a permit or disagrees with any ruling by the Zoning Officer may appeal to the Board of Appeals.
- M. Fines: In addition to any other remedy at law or in equity, a person who violates the provisions of this Article or the conditions of a permit shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day of the violation constitutes a separate offense.

#### 5-10-3 - General Sign Requirements:

- A. The construction of any sign must meet the requirements of the City of Sandwich Municipal Code and the City's Building Code.



- B. If otherwise permitted, a sign may not be erected on any public way without written authorization from the agency in control of the public way. Safety control signs, traffic informational flow signs, and traffic control signs are included in this provision.
- C. Signs erected within the City limits may advertise only for businesses or events located within the City of Sandwich.
- D. Signs shall be maintained in a safe and secure condition. If the sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the deficiency in the sign is not corrected within thirty (30) days, the Zoning Officer may revoke the sign permit, thus placing the sign owner in violation of this article and liable for a fine as specified in Section 5-10-2-M.
- E. Any sign that has been destroyed, damaged, or deteriorated to such an extent that the cost of restoration would exceed twenty-five percent (25%) of the replacement cost shall not be repaired or rebuilt or altered except to conform to the requirements of this article for new signs.
- F. No sign, except time and temperature display, shall contain any flashing lights, running lights or lights creating an illusion of movement or revolution, or be so designed as to move by mechanical means, nor be illuminated by a floodlight unless the source of said floodlight is located, shielded and directed as not to be visible from any point on any adjacent public street or private property. No such sign shall contain any colored illumination at any location where there may be a conflict or confusion with traffic signals, traffic lights, or here said illumination might constitute a traffic hazard.

5-10-4 - Prohibited Signs: It shall be unlawful to:

- A. Erect or continue any sign or other advertising structure at any location which constitutes a hazard to traffic or the public by reason of its obstruction of view, or if it endangers the welfare or safety of persons traveling on any public street, sidewalk or alley.
- B. Erect or place any permanent or temporary sign on the public way of U.S. Route 34 or City public way. The U.S. Route 34 public way is governed by the Illinois Department of Transportation (IDOT). A permit must be issued from IDOT for any sign on the IDOT public way.
- C. Erect on or connect any sign, canopy, awning or marquee to any public property as outlined in Section 5-10-3 without obtaining prior approval from the Zoning Officer.
- D. Erect any projecting sign that exceeds a four (4) foot overhang on public property.
- E. Erect any sign upon or above a roof.
- F. Erect or connect any pennant or banner to or over any public property without obtaining prior approval from the Zoning Officer.

- G. Erect any sign attached to any tree, utility pole or painted upon or otherwise directly affixed to any rock, ledge, or other natural feature.
  - H. Erect any sign on a residentially zoned lot except the following:
    - 1. Political signs;
    - 2. Real estate signs;
    - 3. Residential nameplates; and
    - 4. Home occupation signs.
  - I. No sign other than a projecting sign shall occupy any space not directly above the owner's property.
- 5-10-5 - Non-Conforming Signs: Non-conforming sign are those signs which were lawfully erected prior to the passage of this article that do not conform in their entirety to the requirements as stated herein. Non-conforming signs shall comply with the following regulations:
- A. Non-conforming signs lawfully existing at the time of adoption or subsequent amendment may continue, although such a sign does not conform to the provisions of this article.
  - B. Non-conforming signs shall be removed when a substantial change in the operations or nature of the business occurs. A change in the land use or zoning would be an example of a substantial change in operations. A change in ownership of the business would allow for the continuation of the non-conforming sign as long as the nature of the business remains the same.
  - C. Lawful non-conforming signs must be maintained in a safe and secure condition. If the Zoning Officer is of the opinion that the sign is not secure, safe or in good state of repair due to lack of maintenance, then the Zoning Officer shall provide written notice of this fact to the person responsible for the maintenance of the sign. If the deficiency is not corrected within thirty (30) days of the written notice, the Zoning Officer may revoke the sign permit, placing the sign in violation of this article and the owner subject to the fines specified herein.
- 5-10-6 - Corporate Imaging Signs: Licensed, authorized franchise dealers and services, as members of a corporate imaging program, shall be required to provide documentation from the franchise supporting the necessity to maintain signage in excess of the sign area, sign quantity, and sign height requirements as defined in this article before a permit will be issued. A sign which has been permitted under this provision must be substantially different in appearance from any other permitted sign at the same location and must be removed upon termination of the corporate agreement.
- 5-10-7 - Permanent Signs:
- A. Wall signs

