

ZONING ORDINANCE

OF THE

CITY OF PERU, ILLINOIS

2001

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AMENDMENTS TO ZONING ORDINANCE

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Ordinance No. 3960 - June 16, 2003; Ordinance No. 3995 - September 22, 2003
Ordinance No. 4013 - December 15, 2003; Ordinance No. 4105 - September 8, 2004 Ordinance No. 4111 -
October 4, 2004; Ordinance No. 4200 - August 22, 2005
Ordinance No. 4219 - October 17, 2005; Ordinance No. 4224 - October 17, 2005
Ordinance No. 4229 - November 28, 2005; Ordinance No. 4364 - October 30, 2006
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Ordinance No. 4439 - July 9, 2007; Ordinance No. 4441 - July 9, 2007
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No. 4869 - January 4, 2012; Ordinance No. 4885 - March 12, 2012; Ordinance No. 4932 - July 2, 2012;
Ordinance No. 4974 - February 11, 2013; Ordinance No. 5067 - March 10, 2014; Ordinance No. 5071 -
March 10, 2014; Ordinance No. 5082 - April 7, 2014; Ordinance No. 5083 - April 7, 2014;

OFFICIAL ZONING MAPS

City of Peru Zoning Map

Amended by Ordinance No. 4105 - September 8, 2004; Ordinance No. 4118 - October 13, 2004
Ordinance No. 4213 - October 3, 2005;

City of Peru - Illinois Valley Regional Airport Zoning Map

City of Peru Extraterritorial Zoning Map

First revision June 17, 2002
Second revision September 22, 2003
Third revision November 10, 2004
Fourth revision December 8, 2005
Fifth revision November 16, 2006
Sixth revision July 10, 2007
Seventh revision December 22, 2008
Eighth revision April 13, 2009
Ninth revision October 12, 2009
Tenth revision December 21, 2009
Eleventh revision March 1, 2010
Twelfth revision March 23, 2010
Thirteenth revision September 27, 2010
Fourteenth revision August 31, 2012
Fifteenth revision November 25, 2013

CITY OF PERU
ZONING ORDINANCE

ARTICLE I - EXISTING RIGHTS

1.01. Title.

This Ordinance shall be known as and may be referred to as “The City of Peru Zoning Ordinance”.

1.02. Compliance.

- (a) It shall be unlawful to occupy or use any premises, building or structure in the City unless it is in full compliance with the provisions of this Ordinance, or for any purpose other than those purposes or uses described in this Ordinance as allowed or special uses in the district within which such buildings, premises or structures may be located.
- (b) It shall be unlawful to occupy or use any premises, building or structure in the City without compliance with all provisions of this Ordinance relative to setbacks, parking lots, or any other restrictions or requirements applicable to the district in which such building or premises or structures are located.
- (c) Therefore, those uses not expressly permitted are prohibited; (Amended by Ordinance No. 4885 March 12, 2012)

1.03. Pending actions.

- (a) The enactment of this Ordinance shall not in any way affect the liability of any person for a violation of the zoning ordinance enforced in the City prior to the enactment of this Ordinance, and no use shall be considered as a lawful nonconforming use under the provisions of this Ordinance unless such use was a lawful use at the time it was commenced under the provisions of whatever zoning ordinance may have been in force at such time.
- (b) The adoption of this Ordinance shall not be construed as abating any action now pending under or by virtue of the prior zoning ordinance of the City, or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or any liability, for a violation of such prior zoning ordinance.

ARTICLE II - PURPOSE AND INTENT

2.01. Purpose and intent.

- (a) *Purpose.*
- (1) This Ordinance regulates land use and structures in the City of Peru and in the 1.5 mile extraterritorial jurisdiction as shown on the City's Zoning Map.
 - (2) This Ordinance is adopted for the purposes of promoting the health, safety and general welfare of the citizens of Peru, future citizens and the general public. Protecting and promoting the health, safety and welfare is accomplished by zoning all properties into uniform districts which reflect their best use, conserve and enhance their value and conserve adequate air, light and space for a habitable environment.
- (b) *Intent.* This Ordinance will meet the desired goals of the City through the reinforcement of the following objectives:
- (1) To enhance the desirability of living in the City for all residents regardless of race, religion or background;
 - (2) To prohibit uses, buildings or structures incompatible with the character of the various districts;
 - (3) To establish standards to which buildings or structures shall conform;
 - (4) To regulate and limit the density of the use of lot areas, to prevent the overcrowding of land through regulating and limiting the height, bulk and area of open space within and surrounding buildings;
 - (5) To promote the redevelopment of uses and structures deemed to be incompatible and undesirable;
 - (6) To protect the residential development of the City through:
 - a. Continuation of single-family detached housing as the primary housing source;
 - b. Provision of adequate amounts and location of non-single family housing types;
 - c. Separation of residential areas from business or manufacturing activities;
 - d. Mixing of compatible housing types;
 - (7) To provide for diversity of business areas within the City and encourage their viability;

- (8) To require adequate off-street parking in business and industrial areas;
- (9) To control the use of land annexed to the City to ensure orderly and desirous expansion;
- (10) To protect the interests of other governmental agencies with jurisdictions within the City which also exist for the health, safety and welfare of the public;
- (11) To define and limit the powers and duties of the bodies and administrative officers that will enforce this Ordinance.

ARTICLE III - RULES AND DEFINITIONS

3.01. General rules.

- (a) *Rules of Construction.* The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:
 - (1) The singular number includes the plural, and the plural the singular.
 - (2) The present tense includes the past and future tenses; and the future the present.
 - (3) The word “shall” is mandatory, while the word “may” is permissive.
- (b) Anything not expressly permitted within the conditions of this Ordinance shall be prohibited.
- (c) *Meaning of Terms.* Whenever a term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof in Section 3.02.

3.02. Specific definitions.

Accessory structure. A subordinate structure (other than a private garage) which is located on the same zoning lot as the principal building, the use of which is incidental and customary to that of the principal building. Where an accessory structure is attached and made a part of the principal building, such an accessory structure shall comply in all respects with the requirements of this Ordinance applicable to the principal building. (Amended by Ordinance No. 4564 December 22, 2008)

Accessory use. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to locate elsewhere.

Acre. Forty-three thousand five hundred sixty (43,560) square feet.

Adult use. A striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions; or an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions.

Alley. A public right-of-way which affords secondary access to abutting property.

Antenna. The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

Antenna support structure. Any mast, pole, tripod, tower or similar structure used to support an antenna.

Antenna system. The combination of an antenna and antenna support structure.

Antenna system height. The overall vertical length of the antenna system above grade. If such system is located on a building, the overall antenna system height shall include the height of the building.

Approved combustible materials. Means any material more than five hundredths (0.05) inch in thickness, which burns at a rate of not more than two and one half (2 1/2) inches per minute when subject to the A.S.T.M.(American Society for Testing Materials) standard test for flammability in sheets of six-hundredths (0.06) inch thickness.

Automobile mart. Any building or premises used for dispensing, sale or offering for sale at retail any fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks but no repair services; also offering for retail sale convenience items without on-site consumption of food.

Automobile service and repair shops. Any building or premises where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Automobile service station. Any building or premises used for dispensing, sale or offering for sale at retail any automotive fuel or oils fossil fuels or other forms of energy that assists automobile movement, having pumps and storage tanks; also where battery, tire and automotive repair and other similar services are rendered when located wholly within lot lines. Where such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Does not include automobile or trailer sales lots (new or used) on which such vehicles are parked for purposes of inspection and sale.

Awnings. Any structure made of rigid frames covered by flexible covering or fabric attached to a building.

Bed and breakfast establishment. An operator-occupied residence providing to the public overnight guest room accommodations and breakfast for a charge. Bed and breakfast establishments shall not be hotels or motels.

Bedroom. A room or enclosed space in basement, first or upper story arranged and intended for sleeping purposes. In dwelling units of more than two (2) rooms in multi-family buildings each room in excess of two, other than bath, toilet rooms, laundries, pantries, foyers or communicating corridors shall constitute a bedroom whether or not arranged or intended for sleeping.

Boat or raft. Any unit that is to be used for water travel or pleasure.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building Inspector. Shall mean the official, appointed by the City to administer the City’s Subdivision and Site Development Regulations” ordinance and this Ordinance, and who also issues building permits.

Building, out. A business or commercial use not attached to the main unified center which may or may not be on a separate subdivided lot.

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

Building code. Shall be defined as the current edition of the “BOCA Code” which has been adopted as the City’s building code.

Bulk. A composite characteristic of a given building as located upon a given lot—not definable as a single quantity, but involving all of these characteristics:

- (a) Size and height of building;
- (b) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (c) Gross floor area of the building in relation to lot area (floor area ratio);
- (d) All open spaces allocated to the building; and
- (e) Amount of lot areas provided per dwelling unit.

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

Canopy. A roof like structure, other than an awning, made of some durable material with frames attached to a building and further supported by a frame to the ground, or supported by posts alone. Canopies shall include carports and shall comply with requirements for accessory structures, except for maximum area allowed. (Amended by Ordinance No. 4564 December 22, 2008)

City. Shall mean the City of Peru, Illinois.

Club or Lodge, Private. A non-for-profit group or association of persons who are bona fide members paying dues, and own, hire, or lease a building or portion thereof; the use of such premises being restricted to members and their guests. The board of directors, executive committee, or similar body chosen by the members conduct the affairs and management of such not-for-profit private club or lodge. It shall be permissible to serve food and meals on the premises, provided adequate dining space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the not-for-profit organization, and further provided that the sale of alcoholic beverages is in compliance with applicable federal, state, and county laws.

Commercial vehicle. Any motor vehicle used by or for a business or service which may or may not bear any sort of advertising for that business or service.

Communication device. Any apparatus such as antenna systems or satellite dish stations of which the principal function is to send or receive television, radio, or data microwave signals.

Compatible retail or service use. A business establishment which is compatible with existing conforming uses of this ordinance. A particular business establishment is compatible with existing conforming uses if:

- (a) Locating the particular business establishment in the business area will tend to increase interchange of customers with other business establishments in the business area; and
- (b) Locating the particular business in the shopping area will not create:
 - (1) Dead spots where a shopper may lose interest in going further; or
 - (2) Driveways or other physical breaks in the sidewalk which are larger than required to provide necessary off-street parking and loading; or
 - (3) Traffic hazard, noise, odor, unsightliness or other pedestrian inhibiting factors; or
 - (4) Significantly increases non-shopper traffic.

The presence or absence of competition between the particular business establishment, and surrounding establishments shall not be considered a factor in determining compatibility by the Zoning Board.

Conflict point. Includes a street intersection, an intersection between a street and a private drive or any other point of potential conflict or impact between two (2) or more vehicles (including bicycles) or between vehicles and pedestrians operating or proceeding on street drives, sidewalks, or other avenues or ways for normal vehicular or pedestrian travel.

Copy change. An electronically controlled advertising structure which displays the time, temperature, public service message or other copy.

Covenants, restrictive. Any contract restricting the manner in which land may be used.

Day care facility. Any facility designed for the care of pre-school or school age children which meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the Illinois Department of Children and Family Services.

Day care home. Any residential dwelling operated as a facility for the care of children exclusively, by a resident or member of the resident's family, and which holds a valid license issued by the Illinois Department of Children and Family Services, when such state license is required.

Density, gross. In determining units per acre in planned developments, the total square footage of the property shall include the building site, plus surrounding streets and other immediately adjacent and necessary surrounding land.

Density, net. In determining units per acre in planned developments, the total square footage of the property shall be limited to the building site area only.

Department store. A retail store with a floor area of more than twenty thousand (20,000) square feet offering for sale at retail some or all of the goods permitted in the B-2 and B-3 districts.

Development. Man-made change of real estate including construction, repair or placement of a building or addition, installation of utilities, mining, drilling, construction of roads, levees, dams, culverts, walls, fences, and bridges, demolition of a structure, filling, dredging, grading, excavating, paving, clearing or other non-agricultural alterations of the ground surface, and any other activity that might change the height, direction, or velocity of flood or surface water. A development does not include maintenance of existing buildings and facilities, such as re-roofing or resurfacing of pavement, or gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

Disability. A physical or mental impairment which substantially limits one (1) or more of a person's life activities or impairs the person's ability to live independently.

Dog enclosure or run. A fenced in area within a required yard which is intended to restrain dogs.

Drive-in establishment. A business which is operated for the sale and purchase at retail of food and other goods, services or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.

Drive-through establishment. A place of business which through design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dumpster enclosure. Any type of approved screening for trash receptacles.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings; but not including hotels, motels, board or rooming houses, tourist homes, and trailers.

Dwelling unit. Residential accommodation--including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two (2) roomers or boarders. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Dwelling, attached. A dwelling which is joined to other dwellings at both sides by common walls, as one of a series of not more than eight (8) dwellings arranged in a row including the semidetached dwellings at the ends.

Dwelling, detached. A residential building which is entirely surrounded by open space on the same lot.

Dwelling, multiple-family. A residential building containing three (3) or more dwelling units.

Dwelling, semi-detached. A dwelling which is joined to another dwelling at one side only by a common wall.

Dwelling, single-family. A residential building containing one dwelling unit, entirely surrounded by open space.

Dwelling, two-family, detached. A dwelling having two (2) dwelling units, one above the other.

Dwelling, two-family (duplex). A residential building containing two (2) dwelling units which share a common structural division without openings.

Easement. A right given by the owner of land to another party for a specific, limited use of that land.

Engineer. A registered engineer of the State of Illinois under the Illinois Professional Engineering Act (225 ILCS 32/1, et seq.)

Face of sign. The surface area of the sign upon which a message may be displayed or illustrated.

Family. One (1) person or two (2) or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than three (3) persons not all so related, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two (2) roomers, boarders, or permanent guests - whether or not gratuitous.

Fast food establishment. Eating establishments whose principal business is the preparation of food for immediate sale and consumption, generally served in disposable containers and wrappers, where orders are placed and picked up by patrons at the sales window(s), counter(s), or service area(s) for consumption on or off the premises, where seating is normally without full-time waiter service. These establishments often provide drive-through facilities.

Fence. An enclosure or barrier constructed of wood and/or human-made material(s) used to delineate boundary or as a means of confinement.

Fence, decorative. All fencing which is ornamental or embellished and shall include but is not limited to the following types of fencing: post and rail, split rail, oak horse and picket, but excluding chain link.

Fence, open. A fence having a regular pattern with more than fifty (50) percent open space in the plane of the fence.

Fence, semi-open. A fence having a regular pattern of between ten (10) and fifty (50) percent open space in the plane of the fence.

Fence, solid. A fence having a regular pattern with less than ten (10) percent open space in the plane of the fence.