1. For businesses with nine (9) or less off-street parking spaces or automobile service areas, a maximum of two (2) wall signs with an aggregate sign area not exceeding forty (40) square feet are allowed.
2. For businesses with ten (10) but not more than nineteen (19) off-street parking spaces or automobile service areas, a maximum of five (5) wall signs with an aggregate sign area not exceeding one hundred (100) square feet are allowed.
3. For businesses with twenty (20) or more off-street parking spaces or automobile service areas, the quantity of wall signs and the allowable aggregate sign area shall not exceed one hundred fifty (150) square feet with a maximum of six (6) wall signs and additional aggregate ten (10) square feet and one (1) sign for each ten established parking spaces in excess of twenty (20) provided the aggregate area shall never exceed four hundred (400) square feet for all signs nor more than nine (9) signs for any business.
4. No wall signs will be permitted to extend more than twelve (12) inches beyond the building line.
5. The highest point of a wall sign may not exceed the highest point of the building wall on which it is attached.
6. For residentially zoned businesses, one (1) wall sign may be permitted for a home occupation when the sign area does not exceed two (2) square feet. This sign shall not be illuminated.
7. For residential dwellings, a residential nameplate not exceeding two (2) square feet in sign area that indicates the address and occupant will be allowed without a permit. This sign shall not be illuminated.
8. All wall signs must comply with the General Sign Requirements (5-10-3).

#### B. Freestanding Signs

1. No business establishment shall display a freestanding sign unless said establishment has a minimum of three (3) off-street parking spaces on the premises.
2. For businesses with four (4) but not more than seven (7) off-street parking spaces or automobile service areas, one (1) freestanding sign having a maximum sign area of thirty-two (32) square feet is allowed.
3. For businesses with eight (8) but not more than nineteen (19) off-street parking spaces or automobile service areas, two (2) freestanding signs, each having a maximum sign area of thirty-two (32) square feet, so long as the signs are at least one hundred (100) feet apart, are allowed.
4. For businesses with twenty (20) but not more than fifty (50) off-street parking spaces or automobile service areas, three (3) freestanding signs, each having a maximum sign area of thirty-two (32) square feet, so long as

each sign is located at least one hundred (100) feet apart from another sign are allowed.

5. For businesses with more than fifty (50) off-street parking spaces or automobile service areas, one (1) freestanding sign for each sixteen (16) such parking spaces or fraction thereof or automobile service areas, but not to exceed six (6) freestanding signs in the aggregate, with each having a maximum sign area of thirty-two (32) square feet and limited by no more than one (1) sign for each one hundred twenty (120) feet of street frontage, is allowed.
6. Highest point of a freestanding sign shall be no higher than twenty (20) feet.
7. Visibility at an entrance or intersection is a guideline for the minimum bottom sign height above grade. No freestanding sign shall be closer than two (2) feet from the public right-of-way line, nor shall it be located within the twenty-five (25) foot visibility triangle inside the property line at an intersection, or within a ten (10) foot visibility triangle inside the property at a driveway, unless the bottom of the sign is at least eight (8) feet above the average grade level.
8. Permanent subdivision or development signs at entry streets not exceeding fifty (50) square feet in sign area, inclusive of any logo, shall be allowed for any planned residential development, subdivision, multiple family apartment or condominium development with ten (10) or more lots or dwelling units. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance street, identification signs shall be allowed at each entrance. Both permanent subdivision entrance and directional signs must be on private property, must provide an unobstructed view to motorists and pedestrians as they approach intersections. Such signs may be indirectly lighted by spotlights or floodlights by a method and intensity approved by the Zoning Officer.
9. All freestanding signs must comply with the General Sign Requirements (5-10-3).

#### C. Projecting Signs

1. One (1) projecting sign will be permitted per business with a sign area not exceeding thirty-two (32) square feet.
2. No part of the sign may be closer than eight (8) feet above the ground surface below the sign.
3. The highest point of a projecting sign may not exceed the highest point of the building wall on which it is attached.
4. All projecting signs must conform to the General Sign Requirements (Section 5-10-3).

#### D. Canopies, Awnings, and Marquees

1. Canopies, awnings, and marquees may not extend five (5) feet beyond the building nor beyond the established street or curb edge.
  2. The architecture or appearance of the awning, canopy, or marquee should conform to the style of the building on which it is placed.
  3. The lowest point on the canopy, awning, or marquee should be no closer than eight (8) feet from the established grade below.
  4. Advertising on the canopy, awning, or marquee will be considered as part of the aggregate sign area of a projecting sign.
  5. All canopies, awnings, and marquees must comply with the General Sign Requirements (Section 5-10-3).
- E. Message Boards: Permanently constructed message boards must conform to the same architectural style as the building that it advertises for. The sign area of the message board must be included in the aggregate sign area whether it is a wall or freestanding sign.

5-10-8 - Temporary Signs:

A. Posters and Banners:

1. Posters and banners may be erected provided that they are maintained in good condition.
2. Posters and banners are not intended to substitute for a permanent sign.
3. When banners or posters are used as event signage, they must be erected no more than ten (10) days before the event and they shall be removed no later than two (2) days after the event.
4. Posters and banners are to be erected on-premise.

B. Portable Message Boards:

1. A portable message board is a freestanding, temporary sign intended to be movable and having a changeable message display.
2. One (1) permit may be issued to a person or a business for placement of a message board on a commercially or manufacturing zoned lot during a six (6) month time period (January 1st to June 30th and July 1st to December 31st) for a maximum display time of fourteen (14) days. Two (2) permits are allowed per calendar year.
3. Portable message boards may not be displayed more than ten (10) days prior to the date of which the event or activity advertised is to occur or to be conducted, and shall be removed within three (3) days after the termination thereof.
4. Portable message boards may not be permanently anchored or fastened down in an attempt to comply with the permanent, freestanding sign requirements in any circumstance.

C. Event Signs:

1. Four permits may be issued to a person or a business for placement of an event sign on a commercially or manufacturing zoned lot during a six (6) month time period (January 1st to June 30th and July 1st to December 31st) for a maximum display time of thirty (30) days.
2. Event signs may be placed off-premise with the permission of the lot owner provided that they are not attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on or extending into public property.

D. Real Estate Signs:

1. Real estate signs may be erected upon the subject property that is for sale.
2. Real estate open house signs shall be erected for a forty-eight (48) hour maximum duration for a single event.

E. Political Signs:

1. Political signs may be placed without a permit on a lot with the owner's permission.
2. Political signs must be removed within ten days of the voting event.
3. Political signs may not be attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on or extending into public property.

F. Garage Sale Signs:

1. Garage sale signs may be placed without a permit.
2. Garage sale signs may be placed off-premise, provided that they are not attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on or extending into public property.
3. Garage sale signs are to be erected no more than one (1) day before the event and they shall be removed no later than one (1) day after the event.

G. Project or Subdivision Construction Signs:

1. A development under construction shall be permitted one (1) temporary promotional sign not exceeding thirty-two (32) square feet in sign area nor exceeding eight (8) feet in height. When a development has frontage on two (2) or more existing and adjacent streets, a project construction sign shall be permitted along each frontage.
2. A development under construction shall be permitted any number of directional signs not exceeding ten (10) square feet in area nor exceeding three and one-half (3½) feet in height. Directional signs may be placed off-premise, provided they are not attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on or extending into public property.
3. Upon completion of the project or request of the Zoning Officer, the sign must be removed.