Flashing signs. Means any illuminated sign which contains an intermittent or flashing light source, and is not constant in intensity and color when in use.

Flat roof. Any roof with a slope of less than 2 in 12 shall be considered a flat roof. (Amended by Ordinance No. 4564 December 22, 2008)

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

Floodplain. Any area equal to or lower than the base flood elevation which is susceptible to being inundated by water from any source including, drainageways with a tributary area in excess of 640 acres, isolated depressional areas with a surface area greater than 0.25 acres at the time of inundation, and any area indicated as a SFHA on a FIRM map, the limits of which are defined by superimposing the base flood elevation on the best available topographic information for the area.

Floor area, gross. For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings--measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- (a) Basement space, if at least one-half (1/2) of the basement story height is above the average grade of the adjoining ground, or used for purposes other than storage.
- (b) Elevator shafts and stairwells at each floor.
- (c) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 1/2) feet, except equipment, open or enclosed, located on the roof, i.e.: Bulkheads, water tanks and cooling towers.
- (d) Attic space where the structural headroom exceeds seven and one-half (7 1/2) feet.
- (e) Interior balconies and mezzanines.

- (f) Enclosed porches, but not terraces and breezeways.
- (g) Accessory uses and structures, when determining the floor area ratio.

Floor area ratio. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

Funeral home and undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include, as a service provided, the cremation of corpses.

Garage, private. A detached building or an accessory portion (but not an accessory structure) of the principal building intended for and used to store the private passenger vehicles, boats, trailers, motor homes, campers, snowmobiles, all terrain vehicles and/or other recreational accessories of the residents upon the premises, and in which no business, service or industry connected directly or indirectly with these items is carried on, and provided that not more than one-half (1/2) of the space may be rented for private vehicles of persons not residents on the premises, except that all of the space in a garage of one or two car capacity may be so rented. A garage is not an accessory structure. Such garage shall not be used for more than one commercial vehicle per family resident upon the premises, but no such commercial vehicle shall exceed six thousand (6,000) pounds gross vehicle weight. Garages may include areas for work space for hobbies and special interests (non commercial) and storage of equipment used to maintain the structures and property where they are located. (Amended by Ordinance No. 4564 December 22, 2008)

Garage, public. Any building where motor vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Garage, storage. A building used solely for the storage of passenger vehicles, but not for the service or repair thereof nor the sale of fuel, accessories or supplies.

Group home. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located.

Height of structure, measurement. The vertical dimension from ground level to the ridge of a sloped roof structure, or to the coping of a flat roofed structure.

Home occupation. Any occupation or profession conducted in a dwelling unit by an occupant of the dwelling unit which is incidental and secondary to the use of the dwelling unit.

Hospice. A temporary residential living arrangement for persons with a disease that requires full-time support, therapy and/or treatment.

Hotel. A building which provides a common entrance, lobby, halls and stairways and in which lodging is offered with or without meals to ten (10) or more transient guests.

Hotel apartment. A hotel which contains dwelling units, and boarding rooms and in which at least fifty (50) percent of the gross floor area devoted to residential use shall be allocated to such dwelling units.

Illuminated sign. Any sign which has characters, letters, figures, designs or an outline illuminated by electric lights, luminous tubes or other means; or a sign illuminated by a source of light which is cast upon or falls upon the surface or face of the sign to illuminate by reflection only.

Illuminated traffic signal. Any traffic control device or sign duly authorized by law which is illuminated by electric lights or luminous tubes.

Isolated depressional area. Any area inundated by the base flood that is not a regulatory floodplain or a channel or drainage-way.

Junkyard. An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

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

Landscaping. The planting of grass or ground cover, together with the mandatory planting of ornamental shrubbery or trees.

Land surveyor. A licensed professional land surveyor of the State of Illinois, under the Illinois Land Surveyors Act (225 ILCS 330/1, et seq.).

Liquefied petroleum gas. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: Propane, propylene, butane (normal butane or isobutane) and butylene.

Living area - residential. The habitable area of the residence that is heated and is, or could be, occupied. The ground floor area shall be measured from the outside of the exterior walls above the foundation and be the level closest the ground at the main entrance less areas that are not habitable. The second floor area shall be measured from the outside of the exterior walls at the level above the ground floor less areas that are not habitable. Habitable areas can include areas that are the finished area in walk-out basements and split levels provided they comply with code requirements for habitable rooms. Unfinished basements, attics, porches, covered porches, greenhouses, decks, garages, and unheated storage areas are not included in living area. (Amended by Ordinance No. 4564 December 22, 2008)

Loading or unloading berth. An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, or trailers.

Lodging room. A room rented as sleeping and living quarters, but without cooking facilities and with or without a bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one “lodging room”.

Lot. A parcel of land designated as a lot on a recorded plat of subdivision, and having its principal frontage upon a street.

Lot, corner. A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot, improved. A lot containing a principal structure.

Lot, interior. A lot other than a corner lot.

Lot, through. A lot having a pair of opposite lot lines along two (2) or more parallel public streets, and which is not a corner lot.

Lot, unimproved. A lot without a principal structure.

Lot, zoning. A single subdivided tract of land or group of subdivided tracts of land which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit.

Lot area. The area of a horizontal plane bounded by the lot perimeter lines.

Lot depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot line. A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot line, front. That boundary of a lot which is along an existing or dedicated street. A corner lot must use the smaller lot dimension as the front lot line.

Lot line, rear. That boundary of a lot which is most distance from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any boundary of a lot which is not a front or rear lot line.

Lot width. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

Marquee. A permanent structure projecting from part or all of the building face but not supported at ground level.

Message board. An advertising structure on which copy or characters are changed manually in the field.

Mini-warehouse. A building or group of buildings in a controlled access compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers of no more than five hundred (500) square feet of floor area for the dead storage of customer's goods or wares in enclosed buildings or in the open for a distance not to exceed thirty (30) feet from the outer walls of said building or buildings; provided, however, that no such storage shall be allowed outside of a mini-warehouse on any side which faces any zoning district other than "M" Manufacturing District. No volatile materials are allowed.

Mobile home. A trailer designed and constructed for dwelling purposes, which may contain cooking and sanitary facilities.

Motel (tourist court). A building or group of detached, semidetached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Motels do not include hotels, boarding houses or trailer camps.

Motor freight terminal (truck terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motorized home. A portable dwelling designed and constructed as a self-propelled vehicle.

Moving sign. Means any sign that has an external or visible part, or parts, that move, rotate, or spin. Copy changes which indicate time, temperature or date shall not, for that reason alone, be considered moving signs.

Nameplate. A sign identifying only the name, occupation or profession and address of the business or occupant of the lot where the sign is placed; or a directory listing the names, addresses and businesses of the occupants.

Nonconforming structure. Any structure which does not comply with all of the regulations of this Ordinance governing the bulk for the district in which such building is located, or is designed or intended for a nonconforming use.

Nonconforming use. A structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment thereto governing the 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 structure was erected, enlarged or altered, and the use thereof or the use of the land was established.

Oriel window. A bay window built out from a wall and resting on a bracket or similar support.

Overhead utility lines. Wires or cables used for distribution and/or transmission of public services (i.e. electricity, cable television, telephone) that are located above the ground.

Parking space, automobile. A suitably surfaced and permanently maintained area on privately owned property, either within or outside a building, of sufficient size to store one standard automobile, but in no event less than two hundred (200) square feet, exclusive of passage-ways, driveways, or other means of circulation or access.

Performance standard. A criteria established to control smoke and particulate matter, noise, odorous mater, toxic matter, vibration, fire and explosion hazards, glare, and radiation hazards generated by or inherent in uses of land or buildings.

Person. Every natural individual, firm, partnership, association, corporation or organization of any kind.

Pickup coach. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

Planned development. Shall mean a land development project, comprehensively planned as an entity via a unitary site plan which permits flexibility in building, mixture of housing types and land uses, usable open spaces, and the preservation of significant natural features.

Porch. A roofed over structure, projecting out from the wall or walls of the principal structure which is commonly open to the weather.

Recreational vehicle. Shall mean a vehicular portable structure, mounted on a vehicle chassis, primarily designed for recreation purposes.

Restaurant. Any food service establishment in which food or drink is prepared for sale or for service on the premises or elsewhere (including but not limited to restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tea room, sandwich shop, soda fountain, roadside stand, drive-in, or similar place).

Ringlemann Chart. The “Ringlemann Chart” is one which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke and smoke density.

Roof sign. Means any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building.

Satellite dish station. Also referred to as “earth stations” or “ground stations” shall mean any antenna with an essentially solid surface, whether flat, concave or parabolic which is designed for receiving communication signals from a transmitter relay located in planetary orbit or on the planet itself.

Screening. Any solid fencing, walls, or landscaping used to conceal a structure, or the like from an outside observation.

Setback, front yard. The minimum horizontal distance between the front line or side line of the building and the property line at the street, disregarding steps but including open or closed porches. (Amended by Ordinance No. 4564 December 22, 2008)

Setback, rear yard. The minimum horizontal distance between the rear line of the building and the rear lot line.

Setback, side yard. The minimum horizontal distance between the side line of the building and the side lot line.

Sign. Means every sign, copy change, flashing sign, streamer, window promotional sign, billboard, freestanding sign, attached sign, roof sign, illuminated sign, temporary sign, marquee, awning, canopy, and any announcement, declaration, demonstration, display illustration or insignia containing words, printing, pictures, designs, or combinations hereof used to identify or inform or advertise or promote the interests of any person, business, profession, product or service when the same is placed in view of the general public. The frame work, inserts, panels and supports are all included as parts of the sign itself. Sign supports need not be removed until after a period of 24 months from the date the sign has been ordered to be removed by the Building Inspector which period may, upon good cause shown, be extended by the Building Inspector for up to another 12 month period. (Amended by Ordinance No. 4364 Oct 30, 2006)

Sign, attached. A sign attached to or held in place by supports attached to a principal structure.

Sign, development. A temporary on-premises sign for the purpose of advertising a new construction project or development during the period in which it is being constructed as well as the initial renting/selling period.

Sign, event. A sign advertising the name, duration, and/or place of a business promotion, carnival, festival, bazaar, political campaign or similar event, provided the sign shall be displayed for a short period of time.

Sign, freestanding. A sign supported by pedestal(s), pier(s), column(s), or other similar support(s) either in or upon the ground, and which is not attached to any building.

Sign, noncommercial. A sign, providing no commercial advertising of any kind, used to identify public or educational institutions, churches, parks and other similar, non-commercial activities.

Sign, nonconforming. A sign existing at the effective date of this Ordinance which could not be constructed under the terms of this Ordinance.

Sign, temporary. A non-permanent sign erected, affixed or maintained for a short, usually fixed, period of time.

Sign, window promotional. A sign which promotes a price of service offered by the business or commercial use and is located in the window of said establishment.

Special use. A “special use” is permission granted by the City Council for use of property in a way not ordinarily permitted in a given zoning district classification.

Stable, private. A stable is any building, located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four (4) horses for the private use of the residence, but shall not exceed six hundred (600) square feet in area.

Stable, public. A stable where horses are kept for remuneration, hire or sale.

Stand, roadside. A structure for the display and sale of products with no space for customers within the structure itself.

Street. A public or private right-of-way which affords the primary means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including but not limiting the generality of the foregoing, advertising signs, fences and towers.

Structural alteration. Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Subdivision regulations. The “City of Peru Subdivision and Site Development Regulations”.

Tavern or bar. A place of business that serves alcoholic beverages with a legally approved liquor license.

Unified center. A building or buildings located on a single lot which has at least two (2) separate business or commercial uses.

Use. The purpose or activity for which the land, or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, nonconforming. Any lawfully established use of a building or premises which on the effective date of this Ordinance does not comply with all the applicable use regulations of the zoning district in which such building or premises shall be located. For the purpose of this Ordinance, any use lawfully established on the effective date of this Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities, as required hereinafter for new uses, shall not be deemed a nonconforming use.

Used car lot. Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks and the storing of same prior to sale.

Variation. A “variation” is a grant of relief by the City Council, pursuant to the terms of this Ordinance, from specific limitations of the zoning ordinance with reference to a structure to be constructed or modified, or a use on a given zoning lot or parcel of land.

Vehicle, motor. Any automobile, pickup, mini-van, van, semi, motorcycle or other vehicle propelled or drawn by mechanical power.

Vehicle, private passenger. Any automobile, pickup three-quarter (3/4) ton or less, mini-van, van or motorcycle owned and used by the occupant for private, every day transportation use.

Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as hereinafter permitted. A “yard” extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

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 that the required depth or width of the applicable yard. A structure or other obstruction shall not encroach into the area between the “yard line” and such adjacent lot line, except for between such permitted obstructions in yards as are set forth in this Ordinance.

ARTICLE IV - GENERAL PROVISIONS

4.01. Interpretation.

- (a) The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- (b) Where the conditions imposed by any provisions of this Ordinance 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 of this Ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards of requirements shall govern.
- (c) This Ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

4.02. Separability.

It is hereby declared to be the intention of the Mayor and City Council of the City of Peru that all provisions of this Ordinance are separable, in accordance with the following:

- (a) If any court or competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure or use, such judgment shall not affect the application of said provision to any other structure or use not specifically included in said judgment.

4.03. Number of buildings per lot.

- (a) Each zoning lot in the City may be improved but shall not exceed one principal building, except for lots zoned PD, Planned Development.
- (b) No accessory structures are allowed without a principal structure.

4.04. Lot Divisions

No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless all lots resulting from each such division shall have lot areas and widths as required by this Ordinance.

4.05. Trailers & Mobile Homes

Mobile homes, motorized homes, travel trailers, or camping trailers shall not be occupied for dwelling purposes except in lawfully established mobile home parks or tourist camps. Mobile homes or travel trailers shall not be parked or stored on any lot other than in a lawfully established mobile home park, tourist camp, or trailer sales or manufacturing establishment, except that, in a residence district, one travel trailer may be stored within an enclosed structure on a lot. No more than one camping trailer may be parked or stored in the open or within an enclosed structure on a lot in a residence district, and only when it is in conformance with paragraph 7.03(d)(1)c of this ordinance.

4.06. Tents

Tents shall not be erected, used, or maintained on any lot, except such small tents that are customarily used for recreation purposes and located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted when a permit has been issued by the Building Inspector.

4.07. Allowable uses of land or buildings.

The following uses of land or buildings are allowed in the districts indicated hereinafter in Articles X, XI, XII, XIII and XIV and under the conditions specified in this Ordinance:

- (1) Uses lawfully established on the effective date of this Ordinance;
- (2) Allowed uses as designated in Articles X, XI, XII, XIII and XIV;
- (3) Special uses;
- (4) Accessory uses.