Section 5-11 - Wind Energy Systems:

5-11-1 - Purpose: It is the purpose of this subsection to regulate and promote the safe, effective and efficient use and placement of Wind Energy Systems.

5-11-2 - Definitions: For the purpose of this subsection, the following definitions shall apply unless the context clearly requires a different meaning.

*Total Extended Height:* The Wind Tower's height plus the length of one (1) blade.

*Wind Energy System:* Shall be comprised of a Wind Energy Turbine, a Wind Tower, and associated equipment and housing for the control of such Wind Energy System which is intended to primarily reduce consumption of utility power.

*Wind Energy Turbine:* A mechanical device that produces electricity from wind.

*Wind Tower:* A tower specifically built to hold a Wind Energy Turbine.

5-11-3 - Procedure: Application and approval of a Wind Energy System shall be allowed only as a special use in residential districts under the procedures as set forth in Section 6-2-4. Upon application for a special use permit the applicant shall be subject to the procedures and requirements of the Sandwich Zoning Ordinance and shall file a proposed site plan, scaled to accurate dimensions, showing the location and the height of the proposed facilities with respect to the subject site and all structures within a five hundred (500) foot radius. The applicant shall also provide a copy of the appropriate manufacturer's specifications and warranties, engineer's calculations and drawings and all such technical documents appropriate to substantiate compliance with the requirements of this section.

At the time of application, a written site assessment by a knowledgeable and trained assessor must be provided which evidences substantially that: (1) residential buildings served by the Wind Energy System are energy efficient; (2) that the area where the Wind Energy System is to be located is windy and open and, if possible, high; (3) the bottom of the turbine's blades (if blades are part of the Wind Energy System) are higher than any object within five hundred (500) feet of the tower; and (4) that there is a rational relationship in the size and design of the Wind Energy System considering actual wind speed and energy needs to its application.

5-11-4 - Standards: A Wind Energy System shall meet the following standards and procedures:

Set Back:

A Wind Energy System shall be set back at least the number of lineal feet equal to thirty percent (30%) of the Total Extended Height from all adjacent property lines, roads/rights-of-way, utility lines and overhead utilities.

- Noise: A Wind Energy System shall not exceed fifty-five (55) decibels when measured from any and all adjacent property lines at the ground level.
- Height: A Wind Energy System shall not exceed one hundred fifty (150) feet in height as measured from ground level.
- Other Requirement: A Wind Energy System shall meet all of the requirements and limitations set forth in paragraphs E., F., G., H., I., J., K., and L. of Section 5-4-4 of the Sandwich Zoning Ordinance.

- 5-11-5 - Zoning: A Wind Energy System shall be allowed only as a special use in residential zoning districts.
- 5-11-6 - Insurance: The owner shall be required to demonstrate that he can obtain, maintain, and must provide continuous adequate liability insurance for the Wind Energy System with property damage and personal liability coverage limits of not less than one million dollars (\$1,000,000) concerning the Wind Energy System. As to said insurance, the City shall be added as an additional insured, if legally possible. Further, any notice of non-payment of premiums or cancellation of such insurance shall be provided to City by both the insurance company and the owner.
- 5-11-7 - Decommissioning/Abandonment: The property owner shall, at its expense, complete decommissioning of the Wind Energy System, any individual Wind Turbine, or any and all parts thereof within six (6) months after the end of the useful life or after it becomes inoperable. If no electricity is generated for a continuous period of twelve (12) months then the Wind Energy System shall be considered inoperable and be decommissioned immediately according to this subsection. If the property owner fails to remove such a Wind Energy System, individual Wind Turbine, or any and all parts thereof within the above time periods, the City shall notify the owner that it shall remove the Wind Energy System, individual Wind Turbine or any and all parts thereof within two (2) months of the date of the notice. It is a violation of this ordinance for the property owner to fail to remove the Wind Energy System and, if the owner fails to remove it during the notice period, the City shall remove it at the owner's expense which shall be in addition to any fine or penalty.



## **Chapter 6 - Administration**

Section 6-1 - Zoning Officer: The Zoning Officer shall be in charge of the administration and enforcement of this ordinance.

6-1-1 - Duties: The Zoning Officer shall:

- A. Receive and review applications, issue permits, and furnish certificates, all in his judgment and discretion as authorized.
- B. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
- C. When requested by the Mayor and the City Council, or when the interest of the City so requires, make investigations and render written reports.
- D. Issue such notices or orders as may be necessary.
- E. Adopt procedures consistent with this ordinance.
- F. Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices, orders, and all localized actions of the City Council and shall file the same permanently by street address.
- G. Keep all such records open to public inspection, at reasonable hours, but not for removal from his/her office.
- H. Report to the Mayor and the City Council at least once a month as to permits and certificates issued, and orders promulgated.
- I. Request and receive the assistance and cooperation of the Police Department, the City Attorney, and of other City Officials.
- J. Inform the City Attorney of all violations and all other matters requiring prosecution or legal action.
- K. Be entitled to rely upon any opinion of the City Attorney as to the interpretation of this ordinance, or the legal application of this ordinance to any factual situation.
- L. Discharge such other duties as may be placed upon him/her by this ordinance.

Section 6-2 - Plan Commission:

6-2-1 - Jurisdiction: The Plan Commission of the City of Sandwich, which has been duly established, is the Plan Commission referred to in this ordinance, and shall have the following duties under this ordinance:

- A. To hear all applications for amendments and special uses and thereafter submit reports of findings and recommendations to the City Council in the manner prescribed in this section for amendments and special uses;
- B. To initiate, direct, and review, from time to time, studies of the provisions of this ordinance, and to make reports of its recommendations to the City Council not less frequently than once each year; and
- C. To hear and decide all matters upon which it is required to consider under this ordinance.

6-2-2 - Meetings and Rules: All meetings of the Plan Commission shall be held at the call of the Chairman, and at such time as the Plan Commission may determine. All hearings conducted by said Plan Commission under this ordinance shall be in accordance with Illinois Statutes. In all proceedings of the Plan Commission provided for in this ordinance, the Chairman, and in his/her absence the Vice Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Secretary of the Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision, or determination of the Plan Commission under this ordinance shall be filed in the office of the City Clerk and shall be a public record. The Plan Commission may adopt its own rules and procedures, not in conflict with this ordinance or with applicable Illinois Statutes.

6-2-3 - Amendments:

- A. Authority: The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time, by ordinance in accordance with applicable statutes of the State of Illinois. An amendment to the Zoning Ordinance or the zoning district boundary lines shall be granted or denied by the City Council only after public hearing before the Plan Commission and a report of its findings and recommendations has been submitted to the City Council.
- B. Initiation: Amendments may be proposed by the City Council, the Plan Commission, the Zoning Board of Appeals, other governmental bodies, or any resident of or any owner of property within the jurisdictional limits of this ordinance.
- C. Processing:
  - 1. An application for amendment shall be filed with the City Clerk. The City Clerk shall forward such application to the Plan Commission for

processing in accordance with applicable statutes of the State of Illinois and the provisions of this ordinance.

2. Notice shall be given of the time and place of the public hearing, published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation within the City of Sandwich; and a written notice by the petitioner shall be made, by certified return receipt mail at least fifteen (15) days before the hearing, on the owners of the properties located within two hundred and fifty (250) feet of the location for which the variation is requested.

- D. Protests: In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley or street there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the municipality, the amendment shall not be passed except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen of the City then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
- E. Decisions: The City Council, upon report of the Plan Commission, and without further public hearing, may make, grant, or deny any proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.