4.08. Prohibited uses of land or buildings.

- (a) No building or tract of land shall be devoted to any use other than one which is specified as an allowed or special use in Articles X, XI, XII, XIII and XIV in the zoning district in which such building or land is located.
- (b) In the event a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structures may be completed in accordance with approved plans; subject to the provisions of Article IX of this Ordinance.
- (c) Therefore, those uses not expressly permitted are prohibited. (Amended by Ordinance No. 4885 March 12, 2012)

4.09. Control over use.

No building or premises shall be used or occupied and no building or part thereof or structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

4.10. Control over bulk.

- (a) All new buildings shall conform to the bulk requirements established herein for the districts in which each building shall be located.
- (b) No existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to further conflict with the bulk regulations of this Ordinance for the district in which such building shall be located.

4.11. Height restrictions for building appurtenances.

- (a) Spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, fire towers, air conditioning equipment, elevator equipment and similar structures and the necessary appurtenances shall not cover more than ten (10) percent of the roof area.
- (b) Said structures shall not exceed a height of one hundred (100) feet or more than twenty-five (25) feet above the height limit prescribed by the regulations of the district in which the site is located, whichever is less.

4.12. Allowed obstructions; yards.

For purposes of this Ordinance, allowed obstructions shall be as stated in the zoning regulations of each district. Any obstruction not specifically listed shall not be allowed.

4.13. Zoning of annexed land.

All land hereafter annexed to the City of Peru shall be classified as R-1, Single-Family District, unless provision for other classifications is made by ordinance after a public hearing as required by law.

4.14. Flood Plain Regulations.

All lands determined to be in the floodplain shall be subject to the regulations of Article VII, entitled "Flood Plain Regulations" contained in the City's "Subdivision and Site Development Regulations" ordinance.

4.15. Erosion and sedimentation control.

All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of Article VIII, entitled “Erosion and Sedimentation Control Measures” found in the City’s “Subdivision and Site Development Regulations” ordinance.

4.16. Airport land use and hazard zoning.

All future land use planning and zoning in the area affected by the airport, shall be in conformance with this ordinance and the accompanying “City of Peru, Illinois - Illinois Valley Regional Airport Zoning Map”.

Hazard zoning for a much larger area, including other municipalities and other counties, is regulated by Illinois Administrative Code 92, Part 95 entitled “Illinois Valley Regional Airport Hazard Zoning”.

4.17. Storage of junk, refuse and disabled or damaged motor vehicles.

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts.

4.18. Construction on public right-of-ways.

No auxiliary structures or obstructions or landscaping shall be placed on public right-of-ways.

ARTICLE V - USE DISTRICTS

5.01. District classifications.

R-1	Single-Family District
R-2	Single-Family District
R-3	Single- and Two-Family District
R-4	General Residence (Multiple-Family) District
B-1	Neighborhood Shopping District
B-2	Community Shopping District
B-3	Central Business District
B-4	Highway Business District
B-5	Office Business District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District
A-1	Agricultural District
PD	Planned Development District

5.02. Zoning maps.

(a) *Official zoning maps.*

- (1) i. The location and boundaries of the districts established by this Ordinance within the corporate boundaries of the City are hereby set forth on the zoning map entitled "City of Peru Zoning Map".
- ii. Airport zoning, outside the corporate boundaries, are set forth in the zoning map entitled "City of Peru - Illinois Valley Regional Airport Zoning Map".
- iii. All other extra-territorial area zoning is set forth on the zoning map entitled "City of Peru Extraterritorial Zoning Map".

All amendments, notations, references and other matters shown thereon, shall be part of this Ordinance.

- (2) The City zoning maps shall be kept on file in the office of the City Clerk and shall be open to public inspection at all times during which the Clerk's office is customarily open. Any person desiring a copy of any of the maps shall pay a fee as provided in the fee schedule established by the Mayor and City Council.
- (3) To reflect changes and adaptations, the official zoning maps shall be annually updated and revised.

(b) *Boundaries of districts.*

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules apply:

- (1) A zoning district boundary line following a street or extension thereof shall be construed to be the centerline of such street or extension,

- (2) A zoning district boundary line approximately following a lot line or extension thereof within a subdivision shall be construed as following such lot line or extension,
- (3) Where a zoning district boundary line divides a lot in single ownership, the regulations of this Ordinance for either portion of such lot may, at the owner's discretion, apply to the entire area of the lot or twenty-five (25) feet beyond the zoning district boundary line - whichever is the lesser distance, and
- (4) Questions concerning the exact locations of district boundary lines shall be resolved by the City Council.

5.03. Zoning of streets, alleys, public and railroad rights-of-way.

- (a) All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways and railroad rights-of-way.
- (b) Where the centerline of a street, alley, public way or 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 centerline.

ARTICLE VI - GARAGES, ACCESSORY STRUCTURES, AND USES

6.01. Accessory structures.

- (a) *Regulations.* The following regulations shall apply to all accessory structures, unless the structure is an integral part of the principal structure. If an accessory structure is attached to a principal structure, it shall follow all applicable standards of that zoning district for the principal structure.
- (1) **Maximum area/height:** Maximum area of accessory structures shall be 150 square feet each. Maximum number of accessory structures on a lot shall be two (2). All accessory structures shall not exceed a side wall height of eight (8) feet and a ridge height of twelve (12) feet in any Residential District. Bath houses, constructed as part of in-ground swimming pool projects, shall be considered accessory structures and shall not exceed a ridge height of fifteen feet (15'). (Amended by Ordinance No. 3869 June 17, 2002) (Amended by Ordinance No. 3960 June 16, 2003) (Amended by Ordinance No. 4105 September 8, 2004) (Amended by Ordinance No. 4564 December 22, 2008)
 - (2) **Minimum distance requirements:**
 - a. From principal building: Ten (10) feet.
 - b. From side lot line: Five (5) feet.
 - c. From rear lot line: Five (5) feet.
 - (3) **Location:** All accessory structures shall be located in rear yards or side yards.
 - (4) **Ground floor area:**

The total ground floor area of all detached garages and accessory structures located in a rear yard shall not exceed twenty-five (25) percent of the area of such rear yard. (Amended by Ordinance No. 4564 December 22, 2008)
 - (5) **Permits:** All accessory structures 100 square feet or less require a zoning certificate, but no fees are required. All accessory structures over 100 square feet require a building permit and payment of required fees. (Amended by Ordinance No. 4013 December 15, 2003) (Amended by Ordinance No. 4564 December 22, 2008)
- (b) *Corner lots.*
- (1) Accessory structures shall not encroach upon the side yard adjacent to the street of a corner lot.
 - (2) Accessory structures shall not encroach upon the side yard setback in the rear yard adjacent to the street.
- (c) *Through lots.* Accessory structures may not encroach upon the rear yards of a through lot unless six (6) foot high screening, the type of which is to be approved by the Building Inspector, is provided.
- (d) *Location in easement.* It is the responsibility of permit holders to determine the presence and use of all easements. Any violations of easement rights may result in the removal of all improvements at the owner's expense. Easement holders shall be entitled to the unrestricted use of easement areas.
(Amended by Ordinance No. 3960 June 16, 2003)

6.01.1 General requirements for private garages.

- (a) This section shall pertain to attached and detached garages as indicated.
- (b) Attached or detached garages that are over 1,000 square feet shall not have floor drains connected to the sanitary sewer unless an oil interceptor is installed pursuant to the Illinois Plumbing Code.
- (c) Any garage with over twenty-eight (28) linear feet of garage doors shall be required to screen the doors by one of the following methods: landscaping; turning the garage so the doors do not face the street; fence; combination of these. Purpose of the screening shall be to lessen the visual impact of a large area of garage doors to neighbors. Plans indicating screening method must be submitted and approved by the Building Inspector as part of the permit process. It is strongly recommended, but not required, that a garage with over twenty (20) linear feet of garage doors comply with this requirement.
- (d) Garage doors shall be residential in appearance. Commercial looking garage doors are not allowed, as determined by the Building Inspector.
- (e) Total area of all garages, detached or attached, and all accessory structures shall not be larger than the ground floor living area of the primary residence or exceed 1,200 square feet in area, whichever is less.
- (f) No garage doors shall be installed over eight feet (8') tall without a variance. (Amended by Ordinance No. 4564 December 22, 2008)

6.01.2 Attached private garages.

- (a) Regulations. The following regulations shall apply to all attached garages. Variations to these requirements may be sought through the variance process.
- (b) Maximum height. Same as primary structure indicated for the Residential District.
- (c) Maximum floor area: 990 square feet net in total of all attached garages.
- (d) Minimum setback distance requirements shall be the same as for the primary building.
- (e) Exterior finish materials used on attached garages shall be consistent with materials used on the primary structure unless those materials are no longer available, in which case the materials shall be complimentary to the primary structure. Materials used other than those consistent with the primary structure must be approved by the Building Inspector prior to the start of construction. Owners that take issue with materials not approved may go through the variance process. (Amended by Ordinance No. 4564 December 22, 2008)

6.01.3 Detached private garages.

- (a) Regulations. The following regulations shall apply to all detached garages. Variations to these requirements may be sought through the variance process.
- (b) Maximum height. Garage shall not exceed a height of twenty-two (22) feet in R-1 single family, detached dwelling district and not more than eighteen (18) feet in all other residential districts if the garage has a sloped roof. Garages shall not exceed a height of twelve (12) feet in any residential district if the garage has a flat roof. The garage shall not exceed the height of the primary structure.
- (c) Maximum floor area: 990 square feet gross in total of all detached garages or the ground floor living area of the principal residence, whichever is less.
- (d) Minimum distance requirements:
 - From principal building: ten (10) feet
 - From side property line: five (5) feet
 - From rear property line: five (5) feet
- (e) Ground floor area. The total ground floor area of all detached garages and accessory structures located in the rear yard shall not exceed twenty-five (25) percent of the area of such rear yard.
- (f) Exterior finish materials used on detached garages shall be consistent with materials used on the primary structure or complimentary to the structure. The Building Inspector must approve such material prior to issuing a permit. Owners that take issue with materials not approved may go through the variance request.
- (g) Permits. All detached garages require building permits and payment of required fees. (Amended by Ordinance No. 4564 December 22, 2008)

6.02. Communication devices.

- (a) *General requirements.*
 - (1) City Ordinance No. 3622, dated July 7, 1999, governing communications devices and all subsequent revisions thereof, shall take precedence over the requirements listed in this Ordinance.
 - (2) The regulations listed in this section shall govern communication devices in residential zoning.

(b) *Specific requirements.*

- (1) Permits. All communication devices shall be required to obtain a building permit and make payment of any required fees.
- (2) Standards. All communication devices shall be installed, maintained, and grounded according to the standards as stated in the building code.
- (3) Restrictions. All communications devices shall be subject to the following restrictions:
 - a. Communication devices shall not protrude in any manner upon the public right-of-way or adjoining property.
 - b. Communication devices shall not be located in any front yard, or in any side yard abutting a street.
 - c. Communication devices shall not be allowed on any undeveloped lot.
 - d. Advertising, logos, or symbols shall not be allowed on any communication device, nor shall any communication device be illuminated by direct or indirect lighting.
 - e. All communication devices shall be neutral in color.

(c) *Residential districts.*

The following requirements apply to all communication devices in residential districts.

- (1) Antenna systems.
 - a. Ground mounted restrictions.
 - i. Height. Ground mounted antenna systems shall not exceed the lesser of:
 - aa. Fifty (50) feet; or
 - bb. The distance from the base of the antenna system to the nearest property line.
 - ii. There shall be no more than one ground mounted antenna system on a single zoning lot.
 - b. Roof mounted height restrictions. Roof mounted antenna systems shall not exceed the lesser of:
 - i. The height of the roof plus ten (10) feet; or
 - ii. The distance from the base of the antenna tower system (at its connection point with the roof) to the nearest property line.
- (2) Satellite dish stations.
 - a. Height. No part of any satellite dish station shall exceed twelve (12) feet above ground level.
 - b. Size. The diameter or any exterior dimension of any satellite dish station shall not exceed ten (10) feet.

- c. Location. All satellite dish stations must be located in rear yards and comply with the minimum distance requirements for Accessory Structures, as stated in Section 6.01(a)(2).
 - d. Number. Only one satellite dish station shall be allowed on each dwelling unit.
 - e. Screening. All satellite dish stations shall be subject to acceptable screening requirements, as determined by the Building Inspector in writing, so that no part of said station shall be visible from any adjoining lot or street.
 - f. Exception. A satellite dish station which has no exterior dimension greater than three (3) feet and which is three (3) feet or less in diameter, shall be exempt from these regulations.
- (d) *Planned development districts.* Unless otherwise stated, all satellite dish stations in planned development districts shall be subject to the rules and regulations of the particular use they fall under.

6.03. Fences.

- (a) *General requirements.*
 - (1) Permit. It shall be unlawful to construct, erect or replace on private property or upon any public property in the City, a fence, as defined in this Ordinance, without first obtaining a building permit from the Building Inspector and making payment of required fees.
 - (2) Restrictions. All fence types, except barbed wire, electrically charged or other types designed to cause injury, shall be allowed unless ruled against by the Building Inspector.
 - (3) Required fences. Swimming pools. Fences shall be required around swimming pools as provided in the building code and the City swimming pool ordinance.
 - (4) Dumpster enclosures. All fencing or other enclosures around dumpsters shall be subject to approval by the Building Inspector to ensure promotion of the health, safety and welfare of the City.
 - (5) All grade determinations at fence line shall be made by the Building Inspector. (Amended by Ordinance No. 3869 June 17, 2002)
- (b) *Residential districts.* All fencing in residential districts shall comply with the following requirements:
 - (1) Height. All fencing shall not exceed six (6) feet in height from grade. All vertical and horizontal supports and bracing shall face the interior of the lot on which it is constructed.
 - (2) Front yards. In front yards, only decorative fencing shall be allowed, and shall conform to the following standards:

- a. The total amount of all decorative fencing in any front yard shall not exceed twenty (20) linear feet in length.
 - b. Decorative fencing shall not exceed three (3) feet in height.
- (3) Pet enclosures. A pet enclosure or run shall be allowed only within rear yards and when located on lots abutting a street, said enclosure shall not be located in the half of the rear yard which abuts the street. All pet enclosures or runs must conform to the following standards:
 - a. Said enclosure shall not exceed six (6) feet in height.
 - b. Said enclosure shall not exceed two hundred (200) square feet.
- (4) Interior lots.
 - a. Front yard: All fencing, except decorative fencing shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
- (5) Corner lots.
 - a. Front yard: All fencing, except decorative fencing shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
 - d. Side yard abutting a street: All fencing, except that allowed as a special use, shall follow the required front yard setback of that zoning district.
 - e. Rear yard abutting a street: All fencing, except that allowed as a special use, shall follow the required front yard setback of that zoning district.
- (c) *Business districts.* All fencing in business districts is subject to review and approval by the Building Inspector to ensure promotion of the health, safety and general welfare of the City. No fence shall exceed six (6) feet in height, unless allowed as a special use.
- (d) *Manufacturing districts.* All fencing in manufacturing districts shall comply with the following requirements:
 - (1) Height. All fencing shall not exceed eight (8) feet in height unless otherwise specified in this Ordinance.
 - (2) Front yards. In front yards, only decorative fencing shall be allowed, and shall conform to the following standards:
 - a. The total amount of all decorative fencing in any front yard shall not exceed forty (40) linear feet in length.
 - b. Decorative fencing shall not exceed three (3) feet in height.
 - (3) Interior lots.
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.