#### 6-2-4 - Special Uses:

- A. Purpose: The development and execution of the zoning ordinance is based upon the division of the City into zoning districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two (2) categories:
  1. Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.
  2. Uses entirely private in character, but of such nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

- B. Authority: Special uses shall be authorized or denied by the City Council in accordance with the provisions set forth in this ordinance for special uses. No application for a special use shall be acted upon by the City Council until after:
1. A written report is prepared and forwarded to the City Council by the Plan Commission in a manner prescribed herein for amendments to this ordinance; and
  2. A public hearing has been held by the Plan Commission after due notice by publication as prescribed herein, for amendments, and the findings and recommendations of the Plan Commission have been reported to the City Council.
- C. Initiation: An application for a special use may be made by any person, firm or corporation, or by an office, department, board, bureau, or commission requesting or intending to request a building permit or occupancy certificate.
- D. Processing:
1. An application for a special use, in such form and accompanied by such information as shall be established from time to time by the Plan Commission, shall be filed with the City Clerk, and therefore processed in the manner prescribed heretofore for applications and amendments.
  2. Notice shall be given of the time and place of the public hearing, published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation within the City of Sandwich; and a written notice by the petitioner shall be made, by certified return receipt mail at least fifteen (15) days before the hearing, on the owners of the properties located within two hundred fifty (250) feet of the location for which the special use is requested.
  3. The Plan Commission shall hold the public hearing and forward its recommendations in the form of a written report, to the City Council within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioner:
    - a. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community.
    - b. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or be injurious to property values or improvement in the vicinity.
    - c. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulation and conditions made a part of the authorization granted by the City Council.

- E. Protests: In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across and alley there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the municipality, the amendment shall not be passed except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of all of the Council of the City of Sandwich. Any proposed amendment which fails to receive the approval of a majority of the Plan Commission members and is so reported, shall not be passed by the City Council except by a favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen holding office of the City of Sandwich.
- F. Decisions: The City Council, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed special use in accordance with applicable statutes of the State of Illinois or may refer it back to the Plan Commission for further consideration.

### Section 6-3 - Zoning Board of Appeals:

6-3-1 - Jurisdiction and Authority: The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

- A. To hear and decide an appeal from an administrative order, requirement, decision, or determination made by the Zoning Officer under this ordinance.
- B. To hear or decide all other matters referred to it upon which it is required to decide under this ordinance.
- C. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance.

6-3-2 - Meetings and Rules:

- A. The Zoning Board of Appeals of the City of Sandwich, as heretofore created and established under the provisions of the Zoning Ordinance of the City of Sandwich, as amended, is hereby reconstituted and re-established as the Zoning Board of Appeals under the provisions of this comprehensive amendment. The said Board shall consist of seven (7) members appointed by the Mayor with the consent of the City Council. Members of the first Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified). One for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. Each appointed successor thereafter shall be for a five year term. One of the members of said Board shall be designated by the Mayor, with the consent of the City Council, as Chairman of said Board, and shall hold said office as Chairman until a successor is appointed. A second member shall, in like manner, be designated as Vice Chairman to conduct business in the absence of the Chairman.
- B. Meeting: All meetings of the Zoning Board of Appeals shall be held upon a quorum being present at the call of the Chairman or at such other times as the Board may determine. All testimony of witnesses at any hearing provided for in this ordinance shall be given under oath. The Chairman, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating the fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation. Every rule or regulation, every amendment or determination of the Board shall immediately be filed in the office of the Board and shall be public record. The Board may adopt its own rules of procedure not in conflict with the Statute in such case made and provided for in this ordinance.

6-3-3 - Appeals:

- A. Authority: The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, or determination under this ordinance, made by the Zoning Officer.
- B. Initiation: An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this ordinance.
- C. Processing:
  - 1. The appeal shall be taken within forty-five (45) days of the action complained of by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. Such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.
  - 2. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Officer certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due causes shown.
  - 3. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, or decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

6-3-4 - Variations:

- A. Authority: The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.
- B. Initiation: An application for a variation may be made by any person, firm, or corporation, or by an office, department, board, bureau, or commission requesting or intending to request application for a building permit, sign permit, or occupancy permit.
- C. Processing:

1. An application for a variation shall be filed with the City Clerk. The City Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable statutes of the State of Illinois and the provisions of this ordinance.
2. All variations shall be decided by the Zoning Board of Appeals after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation within the City of Sandwich; and a written notice by the petitioner is made by certified return receipt mail at least fifteen (15) days before the hearing on the owners of the properties located within two hundred fifty (250) feet of the location for which the variation is requested, except authorized variations as defined in Section 6-3-4-E.

D. Standards:

1. The Zoning Board of Appeals shall not grant variations of the provisions of this ordinance, unless it shall have made findings based upon the evidence presented to it in the following cases:
  - a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and
  - b. That the plight of the owner is due to unique circumstances; and
  - c. That the variation, if granted, will not alter the essential character of the locality.
2. A variation shall be granted only if the evidence, in the judgment of the Zoning Board of Appeals, sustains the conditions enumerated above.
3. For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
  - a. That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
  - b. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification.
  - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.



- d. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.
  - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.
4. The Zoning Board of Appeals may require conditions and/or restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.
- E. Authorized Variation: Variations from the regulations of the zoning ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set out in this section, without public hearing, but with proper public notice of meeting, and may be granted only on the following instances, and in no others:
- 1. To permit up to twenty percent (20%) reduction in the front, side, or rear yard required by this ordinance;
  - 2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots but in no event shall the respective area and width of the lot be less than ninety percent (90%) of the required area and width. The percentage set forth in this subparagraph is not to be reduced by any other percentage for minimum lot width and area set forth in this ordinance;
  - 3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;
  - 4. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater;
  - 5. To increase, by not more than ten percent (10%), the maximum gross floor area of any use so limited by the applicable regulations;
  - 6. To extend the period of time a non-conforming use may continue or remain; or
  - 7. To exceed any of the authorized variations allowed under this section, when a lot of record or a zoning lot, vacant or legally used on May 1, 1990, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of conveyance under threat of an eminent domain proceeding reduced in size so that the remainder of said lot does not conform with one (1) or more of the

regulations of the district in which said lot of record or zoning lot or structure is located.

Section 6-4 - Occupancy Certificate:

- 6-4-1 - No building or addition thereto, constructed after the effective date of this ordinance and no addition to a previous existing building shall be occupied, and no land vacant on the effective date of this ordinance shall be used for any purpose, until an occupancy certificate has been issued by the Building Inspector. No change in a use in any district shall be made until an occupancy certificate has been issued by the Building Inspector. Every occupancy certificate shall state that the use or occupancy complies with all provisions of this ordinance.
- 6-4-2 - Every application for a building permit shall also be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required shall be made to the Building Inspector.
- 6-4-3 - No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises have been inspected and certified by the Building Inspector to be in full and complete compliance with the plans and specifications upon which the zoning certificate was based. No addition to a previously existing building shall be occupied, and no new use of a building in any district shall be established until the premises have been inspected and certified by the Building Inspector to be in full compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Building Inspector is notified in writing that the building or premises is ready for occupancy.