- c. Rear yard: No setback requirement.
- (4) Corner lots.
 - a. Front yard: All fencing, except decorative fencing, shall follow the required setback of that zoning district.
 - b. Side yard: No setback requirement.
 - c. Rear yard: No setback requirement.
 - d. Side yard abutting a street: All fencing shall follow the required front yard setback for that zoning district.
 - e. Rear yard abutting a street: All fencing shall follow the required front yard setback for that zoning district.
- (e) *Planned development districts.* All fencing in planned development districts shall conform to the following minimum requirements:
 - (1) Residential areas with lots. In all residential areas with lots, the fence regulations specified in Section 6.03(b) shall apply.
 - (2) Residential areas without lots. In all residential areas without lots, the fence regulations in Section 6.03(b) shall apply, unless different regulations are established in separate declaration approved by the City.
 - (3) Business areas. In all business areas, the fence regulations in Section 6.03(c) shall apply.
 - (4) Manufacturing areas. In all manufacturing areas, the fence regulations in Section 6.03(d) shall apply.

6.04. Home occupations.

- (a) *Home occupations.* The following are allowable home occupations provided they do not violate any of the standards of subparagraph (c) below, and receive a special use permit from the City Council pursuant to Sections 15.12 and 15.13 of this Ordinance. (Amended by Ordinance No. 3869 June 17, 2002)
 - (1) Computer programming.
 - (2) Day care home.
 - (3) Dressmaking, sewing and tailoring.
 - (4) Musical instruction.
 - (5) Painting, sculpturing, or writing.
 - (6) Tutoring.

- (7) Baked goods operation
- (b) *Other home occupations.* Any proposed home occupation that is not specifically allowed by Section 6.04(a) shall be considered if it meets the standards of Section 6.04(c).
- (c) *Standards.* Home occupations in all residence districts shall be as special uses and shall be any business or occupation carried on by a member of the immediate family residing within the dwelling in connection with which:
 - (1) The home occupation is incidental and secondary to the use of the dwelling for dwelling purposes and does not occupy more than one-fourth of the floor area of a story, cellar or accessory structure.
 - (2) There are no signs, display or activity that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling, except one sign, not more than one square foot in area, with approval of the City Council.
 - (3) There are no commodities sold, or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or U.S. letter carrier mail service or other small parcel delivery service.
 - (4) There is no person other than one additional member of the immediate family residing on the premises employed or otherwise engaged in the home occupation.
 - (5) All activity, including storage, is conducted completely within the dwelling unit, attached garage or detached garage.
 - (6) There are no special structural alterations, or construction features, to the dwelling, attached garage or detached garage, nor the installation of special equipment attached to walls, floors or ceilings.
 - (7) There is not perceptible noise, odor, smoke, electrical interference or vibration emanating from the structure.
 - (8) There is no more than one customer or client on the premises at the same time, except for day care homes.
 - (9) There is no activity between the hours of 11:00 p.m. and 7:00 a.m.

6.05. Garage sales, yard sales or rummage sales.

These sales are regulated by Ordinance No. 3666 entitled “An Ordinance Regulating Garage Sales”.

6.06 Auctions of buildings or goods.

- (a) Auctioneers are obligated to register an auction event with the Peru Police Department at least seven (7) days in advance of the sale.

- (b) Adequate parking must be available or arrangements must be made for traffic control, as approved by the Peru Police Department.

ARTICLE VII - OFF-STREET PARKING AND LOADING REGULATIONS

7.01. Purpose.

The purpose of this article is to alleviate or prevent congestion of public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles.

7.02. General requirements.

(a) *Requirements of motor vehicle parking and loading.*

- (1) In all zoning districts, off-street automobile motor vehicle parking and loading space shall be provided as an accessory use in accordance with the requirements of this article.
- (2) At the time any building or structure is erected, enlarged, or expanded in height or ground coverage, the accessory parking and loading area must conform to regulations in this article.
- (3) All new or enlarged parking areas and loading areas require a building permit before commencing construction.
- (4) In all residential zoning districts, a permanently installed driveway surface in accordance with the requirements of Section 7.04(a) shall be installed within six months after issuance of occupancy permit. (Amended by Ordinance No. 4111 October 4, 2004)

(b) *Existing parking and loading spaces.* Accessory off-street parking and loading spaces in existence on the effective date of this Ordinance may not be reduced in number unless currently exceeding the requirements of this section for equivalent new construction, in which event said spaces shall not be reduced below the number required herein for such equivalent new construction.

(c) *Permissive parking and loading spaces.* Nothing in this Article VII shall prevent the establishment of additional off-street parking or loading facilities to any existing use of land. However, those off-street parking areas accessory to existing multiple family structures cannot be located off the premises containing the main use unless on a lot adjacent thereto.

(d) *Yards; use.*

- (1) Off-street parking.
 - a. Accessory off-street parking spaces which are required for a principal structure and which are not enclosed may be located in any required yard on the same lot as the principal structure, except that in a residentially zoned district or a residential area of a planned development zone, parking in front yards or a side yard

on a corner lot abutting a street shall be only on that portion of the yard improved for a driveway or off-street parking purposes.

b. Required setbacks.

- i. No off-street parking space shall be located closer than five (5) feet from any street right-of-way line, or two (2) feet from any interior property line, except when parking and driveway are shared between two (2) adjacent properties.
- ii. No off-street parking space nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located.

(2) Off-street loading. Space for each off-street loading berth may occupy any part of any required yard.

(3) Private Driveways.

i. Driveway widths.

- i. In Residential Districts, driveways in the public right-of-way shall be not less than 9 feet wide, nor more than 18 feet wide for a single vehicle garage; nor more than 28 feet wide for a two vehicle garage; nor more than 35 feet wide for a 3 or 4 vehicle garage. All dimensions shall be measured at the property line. The Building Inspector's decision in calculation of driveway width shall be conclusive and, in making that decision, the Building Inspector may consider the structural integrity of the driveway and surrounding sidewalks and landscaping.
(Amended by Ordinance No. 4111 October 4, 2004)
- ii. In non-residential districts, driveway widths shall not exceed 35 feet.

ii. The acute angle formed at the intersection of a driveway and a street pavement edge shall be not less than 60 degrees.

iii. Corner Lot Drive Location. On corner lots, the spacing between the nearest edge of the driveway pavement to the street right-of-way line of an adjacent intersection street shall not be less than 15 feet.
(Section 7.02(d)(3) Amended by Ordinance No. 3869 June 17, 2002)

(e) *Repairs.*

- (1) There shall be no commercial or on-going automotive repairs on a lot in a residential district.
- (2) No commercial repair work or service of any kind to motor vehicles shall be conducted on open parking areas or loading areas.

(f) *Location.*

- (1) Off-street parking. All accessory off-street parking facilities required herein shall be located as follows, measured as a linear distance from the nearest point of the parking area to the nearest entrance of the structure that said parking is required to serve.
 - a. Spaces accessory to one- and two-family dwellings: on the same lots as the principal use served.
 - b. Spaces accessory to multiple family dwellings: on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
 - c. Spaces accessory to uses located in a business or manufacturing district: within four hundred (400) feet of a main entrance to the principal building served.
 - d. Spaces accessory to uses located in a residential district, other than residential dwellings: within four hundred (400) feet of a main entrance to the principal building served.
- (2) Off-street loading. All accessory off-street loading areas required herein shall be located on the same lot as the use to be served.
 - a. No such berth shall be located closer than fifty (50) feet to any other lot in any residential district unless wholly within a completely enclosed building or unless screened from such lot in the residential district by a wall or a uniformly colored solid fence not less than six (6) feet in height.
 - b. No allowed or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) street right-of-way lines.

7.03. Schedule of parking requirements.

(a) *General requirements.*

- (1) When determination of the number of off-street parking spaces required by this article results in a requirement of a fractional space, any fraction of one-half (1/2) or more shall be counted as one parking space, while a fraction of less than one-half (1/2) may be disregarded.
- (2) Handicapped spaces. All off-street parking facilities shall be designed and constructed in accordance with the requirements of the current federal “Americans with Disabilities Act”.

(b) *Required spaces.*

Spaces required for a use. The following uses shall provide as a minimum, the following number of parking spaces.

- (1) For one or two-family dwellings: Three (3.0) spaces per dwelling, including one garage space per dwelling.
- (2) Multiple-family dwellings: Two (2.0) spaces per unit without garages; or two and twenty-five-hundredths (2.25) spaces per unit with garages.
- (3) Hospitals: One and one-tenths (1.1) spaces per bed.
- (4) Assembly uses: One space for each two and five-tenths (2.5) seats; or bench seating spaces based on maximum capacity.
- (5) Funeral homes: One space per one hundred (100) square feet of gross chapel and lounge areas for the public.
- (6) Hotels and motels and tourist cabins: One space for each living or sleeping unit; plus additional spaces for affiliated uses according to the requirements set forth in this Article VII.
- (7) Restaurants and taverns. The parking for restaurants and taverns shall conform to the greater of:
 - i. One space per one hundred (100) square feet of gross floor area, excluding any basement or second story storage areas; or
 - ii. One space per two and five-tenths (2.5) seats.
- (8) Carry-out restaurants without any sit-down seating: One space per three hundred (300) square feet of gross floor area.

- (9) Business and retail uses: One space per three hundred (300) square feet of gross floor area; except such as would fall under one of the foregoing classifications but not including manufacturing or warehouse and storage uses. This requirement may be waived by the City in the B-3 Central Business District.
 - (10) Manufacturing, warehouse and storage uses: One space per thousand (1,000) square feet of gross floor area in manufacturing and warehousing uses; plus one space per three hundred (300) square feet of gross floor area in office uses.
- (c) *Joint parking facilities.* Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for such use.
- (1) The plan commission may recommend the joint use of parking facilities by the following uses or activities under the following conditions:
 - a. Up to fifty (50) percent of the parking facilities required by this article for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by certain other types of buildings or uses specified under (e) below.
 - b. Up to fifty (50) percent of the off-street parking facilities required by this article for any building or use specified under (e) below may be supplied by the parking facilities provided by uses specified under (a) above.
 - c. Up to one hundred (100) percent of the parking facilities required by this article for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under (a) above.
 - d. Two (2) or more commercial lots, each under different ownership, may be allowed joint parking facilities if a written agreement is made between the owners in which an amenity is provided satisfactorily to the City, such as landscaping, screening, or a reduction in curb cuts.
 - e. For the purposes of this section, the following uses are considered as primarily day-time uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses.
 - (2) Conditions required for joint use.

- a. The building or use for which application is being made to utilize off-street parking facilities provided by another building or use shall be located within four hundred (400) feet of such parking facilities.
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - c. A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City attorney, shall be filed with the Building Inspector.
- (d) *Parking or storage of certain vehicles in residential districts.* Vehicles shall be subject to the following regulations when parked or stored in residential districts.

(1) Yard use.

- a. Parking between the front line of any portion of the building and street shall be limited to private passenger vehicles, and only one of the following: pickup coaches when mounted on a pickup or a truck chassis, pickup truck or van, or shall be in accordance with Section 7.03(d)(1)c.
- b. On corner lots, parking between the street and building shall be limited to private passenger vehicles and only one of the following: pickup coaches when mounted on a pickup or truck chassis, pickup truck or van, or shall be in accordance with Section 7.03(d)(1)c.
- c. In interior side and interior rear yards, the parking of private passenger vehicles and pickup trucks shall be allowed when on a paved surface. In addition, only one of the following shall be allowed:
 - i. Recreational vehicles, including motorized home; or
 - ii. Pickup coach; or
 - iii. Boat trailer, with or without a boat or raft mounted on it, or unmounted boat or raft; or
 - iv. Commercial vehicles, except semi-tractors, semi-tractor trailers, construction equipment and any vehicle with a gross vehicle weight in excess of 14,000 pounds, when owned by the occupant. (Amended by Ordinance No. 4364 October 30, 2006)

Any vehicle included in items i. thru iv. shall be allowed to park in a front yard or a side yard adjoining a street, if there is no access to

an interior side yard or rear yard. Such vehicle shall be parked perpendicular to the street that is contiguous to said front yard line.

- (2) In totally enclosed garages, the parking of the following vehicles shall also be allowed:
 - a. Any motor vehicle owned by the occupant;
 - b. Recreational vehicle;
 - c. Boats and rafts;
 - d. Trailers; or
 - e. Commercial vehicles; when owned or used by the occupant.
- (3) A recreational vehicle or motorized home shall not be used for the purposes of human habitation while parked or stored on any residential lot.
- (4) A recreational vehicle, pickup coach, or boat shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (5) No vehicle or trailer shall be parked or stored so as to block any public right-of-way, or be a visual obstruction to traffic.
- (6) A motor vehicle that is in an inoperative condition or not licensed, or not insured, shall not be allowed on any residential property for more than forty-eight (48) hours unless it is in a totally enclosed garage. All major repairs shall be performed within an enclosed garage in residential areas.
- (7) Nothing in the provisions of this Ordinance shall be construed to prohibit trucks and other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering services to the property owner.

7.04. Design and maintenance of off-street parking areas.

- (a) *Surfacing.* All open off-street parking areas shall be improved with a durable and dustless surface and graded and drained as to dispose of all surface water, according to construction standards as stated in the City's "Subdivision and Site Development Regulations" ordinance, Article 11.03. Pavements must be portland cement concrete, or bituminous concrete on a flexible base, paving blocks, or brick designed for driveway use according to manufacturer's recommendations. (Amended by Ordinance No. 4111 October 4, 2004)

- (b) *Lighting.* All open off-street parking areas shall be illuminated and lighting shall be arranged so as to provide glareless illumination and to direct the light away from adjoining properties.
- (c) *Curbs and wheelstops.* All open off-street parking areas shall provide fixed concrete wheelstops or a continuous curb around its perimeter, according to construction standards as stated in the City’s “Subdivision and Site Development Regulations” ordinance.
- (d) *Minimum Standards of Parking Spaces, Aisles and Parking Bays.*
 - (1) All off-street parking lots shall be governed by the dimensional requirements for parking lots, specified in “Architectural Graphic Standards, Current Edition.” (Section 7.04 (d) (1) amended by Ordinance No. 3869 June 17, 2002)
 - (2) Each parking space shall have a vertical clearance of at least seven (7) feet.
- (e) *Landscaping.* In all open off-street parking lots, an area equal to at least ten (10) percent of such paved parking and maneuvering area shall be devoted to landscaping.
 - (1) A five (5) foot landscaped strip shall be placed between all sidewalks and parking areas.
 - (2) Landscaping along the periphery of parking lots with over twenty (20) spaces shall not constitute more than fifty (50) percent of the total landscaping area requirement.
 - (3) Landscaping along the periphery of parking lots with twenty (20) or fewer spaces may be applied toward the total landscaping area requirement.
- (f) *Screening.* Manufacturing and business districts. All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
 - (1) Said screening device shall be at least four (4) feet in height and shall not exceed six (6) feet in height.
 - (2) Said screening device shall not exceed a height of three (3) feet within twenty-five (25) feet of driveways, approachways, or intersections.
 - (3) Any wall or fence, if painted, shall be one color, and be a neutral earth tone.
- (g) *Maintenance.* All parking areas shall be maintained at all times in a broom clean condition without potholes, broken wheelstops or curbing, or other surface irregularities. All landscaping shall be maintained in a flourishing condition.

Striping shall be visible at all times, and all illumination shall be maintained in functioning condition.

7.05. Required off-street loading space.

- (a) *Off-street loading space.* In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space on the basis of the minimum requirements specified in this article.
- (b) *Additional requirements.* In addition to Section 7.02., required off-street loading berths shall comply with the following minimum standards.
 - (1) *Size.* Each off-street loading berth shall be subject to the following minimum dimensions.
 - a. Width: Twelve (12) feet.
 - b. Length: Thirty-three (33) feet.
 - c. Height (when covered): Fourteen (14) feet.
 - (2) *Location.* All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No allowed or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street, unless no other location is available.
 - (3) *Access.* Each 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, subject to approval by the Building Inspector.
 - (4) *Surfacing.* Each off-street loading berth shall be improved with a durable and dustless surface and graded and drained so as to dispose of all surface water according to construction standards as stated in City's Subdivision and Site Development Regulations" ordinance. Pavements shall be portland cement concrete or bituminous concrete on a flexible base.
- (c) *Required loading berths.* The following uses shall provide, as a minimum, the said amount of off-street loading berths.
 - (1) Hospitals, hotels, motels and similar uses:
 - a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus

- b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (2) Retail, commercial uses, establishments handling the sale and/or consumption of food on the premises and similar uses:
- a. One berth for six thousand (6,000) to ten thousand (10,000) square feet of gross floor area; or
 - b. Two (2) berths for ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for twenty-five thousand (25,000) to forty thousand (40,000) square feet of gross floor area; or
 - d. Three (3) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet or fraction one-half (1/2) or more thereof.
- (3) Auditoriums, theatres, places of assembly, bowling alleys and similar uses:
- a. One berth for ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - b. One additional berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (4) Industrial, manufacturing, warehouse, storage and similar uses:
- a. One berth for ten thousand (10,000) to sixteen thousand (16,000) square feet of gross floor area; or
 - b. One twelve-foot by fifty-foot berth for sixteen thousand (16,000) to forty thousand (40,000) square feet of gross floor area; or
 - c. Two (2) twelve-foot by fifty-foot berths for forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area; plus
 - d. One additional twelve-foot by fifty-foot berth for each additional one hundred thousand (100,000) square feet or fraction thereof.
- (5) Undertaking establishments, funeral parlors, and similar uses:
- a. One eight-foot by twenty-five foot berth for five thousand (5,000) to twenty-five thousand (25,000) square feet of gross floor area; plus

ARTICLE VIII - SIGNAGE

8.01. General requirements.

- (a) *Sign types.* For the purposes of this section, all signs shall fall into one of the following sign types.
 - (1) Permanent freestanding; or
 - (2) Permanent attached; or
 - (3) Temporary.
- (b) *Permits.* It shall be unlawful for any person to erect, enlarge, alter, or relocate, or within the City any sign or other advertising structure as defined in this Ordinance without first obtaining a building permit.
 - (1) Fees. The permit application fees for each sign shall be as provided in the fee schedule.
 - (2) Illuminated signs. All illuminated signs shall, in addition, be subject to the provisions of the National Electric Code.
- (c) *Gross surface area calculation.* When calculating the gross surface area of a sign, the following shall be taken into account.
 - (1) The area within the sign frame shall be considered the gross surface area.
 - (2) Should letters or graphics be mounted directly on a wall or fascia or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area contained within the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof.
 - (3) Only one side of a double-faced sign shall be used in computing total surface area.
 - (4) The area of a multiple-faced or irregular-shaped signs shall be computed on the basis of the greatest projected area of any plane passed through the sign face.
- (d) *Location.*
 - (1) On-premise requirement. All signs or advertising structures shall be located on the lot being served.

- (2) Roof-mounted prohibition. Signs or advertising structures shall not be located on or project over the roof of a structure.
- (3) Wall-painted sign prohibition. Signs shall not be painted directly on the wall of any structure.
- (4) Sidewalk area requirement.
 - a. Signs or advertising structures that require the use of hoisting machines over the sidewalk shall require, for the protection of the public, the sidewalk to be roped off during the work in question.
 - b. Under no circumstances, when work is being done pursuant to this section, shall any hoisting machine be permitted to occupy the sidewalk area.
- (5) Obstructions to exits.
 - a. Signs shall not be permitted which prevent free ingress or egress from any door, window or fire escape.
 - b. No signs of any kind shall be attached to a stand pipe or fire escape.
- (6) Traffic hazards prohibited.
 - a. Signs or other advertising structures shall not be placed in a public right-of-way; however, projecting signs and awnings for marquees, when approved by the City Council and, if applicable, the City of Peru Downtown Business District Development and Redevelopment Commission, may overhang a public sidewalk, but shall have a minimum of eight (8) feet vertical clearance above the walk and have a minimum of three (3) feet horizontal clearance from the face of the curb or edge of roadway. (Amended by Ordinance No. 3869 June 17, 2002)
 - b. Signs or other advertising structures shall not be erected in such a location where pedestrian/vehicle conflicts occur.
 - c. Signs or other advertising structures shall not be erected at the intersection of any street or in such a manner as to distract or obstruct the visibility of traffic signs or signals or the flow of traffic.
 - d. Signs or other advertising structures shall not be so worded, phrased or lighted in such a manner as to interfere with, mislead or confuse traffic.

- (7) Clearance from power lines. No sign shall be erected within ten (10) feet of any line conductors, service drops or power lines without the consent of the City of Peru Power System Superintendent.
 - (8) Any vinyl sign shall be removed upon direction of the Building Inspector if in need of repair or replacement as determined by the Building Inspector.
(Amended by Ordinance No. 4364 Oct 30, 2006)
- (f) *Illumination of signs.* The following regulations shall apply to illuminated signs.
- (1) Location. Illuminated signs located on a lot adjacent to any residential district shall not be operated between the hours of 11:00 p.m. and 7:00 a.m. In the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.
 - (2) Projection. All illuminated signs shall concentrate the illumination upon the area of the sign and shall minimize glare upon the street or adjacent property.
 - (3) Operation. Unless otherwise stated, all illuminated signs shall give off an illumination which is not intermittent and which is kept stationary or consistent in color.
 - (4) Copy changes. In addition to the above regulations, all copy changes shall be subject to the following restrictions:
 - a. Location. No copy changes shall be located at a distance from a conflict point which is less than fifty (50) feet times the vertical height in inches of the tallest character on the sign.
 - b. Operation. Copy changes may give off an illumination which is intermittent provided it is kept stationary or consistent in color.
 - c. Visibility. All message and character signs may be illuminated; however, background illumination shall be prohibited.
 - (5) Goose neck reflectors. Goose neck reflectors and lights shall be allowed on freestanding signs and attached signs, provided, however, the reflectors shall be so provided with devices concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- (g) *Permanent message boards.* All permanent message boards shall conform to the following requirements:
- (1) All message boards shall be included in the gross surface area of signage allowed for a sign.

- (2) A permit shall not be required to change the copy on a message board.
- (h) *Maintenance.*
 - (1) The owner of any sign, whether or not a permit is required, shall be required to maintain such a sign in a safe, presentable and good structural and material condition, as determined by the Building Inspector.
 - (2) Any sign not maintained in compliance with these standards may be ordered to be removed by the Building Inspector.

8.02. Permanent signage in residential districts.

- (a) *Freestanding signs.* The following regulations shall apply to all freestanding signs in residential districts.
 - (1) Subdivision identification signs.
 - a. Display. Lettering shall not be more than one foot in height and shall only indicate the name of the subdivision.
 - b. Gross surface area. No single subdivision identification sign shall exceed one hundred (100) square feet in gross surface area.
 - c. Height. Acceptable height shall be determined by the Building Inspector.
 - d. Application.
 - i. Applications for construction of a subdivision identification sign shall be submitted to the Building Inspector.
 - ii. Applications shall include a scaled rendering of the subject sign, location map and a list of construction materials.
 - iii. The Building Inspector may require alterations to the submitted plan if it is determined that such plan is not consistent with public safety, or public interest.
 - e. Ownership and maintenance.
 - i. As a condition of constructing and installing a subdivision identification sign, the developer or a duly established homeowners association for said subdivision shall own and maintain the sign; and shall execute an agreement

acceptable to the City Council providing for such maintenance.

- ii. Failure of developer or homeowners association to satisfactorily perform such agreement shall constitute grounds for the City to cause the sign's removal.

(2) Non-commercial signs.

- a. Location. A sign shall not be located nearer than eight (8) feet from the nearest interior lot line and not less than one-half the depth of the required yard from the nearest lot line adjoining a street.
- b. Number of signs. Only one freestanding sign shall be allowed per lot.
- c. Gross surface area. A single freestanding sign shall not exceed fifty (50) square feet in gross surface area.
- d. Height. The height of a single freestanding sign shall not exceed eight (8) feet.

(b) *Attached signs.* Only the following types of permanent attached signs shall be allowed in residential districts, subject to the following standards:

- (1) Number of signs. Only one attached sign is allowed on a lot.
- (2) Gross surface area. A single attached sign shall not exceed fifty (50) square feet in gross surface area.

(c) *Illumination of signs.* Only non-commercial signs may be illuminated, subject to the provisions of Section 8.01(f).

8.03. Permanent signage in business districts.

(a) *Single user lots.* The following regulations shall apply to all signage on single user lots in all business districts.

- (1) Total signage.
 - a. The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage, except:

- i. In B-1 Districts: One and one-half (1.5) square feet for each linear foot of lot frontage.
 - ii. In B-4 Districts, where a single user lot is less than two (2) acres in lot area: Two (2) square feet for each linear foot of lot frontage.
 - b. A minimum of forty (40) square feet shall be maintained for all lots.
- (2) Freestanding signs.
 - a. Number of signs. Only one freestanding sign shall be allowed per lot, except:
 - i. In B-4 Districts where a single user lot is greater than two (2) acres in lot area: Two (2) freestanding signs are allowed.
 - ii. In B-5 Districts where a lot is greater than two (2) acres in lot area: Two (2) freestanding signs are allowed.
 - b. Display. A sign shall display only information pursuant to the business conducted on the single user lot.
 - c. Gross surface area. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except:
 - i. In the B-3 District: Eighty (80) feet.
 - ii. In B-4 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. Single sign. A single freestanding sign shall not exceed one hundred twenty (120) square feet.
 - bb. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
 - d. Height. The height of a freestanding sign shall not exceed twenty (20) feet, except:
 - i. In B-4 Districts where a single user lot is greater than two (2) acres in lot area:
 - aa. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet.

- bb. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.
- (3) Attached signs.
 - a. Display. A sign shall display only the name information pursuant to the business conducted on the single user lot.
 - b. Gross surface area. A single attached sign shall not exceed one hundred (100) square feet in a gross surface area, except in B-4 Districts where a single user lot is greater than two (2) acres in lot area, a single attached sign shall not exceed one hundred twenty (120) feet in gross surface area.
- (4) Illumination. Signs may be illuminated according to the provisions in Section 8.01(f).
- (b) *Unified center less than two (2) acres.* The following regulations shall apply to all signage in a unified center located on a parcel of land less than two (2) acres in all business districts.
 - (1) Freestanding signs.
 - a. Number of signs. Only one freestanding sign shall be allowed.
 - b. Display. Except as stated in Paragraph (v) below, a free standing sign shall display the name and location of a unified center and may display the names of individual tenants located within the center provided that: (Amended by Ordinance No. 3960 June 16, 2003)
 - i. The gross surface area of the display of the name and location of the unified center shall be no less than twice the gross surface area of the largest individual tenant display.
 - ii. Each individual tenant display shall be a minimum of six (6) square feet in gross surface area.
 - iii. All individual tenant displays shall be uniform in size and color.
 - iv. Individual tenants with a linear lot frontage of one hundred (100) feet or greater shall be allowed to display their colored business logo.
 - v. In the B-3 District, information pursuant to individual tenants in a unified center two (2) acres or less may not be displayed on freestanding signs.