## Section 6-5 - Zoning Permits:

- 6-5-1 - Land Outside Corporate Limits: Within any area lying outside the corporate limits of the City and subject to this Revised Zoning Ordinance, no building, structure, or addition thereto, shall be constructed nor shall any land be used for any use different than lawfully existed on September 1, 2002, unless a zoning permit is granted by the Zoning Officer of the City of Sandwich certifying that the proposed building, structure, or addition thereto and/or the use to which such building, structure, and/or land is to be used complies with the provisions of this ordinance.
- 6-5-2 - Community Residence: No building, structure, or addition thereto, shall be constructed nor shall any land or building be used for a community residence (group home or halfway house) for people with disabilities as a permitted use unless a zoning permit is granted by the Zoning Officer of the City of Sandwich certifying that the proposed building, structure, and/or land is to be used complies with the provisions of this ordinance.
- 6-5-3 - Action on application: The Zoning Officer shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application and/or the site plan does not conform to the requirements of this Revised Zoning Ordinance, the Zoning Officer shall reject such application in writing, stating the reasons therefor. If the Zoning Officer is satisfied that the proposed use and locations of buildings and structures, etc., conforms to the requirements of this Ordinance, the official shall issue a permit therefore within fifteen (15) days of application.
- 6-5-4 - Further, no zoning permit shall be granted for a community residence unless, at the time of filing the application for such zoning permit, notice of the date of filing the application together with a copy of the application shall have been given in writing by the applicant, by certified mail, return receipt requested, at least fifteen (15) days before the date of filing the application, on the owners of properties located within two hundred fifty (250) feet of the location for which the permit is requested.
- 6-5-5 - Signature to permit: The Zoning Officer's signature shall be attached to every zoning permit, or the Zoning Officer shall authorize a subordinate to affix such signature thereto.
- 6-5-6 - Revocation of permit: The Zoning Officer shall revoke a zoning permit or approval issued under the provisions of this Section 6-5 in case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based.
- 6-5-7 - Payment of fees: A zoning permit shall not be issued until the fee, if any, has been paid.
- 6-5-8 - Compliance with code: The zoning permit shall be a license to proceed with the use and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Zoning Ordinance or any other ordinance, except as specifically stipulated by modification or legally granted variation.

- 6-5-9 - Compliance with permit: All use of land and buildings and structures shall conform to the approved application and the approved site plan for which the zoning permit has been issued and any approved amendments to the approved application or the approved site plan.
- 6-5-10 - Compliance with site plan: All new work and uses shall be located strictly in accordance with the approved site plan.
- 6-5-11 - Preliminary inspection: Before issuing a building permit, the Zoning Officer shall, if deemed necessary, examine or cause to be examined all lands, buildings, structures, and sites for which an application has been filed for a zoning permit under this Section 6-5.
- 6-5-12 - Required inspection: After issuing a zoning permit, the Zoning Officer shall conduct inspections from time to time to determine legality of any use for which a zoning permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the Zoning Officer.
- 6-5-13 - Right of entry: The Zoning Officer shall have the authority to enter at any reasonable time any structure or premises for which a zoning permit has been issued for the purpose of determining compliance with this Zoning Ordinance.
- 6-5-14 - Within any area lying outside the corporate limits of the City or for the establishment of a community residence (group home or halfway house) for people with disabilities as a permitted use, subject to this Revised Zoning Ordinance, it shall be unlawful and a violation of this ordinance for any owner or agent thereof, or constructor or person or entity, to establish, construct or commence construction of a building or structure, or addition thereto or establish a use without first obtaining a zoning permit after certifying the proposed use of such building, structure, or addition thereto, or use of such land and a determination by the Zoning Officer which results in the granting of a zoning permit determining compliance with this ordinance for such use or building.
- 6-5-15 - Within any area lying outside the corporate limits of the City of Sandwich and subject to this Revised Zoning Ordinance, it shall be unlawful and a violation of this ordinance for any building official of any jurisdiction to grant a building permit for the construction of any building, structure, or addition thereto upon such property without first obtaining a copy of the City of Sandwich zoning permit certifying that City use regulations permits the use of the building or structure, or addition thereto sought.

Section 6-6 - Fees: The City Council shall establish a schedule of fees, charges, and expenses for occupancy certificates, appeals, applications for amendments or special use, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 6-7 - Separability: Each section, clause, and provision of this ordinance shall be considered as separable, and the invalidity of one (1) or more shall not have any effect upon the validity of other sections, clauses, or provisions of this ordinance.

Section 6-8 - Violation, Penalty, Enforcement: Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.

Section 6-9 - Repeal of Conflicting Ordinances: Any and all other ordinances, or parts of ordinances, in conflict herewith are repealed.

Section 6-10 - When Effective:

6-10-1 - This ordinance shall be in full force and effect immediately after passage, approval, and publication in book form according to law.

6-10-2 - Passed by the City Council of the City of Sandwich, Illinois on the 12<sup>th</sup> day of September, 2005.