- c. Gross surface area. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except where the unified center is located in a B-4 District, a single freestanding sign shall not exceed one hundred twenty (120) square feet in gross surface area.
 - d. Height. The height of a freestanding sign shall not exceed twenty (20) feet.
- (2) Attached signs.
- a. Number of signs. Only one attached sign shall be allowed per individual store, except where a store fronts on two (2) public streets, one attached sign shall be permitted per each frontage.
 - b. Display. A sign shall display only information pursuant to the individual store located within said unified center.
 - c. Gross surface area.
 - i. Each individual store shall be permitted one square foot of gross surface area for each linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet in gross surface area.
- (3) Illumination. Signs may be illuminated according to the provisions in Section 8.01(f).
- c. *Unified center two (2) acres or greater.* The following regulations shall apply to all signage in a unified center on a parcel of land two (2) acres or greater in all business districts:
- (1) Freestanding signs.
- a. Number of signs.
 - i. In B-1 Districts: Two (2).
 - ii. In B-2 Districts:
 - aa. Corner lot: One per street frontage.
 - bb. Interior lot: One

- iii. In B-4 Districts: Two (2).
- b. Display. All freestanding signs shall display only the name and location of the unified center. Except in B-1 Districts, the name of an individual business shall be allowed on a freestanding sign for a unified center provided:
 - i. The business has a linear lot frontage of one hundred (100) feet or greater, and;
 - ii. The gross surface area of the display of all individual businesses allowed on the freestanding sign shall not exceed one-third (1/3) of the total gross surface area of the said sign.
 - iii. In the B-1 District, information pursuant to individual tenants in a unified center on a lot two (2) acres or greater may not be displayed on freestanding signs.
 - c. Gross surface area.
 - i. Single sign. A single freestanding sign shall not exceed one hundred (100) square feet in gross surface area, except in the B-4 District, a single freestanding sign shall not exceed one hundred twenty (120) square feet in gross surface area.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the gross surface area of the second sign shall not exceed sixty (60) square feet.
 - d. Height.
 - i. Single sign. A single freestanding sign shall not exceed twenty-five (25) feet in height.
 - ii. Two (2) signs. If two (2) freestanding signs are erected, the height of the second sign shall not exceed twenty (20) feet.
- (2) Attached signs.
- a. Number of signs. Only one attached sign shall be allowed per individual store.
 - b. Display. A sign shall display only information pursuant to the individual store located within said unified center.
 - c. Gross surface area.

- i. Each individual store shall be permitted one square foot of gross surface per linear foot of said store frontage. A minimum of forty (40) square feet shall be maintained for each individual store.
 - ii. A single attached sign shall not exceed one hundred (100) square feet of gross surface area, except in the B-4 District, a single attached sign shall not exceed one hundred twenty (120) square feet of gross surface area.
 - iii. All signs proposed for stores with a frontage of one hundred (100) linear feet or greater shall be entitled to additional individual sign gross surface area over and above the one hundred (100) square foot maximum allowed for an individual attached sign according to the following:
 - aa. Each first floor occupancy of a building is entitled to an additional fifteen (15) square feet of gross surface area for such unit of ten (10) feet that the sign is set back from the required minimum front or side lot line, whichever the sign faces.
 - bb. In the event a sign faces more than one lot line, the eligibility for additional surface area shall be based upon the number of feet the sign is set back from the nearest lot line.
 - cc. A sign shall be deemed to “face a lot line” if any face of such line is parallel to the lot line or within ten (10) degrees of parallel thereto.
- (3) Illumination. Signs may be illuminated according to the provisions in Section 8.01(f).
- (d) *Out building in a unified center two (2) acres or greater.* The following regulations shall apply to all signage for single user out buildings in a unified center on a parcel of land two (2) acres or greater in all business districts.
- (1) Freestanding signs.
 - a. Number of signs. Only one freestanding sign shall be allowed per lot.
 - b. Display. A freestanding sign shall display only the name of the business conducted on the lot.

- c. **Gross surface area.** A single freestanding sign shall not exceed fifty (50) square feet in gross surface area, except in the B-1 District, a single freestanding sign shall not exceed one hundred (100) square feet in gross surface area.
 - d. **Height.** The height of a freestanding sign shall not exceed twenty-five (25) feet, except that in the B-1 District, the height of the freestanding sign shall not exceed twenty (20) feet.
- (2) **Attached signs.**
- a. **Display.** Any attached signs shall display only the name of the business conducted on the lot.
 - b. **Gross surface area.** A single attached sign shall not exceed fifty (50) square feet in gross surface area on each frontage facing a public street, except in the B-1 District, a single attached sign shall not exceed one hundred (100) square feet in gross surface area on each frontage facing a public street.
 - c. **Number.** Only one attached sign per frontage shall be allowed.
- (3) **Illumination.** Signs may be illuminated according to the provisions in Section 8.01(f).

8.04. Signage in “M”, Manufacturing Districts.

- (1) *Total signage.* The total gross surface area of all signage shall not exceed one square foot for each linear foot of lot frontage. A minimum of forty (40) square feet shall be maintained for all lots.
- (2) *Freestanding signs.*
 - a. **Number of signs.** Only one freestanding sign shall be allowed per lot.
 - b. **Display.** A freestanding sign shall display only the name of the business conducted on the lot.
 - c. **Gross surface area.** A single freestanding sign shall not exceed one-hundred (100) square feet in gross surface area.
 - d. **Height.** The height of a freestanding sign shall not exceed twenty (20) feet.
- (3) *Attached signs.*

- a. **Display.** An attached sign shall display only the name of the business conducted on the lot.
 - b. **Gross surface area.** A single attached sign shall not exceed one-hundred (100) square feet in gross surface area.
- (4) *Illumination.* Signs may be illuminated according to the provisions in Section 8.01(f).

8.05. Signage in “PD”, Planned Development Districts.

- (a) *Residential areas.* All residential areas shall conform to the signage regulations for residential districts unless otherwise stated in the preliminary development plan and approved of therein by the Plan Commission.
- (b) *Commercial and business areas.* All commercial areas shall conform to the signage regulations for B-2 Community Shopping Districts unless otherwise stated in the preliminary development plan and approved of therein by the Plan Commission.
- (c) *Manufacturing areas.* All manufacturing areas shall conform to the signage regulations for manufacturing districts, unless otherwise stated in the preliminary development plan and approved of therein by the Plan Commission.

8.06. Temporary signs.

- (a) *Conflict.* If the regulations of this section are in conflict with any other section of this article, the regulations of this section shall take precedence.
- (b) *Development signs.* The following regulations shall apply to all development signs.
 - (1) **Permits.** A permit for a development sign may be issued in connection with:
 - a. Residential projects of six (6) or more dwelling units.
 - b. Commercial areas of three (3) acres or more.
 - c. Industrial areas of ten (10) acres or more.
 - (2) **Number of signs.** Only one sign shall be allowed on the project site.
 - (3) **Gross surface area.** The sign shall not exceed two-hundred forty (240) square feet in gross surface area.

- (4) Duration. After such time when ninety (90) percent of the project is occupied, the sign shall be removed.
 - (5) Illumination. Development signs shall not be illuminated.
- (c) *Event signs.* The following regulations shall apply to all event signs.
- (1) Permits.
 - a. Permits for an event sign shall be limited to seven (7) days and such sign shall be removed within twenty-four (24) hours after expiration of the permit except that a new business shall be allowed to have an event sign for a thirty-day period as part of a grand opening promotion.
 - b. No more than four (4) event sign permits per applicant per year.
 - c. A minimum of fourteen (14) days must elapse before another event sign permit is issued.
 - d. In a unified center, no more than one event sign permit shall be issued at any one time.
 - (2) Gross surface area.
 - a. The total gross surface area of all event signs on a lot shall not exceed two hundred (200) square feet.
 - b. A single event sign shall not exceed one hundred (100) square feet in gross surface area.
 - (3) Display. The display contained on any event sign shall pertain only to the business, industry and pursuit conducted on the lot on which it is located.
 - (4) Illumination. Event signs shall not be illuminated according to the provisions in Section 8.01(f).
- (d) *Real estate signs.* The following regulations shall apply to all real estate signs.
- (1) Residential buildings and single vacant lots.
 - a. Permits. Real estate signs shall be exempt from the permit requirements of this section.
 - b. Number of signs.

- i. Interior lots. Only one real estate sign shall be allowed on interior lots.
 - ii. Corner lots. Two (2) real estate signs shall be allowed on corner lots, provided there is only one sign per street frontage.
 - c. Gross surface area. A single real estate sign shall not exceed six (6) square feet in gross surface area.
 - d. Duration. All real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
 - e. Illumination. Real estate signs shall not be illuminated.
- (2) Commercial buildings and other vacant land.
 - a. Duration. All real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
 - b. Illumination. Real estate signs shall not be illuminated.
- (e) *Political signs.* The following regulations shall apply to all political signs. (Amended by Ordinance No. 4885 March 12, 2012)
 - (1) Permits. Political signs shall be exempt from the permit requirements of this section.
 - (2) Location-Private property. Signs are not allowed on the public right of way.
 - (3) Sign Display- All Zoning Districts- Business, Manufacturing and Residential Zoning.
 - (4) Not more than one sign per candidate or referendum position shall be permitted on private property. The number of different candidates or referendum positions for which signs may be displayed is limited to 6 signs total.
 - (5) A sign for each candidate or referendum position shall be limited to 16 square feet. A limit of one sign per yard per candidate. Total area of all signs permitted is 48 square feet.
 - (6) Signs may be up to 5 feet in height from the ground to the top of the sign. The height restriction does not apply to a political election sign that may be displayed in a window.
 - (7) All signs must be maintained so that they are legible and in good repair

- (8) Duration- Residential- No Restriction, but it is recommended that signs are only put up 60 days in advance of any election in order to preserve the character of the community. It is also recommended that signs must be maintained and must look reasonable during this period.
 - (9) Non-residential property, Manufacturing, Business and Agricultural-political signs are allowed only during the period beginning forty-five (45) days before the election and ending five (5) days after the election.
- (f) *Yard, garage, rummage sale signs.* The following regulations shall apply to yard sale signs.
- (1) Permits. Yard sale signs shall be exempt from the permit requirements of this section.
 - (2) Location. Yard sales signs may only be displayed on private property with the owners' consent. All rummage, garage and yard sale signs are not allowed on the right of way or on light/lamp poles, traffic signal or sign poles, or wooden utility poles. Signs attached to wood utility poles by staples or nails are a hazard for pedestrians and utility linemen. (Amended by Ordinance No. 4885 March 12, 2012)
 - (3) Gross surface area. A single yard sign shall not exceed three (3) square feet in gross surface area.
 - (4) Duration. Yard sale signs are allowed only during the period beginning three (3) days before the sale and ending one (1) day after the sale.
- (g) *Nonprofit Special Event Signs-* Temporary signs displayed for special community or charitable events sponsored by a government entity, religious institution, school and/or other non-for-profit and community service organizations, including medical expense fundraising events. Special events signs may be displayed in conjunction with any community/charitable event associated with or benefiting the City and surrounding community, subject to the following regulations: (Amended by Ordinance No. 4885 March 12, 2012)
- (1) Not more than one (1) such sign shall be allowed on each street frontage of an individual property at any given time.
 - (2) Such sign(s) shall not be placed in street, roads, highway rights of way or City owned properties and shall comply with the sign ordinances general setbacks standards.
 - (3) Such sign(s) may be placed off site on private property with the permission of the owner of the property on which the sign is placed.
 - (4) Such sign(s) may be displayed for up to 14 days prior to the advertised event and shall be removed within 5 days after the event ends. Failure to remove the signs within 5 working days will result in forfeiture of the fee.
 - (5) Such sign(s) shall be attached to a building wall or security anchored posts.
 - (6) Such sign(s) shall not exceed 32 square feet (4'x8') with a temporary permit. \$100 permit fee is refundable upon sign removal.
 - (7) The maximum height of such sign(s) shall be 5 feet.

- (8) Such sign(s) may display corporate sponsor's logos, and ticket cost but not any product price specials. All content must have prior written approval by the Building Inspector, Zoning Officer or Superintendent of Public Works.
- (9) Any signs not approved by permit by the City building or zoning officer will be held for a period of 1 week, then upon failure to contact owner, they will be scrapped.
- (10) Five (5) signs per event will be allowed at five (5) different locations approved by the Building Inspector.

8.07. Removal of signs.

(a) *Discontinued business signs.*

- (1) In the event the owner of a sign discontinues business at the place where the sign is located, the sign shall be removed at the expense of the sign owner or property owner within ten (10) days after such discontinuance.
- (2) In the event said sign is not removed within ten (10) days, the Building Inspector shall cause the sign to be removed.
- (3) The expense of the removal shall be borne by the owner of the sign or property owner, or the City shall have the right to place a lien against the property for the cost of said removal.
- (4) Said sign shall not be again erected unless a permit is issued for the new installation.

(b) *Removal of non-allowed, endangering signs.* The Building Inspector shall cause the immediate removal of any sign that endangers the public safety, of any sign that is electrically or structurally defective, or any sign for which no permit has been issued.

(c) *Removal of signs by City.*

- (1) Any sign or advertising structure, which is located on property which becomes vacant and or unoccupied or any sign which pertains to a time, event or purpose which no longer applies, shall be removed by the property owner.
- (2) Upon determination of the need for removal, the Building Inspector shall provide written notification stating that removal must take place within thirty (30) days upon receipt of such notice.
- (3) Failure to comply with such notice within the time specified will cause removal of such sign. The expense of removal shall be borne by the owner of the sign or property owner.

8.08. Nonconforming signs.

- (a) *On-site.* All on-site nonconforming signs or other advertising structures not otherwise prohibited by the provisions of this article shall be removed or altered to conform to the provisions of this article, when:
 - (1) The sign is changed or altered either in shape, size or content due to a change in the nature of business conducted on the premises.
 - (2) The sign is changed or altered either in shape, size or content due to a change in the name of the business.
- (b) *Off-site.* All off-site signs or other advertising structures not otherwise prohibited by the provisions of this article shall be removed when:
 - (1) The sign is changed or altered either in shape, size or content due to a change in the nature of business conducted on the premises.
 - (2) The sign is changed or altered either in shape, size or content due to a change in the name of the business.

8.09. Exempt signs.

The following signs are exempt from the provisions and regulations of this Ordinance.

- (a) *Construction signs.* Signs denoting the architect, engineer, or contractor when placed upon work under construction shall not exceed sixteen (16) square feet in area; except in cases where the architect, engineer and contractor(s) are designated on a single sign, and such single sign shall not exceed forty (40) square feet in area.
- (b) *Flags.* The flags, emblems, or insignia of any nation or political subdivision or corporate flag.
- (c) *Memorial signs.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (d) *Municipal.* Municipal signs shall include traffic signs, legal notices, railroad crossing signs, danger and other temporary, emergency or non-advertising signs as may be approved by the City Council.
- (e) *Nameplates.* Nameplates shall be exempt provided the sign does not exceed one square foot in area.

- (f) *No trespassing/no dumping signs.* No trespassing or no dumping signs shall be exempt provided the sign does not exceed one and one-half (1 1/2) square feet in area per sign and not exceed four (4) in number per lot.
- (g) *Occupational signs.* Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, shall not exceed two (2) square feet in area.
- (h) *Window promotional signs.* Window promotional signs shall be exempt provided they are located in the interior of the window.

ARTICLE IX - NONCONFORMING USES, BUILDINGS OR STRUCTURES

9.01. Statement of purpose.

The purpose of this article is to provide for the regulation of nonconforming uses, buildings or structures, and to specify those circumstances and conditions under which those nonconforming uses, buildings or structures may be eliminated, so that they do not adversely affect the maintenance, development, use or value of other property in the district in which they are located.

9.02. Authority to continue nonconforming uses and structures.

Any nonconforming use, building or structure which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming, and any such use, building or structure which shall become nonconforming upon adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations which follow.

9.03. Nonconforming uses within buildings or structures.

(a) *Changes in use.*

- (1) Non-conforming use of a non-conforming building. The non-conforming use of a structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the district in which the structure is located, or to another more compatible non-conforming use, when authorized by the Plan Commission and the City Council as a special use.
- (2) Non-conforming use of a conforming building. Any non-conforming use of a structure, all or substantially all of which is designed or intended for use in the district in which it is located, may not be changed to any use other than a use permitted in the district in which the structure is located, unless authorized by the Plan Commission and the City Council as a special use.
(Amended by Ordinance No. 3960 June 16, 2003)

(b) *Expansion of nonconforming use.* The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use allowed in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other nonconforming use.

(c) *Discontinuance.* Whenever a non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not allowed in the district in which it is located, is discontinued for a period of (12) consecutive months, any future use of said building or structure shall be in conformity with the

regulations of the district in which it is located; or to a use more compatible with the district in which it is located, if said proposed use is approved as a “special use” by the Plan Commission and the City Council. (Amended by Ordinance No. 3960 June 16, 2003)

- (d) *Destroyed.* If a building or structure in which a nonconforming use is being conducted, and all or substantially all of which building or structure is designed or intended for a use allowed in the district in which it is located, is destroyed or severely damaged to the extent that the cost of restoration exceeds fifty (50) percent of the value of the building or structure, it shall not be returned to the prior nonconforming use, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the building or structure is located.
- (e) *Exception.* For the purpose of this Ordinance, any use lawfully established on the effective date of this Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities, as required hereinafter for new uses, shall not be deemed a nonconforming use.

9.04. Nonconforming building or structure.

- (a) *Expansion.* A nonconforming building or structure shall not be expanded or otherwise extended unless it is made to conform with the regulations of the district in which the premises are located.
- (b) *Destroyed.* If a nonconforming building or structure is destroyed or severely damaged to the extent that the cost of restoration exceeds fifty (50) percent of the value of the building or structure, as determined by an independent real estate appraiser’s valuation of the undamaged building, compared to a contractor’s estimate for remodeling, it shall not be returned to the prior nonconforming use, and any subsequent building or structure shall conform to the regulations of the district in which the building or structure is located.

9.05. Nonconforming use of land.

- (a) *Continuance.* The nonconforming use of land not involving a building or structure, or in connection with any building or structure, may be continued subject to the regulations which follow.
- (b) *Change.* The nonconforming use of land shall not be changed to any other use except to a use allowed in the district in which the land is located.
- (c) *Expansion.* A nonconforming use of land shall not be expanded or extended beyond the area which it occupies.
- (d) *Discontinuance.* If the nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be returned to the prior nonconforming use, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

ARTICLE X - RESIDENTIAL DISTRICTS

10.01. General requirements of all residential districts.

- (a) *Dwelling standards.*
 - (1) Every dwelling shall be maintained in a neat and orderly condition.
 - (2) All accessory uses and allowed obstructions shall, likewise, not be a nuisance to any surrounding property.

- (b) *Setback line.* Where a setback line has been established in the recording of a plat of subdivision, such setback line shall determine the yard requirements of this Ordinance.
 - (1) Where no setback line has been established, setback requirements of the particular residential district shall be followed.
 - (2) On lots of record before 1971, when 40 percent or more of the lots fronting one side of a street within a block have established building setbacks, of a depth other than herein required for a front yard in the district in which the lot is located, the setback for each remaining lot along such street frontage shall be as follows:
 - a. Interior lots. The depth of the setback on any lot shall be the average of the setbacks already established on the two lots located on each side of such lot, and if no setback is established on one of the adjacent lots, the required front yard setback for that lot shall be used in calculating the average setback of the two adjacent lots.
 - b. Corner lots. The depth of the setback lines shall be as herein required for front yards or side yards adjoining streets in the districts where the lots are located.
 - (3) On lots of record before 1963, the numerical requirements for setbacks, lot area, lot width, maximum/minimum floor area and floor area ratio may be adjusted, at the discretion of the Building Inspector, and approved by City Council, back to the requirements that were in place at the time the house was constructed or, if no house was constructed, the date of the plat.
(Amended by Ordinance No. 4564 December 22, 2008)

(c) *Structures per lot.*

- (1) Each lot in every zoning district in this Article (X) shall be improved with no more than one principal structure, together with any permissible accessory building.
- (2) Accessory structures shall be allowed only with a principal structure.

(d) *Allowed obstructions.* For the purpose of residential districts, the following obstructions shall be allowed, as follows:

(1) In any required yard:

- a. Landscaping embellishments; including but not limited to steps, benches, bird baths, sundials, ornamental lights, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area.
- b. Chimneys; not projecting more than three (3) feet into the required yard area.
- c. Flag poles.
- d. Oriel window; projecting not more than two (2) feet into the required yard.

(2) In any required front yard or side yard adjacent to a street:

- a. Overhanging roof eaves, awnings or canopies; projecting no more than three (3) feet into the yard.
- b. Allowed ornamental fencing; see Paragraph 6.03(b)(2).

(3) In any required side yard:

- a. Accessory off-street parking; open to the sky.
- b. Accessory structures; decks and terraces more than sixteen (16) inches above ground level, or other similar structures pursuant to standards set forth in Section 6.01 of this Ordinance. Decks and terraces sixteen (16) inches or less above ground level shall be considered as patios, and not considered as accessory structures.
(Amended by Ordinance No. 4564 December 22, 2008)

- c. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
 - d. Fences; not to exceed six (6) feet in height.
 - e. Compressor or condenser units and heat pump systems; for residential air conditioning systems and/or heating systems and not covering more than three (3) percent of the required side yard area.
 - f. Dumpsters with enclosures only in Zones R-3 and R-4, when serving three (3) or more units. All existing dumpsters in Zones R-1 and R-2 must be removed within six (6) months of the effective date of this Ordinance.
 - g. Detached garages per requirements of Section 6.01.1 and Section 6.01.3. (Amended by Ordinance No. 4564 December 22, 2008)
- (4) In any required rear yard:
- a. Accessory off-street parking; open to the sky.
 - b. Accessory structures; sheds, decks and terraces more than sixteen (16) inches above ground level, gazebos, tool sheds or other similar accessory structures pursuant to standards set forth in Section 6.01 of this Ordinance. Decks and terraces sixteen (16) inches or less above ground level shall be considered as patios, and not as an accessory structure. (Amended by Ordinance No. 4564 December 22, 2008)
 - c. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate floor area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.
 - d. Laundry drying equipment.
 - e. Fences, not to exceed six (6) feet in height. (Amended by Ordinance No. 3869 June 17, 2002)
 - f. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.

- g. Permanent playground equipment, not closer than five (5) feet to any lot line.
 - h. Compressor or condenser units; for residential air conditioning systems covering not more than three (3) percent of the required rear yard area.
 - i. Swimming pools.
 - j. Tennis courts.
 - k. Fireplaces.
 - l. Gardens.
 - m. Dumpsters with enclosures, only in R-3 and R-4, when serving three (3) or more units. All existing dumpsters in Zones R-1 and R-2 must be removed within six (6) months of the effective date of this Ordinance.
 - n. Detached garages per requirements of Section 6.01.1 and Section 6.01.3. (Amended by Ordinance No. 4564 December 22, 2008)
- (5) Exception to the above allowed obstruction rules: On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within thirty-five (35) feet of the edge of pavement of the intersecting streets.
- (e) *Swimming pool standards.*
- (1) All swimming pools shall comply with all applicable standards as stated in the Illinois Department of Public Health “Swimming Pool and Bathing Beach Code” and the City’s Swimming Pool Ordinance.
 - (2) All swimming pools shall be located in rear yards only, and may not be located in a side yard abutting a street.
 - (3) Any portion thereof and accessory equipment, such as a deck or filter enclosure, shall not be located closer than five (5) feet from any lot line.
- (f) *Development in residential districts.* All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan in any residential district shall be subject to the rules and regulations of Article VIII of the City’s “Subdivision and Site Development Regulations” ordinance.

- (g) *Use of floodplain areas.* All properties in a floodplain shall be subject to the rules and regulations of Article VII in the City's "Subdivision and Site Development Regulations" ordinance.

10.02. R-1, Single-Family Detached Dwelling District.

- (a) *Allowed uses.* The following uses are allowed:
 - (1) Single-family detached dwellings.
 - (2) Churches; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal church building.
 - (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential area.
 - a. Public and denominational schools, elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
 - (4) Day care facility; when operated on the premises of churches, schools, community centers or recreational buildings in public parks.
 - (5) City operated facilities; fire and police stations, public works garages, when deemed in the public interest.
 - (6) Temporary buildings; for construction purposes not to exceed the duration of construction.
 - (7) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (b) *Accessory uses.*
 - (1) Those customarily incidental to the uses included but not limited to the following:
 - a. Communication devices; per regulations in Section 6.02 of this Ordinance.

- b. Fences; per regulations in Section 6.03 of this Ordinance.
 - c. Garage and rummage sales; per regulations in Section 6.05 of this Ordinance.
 - d. Swimming pools; per regulations in Section 10.01(e) of this Ordinance.
 - e. Parking of vehicles; per regulations in Article VII of this Ordinance.
 - f. Signs; per regulations in Article VIII of this Ordinance.
- (c) *Special uses.* The following uses are allowed as special uses when authorized by the City Council, subject to the standards set forth in Section 15.12 of this Ordinance.
- (1) Monasteries, theological schools, social agencies; or any other similar uses.
 - (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
 - (3) Hospitals and sanitariums on lots not less than five (5) acres.
 - (4) School office buildings; not including the parking or storage of buses.
 - (5) Public colleges and universities; for academic instruction.
 - (6) Home occupations; per regulations in Section 6.04 of this Ordinance.
 - (7) Swimming pools; owned and utilized by a homeowner's association.
 - (8) Fencing; in any front yard or side yard/rear yard abutting a street, except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the Building Inspector.
 - (9) Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.

- b. Licensed and certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes.
- (10) Hospice.
- (11) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (d) *Minimum ground floor living area per dwelling unit (not including attached garage).* (Amended by Ordinance No. 4564 December 22, 2008)
- (1) One-story dwellings: Two thousand (2,000) square feet, except for subdivision with preliminary plats approved before September 10, 2001, One thousand five hundred (1,500) square feet.
 - (2) Split-level dwellings: Fourteen hundred (1,400) square feet on the lower two levels except for subdivisions with preliminary plats approved before September 10, 2001, One thousand two hundred (1,200) square feet on the lower two levels.
 - (3) Two or two & one-half story dwellings: Twelve hundred (1,200) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, One thousand (1,000) square feet. (Amended by Ordinance No. 3892 August 26, 2002)
- (e) *Minimum lot area.* Fifteen thousand (15,000) square feet, except for corner lots which shall be eighteen thousand (18,000) square feet.
- (f) *Minimum lot width.*
- (1) One hundred (100) feet for interior lots and one hundred twenty-five (125) feet for corner lots.
 - (2) Minimum cul-de-sac lot width is eighty (80) feet (arc distance). (Amended by Ordinance No. 4364 Oct. 30, 2006)
- (g) *Maximum floor area ratio.* The floor area ratio on a lot shall not exceed 0.30.
- (h) *Minimum yards.*
- (1) Lots platted after the date of this Ordinance.
 - a. Interior lots.

- i. Front: Forty (40) feet.
- ii. Rear: Fifty (50) feet.
- iii. Side: Fifteen (15) feet.

b. Corner lots.

- i. Front: Forty (40) feet.
- ii. Rear: Fifty (50) feet.
- iii. Interior side: Fifteen (15) feet.
- iv. Side abutting street: Forty (40) feet.

(2) Lots platted before this Ordinance.

a. Interior lots.

- i. Front: Thirty (30) feet.
- ii. Rear: Thirty (30) feet.
- iii. Side: Ten (10) feet.

b. Corner lots.

- i. Front: Thirty (30) feet.
- ii. Rear: Thirty (30) feet.
- iii. Interior side: Ten (10) feet.
- iv. Side abutting street: Thirty (30) feet.

(i) *Maximum building height.*

(1) Single-family detached dwelling, two and one-half (2 1/2) stories not to exceed thirty-five (35) feet. (Amended by Ordinance No. 4105 Sept 8, 2004)

(2) Non-residential allowed uses; not to exceed forty (40) feet.

10.03. R-2, Single-Family, Detached Dwelling District.

- (a) *Allowed uses.* The following uses are allowed:
- (1) Single-family detached dwellings.
 - (2) Churches; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal church building.
 - (3) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
 - (4) Day care facility; when operated on the premises of churches, schools, community centers or recreational buildings in public parks.
 - (5) City-operated facilities; fire and police stations, public works garages, when deemed in the public interest.
 - (6) Temporary building; for construction purposes not to exceed the duration of construction.
 - (7) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (b) *Accessory uses.*
- (1) Those customarily incidental to the uses included but not limited to the following:
 - a. Communication devices; per regulations in Section 6.02 of this Ordinance.
 - b. Fences; per regulations in Section 6.03 of this Ordinance.

- c. Garage and rummage sales; per regulations in Section 6.05 of this Ordinance.
 - d. Swimming pools; per regulations in Section 10.01(e) of this Ordinance.
 - e. Parking of vehicles; per regulations in Article VII of this Ordinance.
 - f. Signs; per regulations in Article VIII of this Ordinance.
- (c) *Special uses.* The following uses are allowed as special uses when authorized by the City Council, subject to the standards set forth in Section 15.12 of this Ordinance.
- (1) Monasteries, theological schools, social agencies; or any other similar uses.
 - (2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yard or garages for storage or service.
 - (3) Hospitals and sanitariums on lots not less than five (5) acres.
 - (4) School office buildings; not including the parking or storage of buses.
 - (5) Public colleges and universities; for academic instruction.
 - (6) Home occupations; as per regulations in Section 6.04 of this Ordinance.
 - (7) Swimming pools; owned and utilized by a homeowner's association.
 - (8) Fencing; in any front yard or side yard/rear yard abutting a street, except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the Building Inspector.
 - (9) Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed and certified by the State of Illinois.

- c. A minimum distance of one thousand (1,000) feet is maintained between group homes.
- (10) Hospice.
- (11) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
- (d) *Minimum ground floor living area per dwelling unit (not including attached garage).* (Amended by Ordinance No. 4564 December 22, 2008)
 - (1) One-story dwellings: One thousand five hundred (1,500) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, One thousand two hundred (1,200) square feet.
 - (2) Split-level dwellings: One thousand (1,000) square feet on the lower two levels, except for subdivisions with preliminary plats approved before September 10, 2001, Nine hundred (900) square feet on the lower two levels.
 - (3) Two or two & one-half story dwellings: One thousand (1,000) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Eight hundred (800) square feet. (Amended by Ordinance No. 3892 August 26, 2002)
- (e) *Minimum lot area.*
 - (1) Interior lots: Ten thousand (10,000) square feet.
 - (2) Corner lots: Twelve thousand (12,000) square feet.
- (f) *Minimum lot width:*
 - (1) Eighty (80) feet for interior lots and one hundred five (105) for ~~corner~~ lots
 - (2) Minimum cul-de-sac lot width is eighty (80) feet (arc distance). (Amended by Ordinance No. 4364 Oct. 30, 2006)
- (g) *Maximum floor area ratio:* 0.30.
- (h) *Minimum yards.*
 - (1) Lots platted after the date of this Ordinance.

- a. Interior lots.
 - i. Front: Thirty (30) feet.
 - ii. Rear: Forty (40) feet.
 - iii. Side: Ten (10) feet.
- b. Corner lots.
 - i. Front: Thirty (30) feet.
 - ii. Rear: Forty (40) feet.
 - iii. Interior side: Ten (10) feet.
 - iv. Side abutting street: Forty (40) feet.

(2) Lots platted before the date of this Ordinance.

- a. Interior lots.
 - i. Front: Thirty (30) feet.
 - ii. Rear: Thirty (30) feet.
 - iii. Side: Seven (7) feet.
- b. Corner lots.
 - i. Front: Thirty (30) feet.
 - ii. Rear: Thirty (30) feet.
 - iii. Interior side: Seven (7) feet.
 - iv. Side abutting street: Thirty (30) feet.

(i) *Maximum building height.*

- (1) Single-family detached dwelling; two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet. (Amended by Ordinance No. 4105 Sept 8, 2004)
- (2) Non-residential allowed uses; not to exceed forty (40) feet.

10.04. R-3, Single-Family and Two-Family Residence District.

- (a) *Allowed uses.* The following uses are allowed:
- (1) Single-family detached dwellings.
 - (2) Semi-detached single-family dwellings; not more than two (2) units per structure.
 - (3) Two-family detached dwellings.
 - (4) Churches; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal church building.
 - (5) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
 - (6) Day care facility; when operated on the premises of churches, schools, community centers or recreational buildings in public parks.
 - (7) City-operated facilities; fire and police stations, public works garages, when deemed in the public interest.
 - (8) Temporary buildings for construction purposes, not to exceed duration of construction.
 - (9) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
 - (10) Hospitals, on a lot not less than two (2) acres.
 - (11) Auxiliary medical facilities supporting an existing hospital, so long as the same are within 500 feet of a lot containing a hospital. (Amended by Ordinance No. 4974 dated February 11, 2013)

- (b) *Accessory uses.*
- (1) Those customarily incidental to the allowed uses, including but not limited to the following:
 - a. Communication devices; per regulations in Section 6.02 of this Ordinance.
 - b. Fences; per regulations in Section 6.03 of this Ordinance.
 - c. Garage and rummage sales; per regulations in Section 6.05 of this Ordinance.
 - d. Swimming pools; per regulations in Section 10.01(e) of this Ordinance.
 - e. Parking of vehicles; per regulations in Article VII of this Ordinance.
 - f. Signs; per regulations in Article VIII of this Ordinance.
 - g. Dumpsters with dumpster enclosures, but only in rear yards serving multiple family units.
- (c) *Special uses.* The following uses are allowed as special uses when authorized by the City Council, subject to the standards set forth in Section 15.12 of this Ordinance:
- (1) Monasteries, theological schools, social agencies, or any other similar uses.
 - (2) Bed and breakfast facilities.
 - (3) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
 - (4) School office buildings; not including the parking or storage of buses.
 - (5) Public colleges or universities; for academic instruction.
 - (6) Home occupations; per regulations in Section 6.04 of this Ordinance.
 - (7) Swimming pools; owned and utilized by a homeowner's association.

- (8) Communication devices; which exceed the height limitations set forth for residential districts.
 - (9) Fencing; in any front yard except for decorative fencing.
 - (10) Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed and certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes.
 - (11) Hospice.
 - (12) Setback reductions; reductions in required yard setbacks shall be conditioned upon a site plan and shall be assigned to the property, not the current owner(s).
 - (13) Office; professional, business or governmental.
(Amended by Ordinance No. 4200 dated August 22, 2005)
 - (14) To allow a garage, not to exceed one thousand (1,000) square feet when contiguous (except for public rights-of-way) to, owned by, and accessory to a commercial office in a Business District.
(Amended by Ordinance No. 4869 dated January 4, 2012)
 - (15) Detached private residential garage without a principal residence on a lot not less than 2 acres; provided, at least two contiguous sides are zoned agricultural, business, and/or manufacturing.
(Amended by Ordinance No. 5067 dated March 10, 2014)
 - (16) Three unit dwelling on a full lot of record.
(Amended by Ordinance No. 5083 dated April 7, 2014)
- (d) *Minimum ground floor living area per dwelling unit (not including attached garage).* (Amended by Ordinance No. 4564 December 22, 2008)
- (1) Detached single-family and detached two-family dwellings: One thousand (1,000) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Nine hundred (900) square feet.
 - (2) Split-level dwellings: Nine hundred (900) square feet on the lower two levels.

- (3) Single-family semi-detached dwellings: Eight hundred (800) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Seven hundred fifty (750) square feet per unit.
 - (4) Two story and two and one-half story dwellings: Nine hundred (900) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Seven hundred fifty (750) square feet per unit.
(Amended by Ordinance No. 3892 August 26, 2002)
- (e) *Minimum lot area:* Seven thousand (7,000) square feet.
- (f) *Minimum lot width.*
- (1) Single-family detached dwellings and two-family detached dwellings: Sixty (60) feet.
 - (2) Single-family semi-detached dwellings: Seventy (70) feet.
 - (3) Cul-de-sac streets are not permitted. (Amended by Ordinance No. 4364 October 30, 2006)
- (g) *Maximum floor area ratio: The floor area ratio on a lot shall not exceed 0.30.*
(Amended by Ordinance No. 4564 December 22, 2008)
- (h) *Minimum setbacks.*
- (1) Interior lots.
 - a. Front: Twenty-five (25) feet.
 - b. Rear: Thirty-five (35) feet.
 - c. Side: Six (6) feet.
 - (2) Corner lots.
 - a. Front: Twenty-five (25) feet.
 - b. Rear: Thirty-five (35) feet.
 - c. Interior side: Six (6) feet.
 - d. Side abutting street: Twenty-five (25) feet.
- (i) *Maximum building height:*
- (1) Two and one-half (2 1/2) stories, not to exceed thirty (30) feet.
 - (2) Non-residential allowed uses, not to exceed forty (40) feet, except for hospitals which shall not exceed eighty (100) feet. (Amended by Ordinance No. 4698 March 1, 2010)

10.05. R-4, General Residence District

- (a) *Allowed uses.* The following uses are allowed:
- (1) Single-family detached dwellings.
 - (2) Semi-detached single-family dwellings.
 - (3) Two-family detached dwellings.
 - (4) Multiple-family dwellings.
 - (5) Churches; located twenty (20) feet or more from another residential lot, with any dwelling housing pastors, clergy or other administrators located not further than three hundred (300) feet from the lot of the principal church building.
 - (6) Institutional uses; the following uses, provided any principal structure shall be located thirty (30) feet or more from any other lot in a residential district.
 - a. Public and denominational schools; elementary and high school, including playgrounds and athletic fields incidental thereto.
 - b. Public libraries, museums and art galleries.
 - c. Public parks, public playgrounds and public community centers; including customary park activities and functions.
 - (7) Day care facility; when operated on the premises of churches, schools, community centers or recreational buildings in public parks.
 - (8) City-operated facilities; fire and police stations, public works garages, when deemed in the public interest.
 - (9) Temporary buildings; for construction purposes not to exceed the duration of construction.
 - (10) Gardening and other horticultural uses; where no building is involved and when no sale of products is conducted on the premises.
- (b) *Accessory uses.*
- (1) Those customarily incidental to the allowed uses, including but not limited to the following:

- a. Communication devices; per regulations in Section 6.02 of this Ordinance.
 - b. Fences; per regulations in Section 6.03 of this Ordinance.
 - c. Garage and rummage sales; per regulations in Section 6.05 of this Ordinance.
 - d. Swimming pools; per regulations in Section 10.01(e) of this Ordinance.
 - e. Parking of vehicles; per regulations in Article VII of this Ordinance.
 - f. Signs; per regulations in Article VIII of this Ordinance.
 - h. Dumpster with dumpster enclosures, but only in rear yards, serving multiple family units.
- (c) *Special uses.* The following uses are allowed as special uses when authorized by the City Council, subject to the standards set forth in Section 15.12 of this Ordinance:
- (1) Monasteries, theological schools, social agencies, or any other similar uses.
 - (2) Bed and breakfast facilities.
 - (3) Public service facilities; including electric distributing substations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
 - (4) School office buildings; not including the parking or storage of buses.
 - (5) Public colleges or universities; for academic instruction.
 - (6) Home occupations; per regulations in Section 6.04 of this Ordinance.
 - (7) Swimming pools; owned and utilized by a homeowner's association.
 - (8) Communication devices; which exceed the height limitations set forth for residential districts.
 - (9) Fencing; in any front yard except for decorative fencing.

- (10) Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed and certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes.

(11) Hospice.

(d) *Minimum ground floor living area per dwelling unit (not including attached garage).* (Amended by Ordinance No. 4564 December 22, 2008)

- (1) Detached single-family and detached two-family dwellings: One thousand (1,000) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Nine hundred (900) square feet.
- (2) Single-family semi-detached dwellings: Eight hundred (800) square feet.
- (3) Two and two and one-half story dwellings: One thousand (1,000) square feet, except for subdivisions with preliminary plats approved before September 10, 2001, Seven hundred fifty (750) square feet.
- (4) Multiple-family units: Five hundred (500) square feet per dwelling unit. (Amended by Ordinance No. 3892 August 26, 2002)

(e) *Minimum lot area per dwelling unit, not including garage.*

- (1) Single-family detached dwellings or two-family detached dwellings - not less than six thousand (6,000) square feet.
- (2) Single-family semi-detached (duplex building) - not less than three thousand five hundred (3,500) square feet per dwelling unit.
- (3) Single-family semi-detached dwelling having a party wall common with a single-family attached dwelling, and multiple-family dwelling in structures which are not more than two stories in height as follows:

Minimum Dwelling Unit			Minimum Lot Area Per Dwelling Unit in Square Feet
4 bedroom and over			4,000
3 bedrooms			3,500
2 bedrooms			3,000
1 bedroom and efficiency			2,500

- 4) Multiple family dwellings in structure more than two stories in height, provided the total lot area be not less than eighteen thousand (18,000) square feet, and lodging houses and apartment hotels - as follows:

Minimum Dwelling Unit		Minimum Lot Area Per Dwelling Unit in Square Feet
3 bedroom and over		2,500
2 bedrooms		2,000
1 bedrooms		1,500
Efficiency		1,000

(f) *Minimum lot width.*

- (1) Single-family detached dwelling or two-family detached dwelling - not less than sixty (60) feet.
- (2) Single-family semi-detached dwellings (duplex building) - not less than seventy (70) feet or less than thirty-five (35) feet for each dwelling unit.
- (3) Two single-family semi-detached dwellings and one single-family attached dwelling (row house dwelling) - not less than eighty (80) feet, plus not less than eighteen (18) feet of additional lot width for each additional single-family attached dwelling in a building.
- (4) Multiple-family dwellings - not less than one hundred (100) feet.
- (5) Cul-de-sac streets are not permitted. (Amended by Ordinance No. 4364 October 30, 2006)

(g) *Maximum floor area ratio: the floor area on a lot shall not exceed 0.30.*

- (1) For one-story buildings - not more than 0.30.
- (2) For buildings having two stories - not more than 0.6; and
- (3) For buildings having three or more stories - not more than 1.2.

(h) *Minimum setbacks.*

- (1) Interior lots.
 - a. Front: Twenty-five (25) feet.
 - b. Rear: Forty (40) feet.
 - c. Side: Six (6) feet on one side; sixteen (16) feet total on both sides.

(2) Corner lots.

a. Front: Twenty-five (25) feet.

b. Rear: Twenty-five (25) feet. (Amended by Ordinance No. 4364 October 30, 2006)

c. i. Interior six (6) feet.

ii. Side yard abutting a street twenty-five (25) feet.
(Amended by Ordinance No. 4364 October 30, 2006)

(i) *Maximum building height:* Not to exceed forty (40) feet.

ARTICLE XI - BUSINESS DISTRICTS

11.01. General requirements of all business districts.

- (a) *Conformance to other laws.* All allowed uses, special uses, and accessory uses allowed herein shall conform to all federal, state and local laws. The City has the right to disallow or suspend those uses which are in violation of other laws.
- (b) *Business operating standards.*
 - (1) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to retail business conducted on the same premises.
 - (2) Such uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
 - (3) No unified music system, speaker or communication device shall be heard outside the boundaries of the site.
- (c) *Outside sales and display.* All business, service, repair, processing, storage or merchandising sales and display shall be conducted wholly within enclosed structures, unless a special use has been granted, with the following exceptions, and only when outside sales are accessory to inside sales on the same lot:
 - (1) Exceptions.
 - a. The sale of automotive fuels, lubricants and coolants in automotive service stations.
 - b. Nursery stock, garden and farm equipment, and outdoor furniture and recreation equipment.
 - c. New or used automobiles, trucks, motorcycles, trailers, boats or any other motor vehicles; all in operable condition.
 - d. Vending machines; in conjunction with another allowed use.
 - e. Community-wide annual promotional events; not exceeding ten (10) consecutive days in duration, with the permission of the City Council at least ten (10) days in advance.
 - (2) Standards. All outside sales and displays shall conform to the following standards:

- a. All items shall be displayed wholly upon the parcel on which the principal sales structure is located.
 - b. Items shall not be displayed or sold upon public property or within any public right-of-way, except for annual promotional events referred to in Section 11.01(c)(1)e.
 - c. All merchandise displayed outdoors shall be so displayed in a neat and orderly manner.
- (d) *Standards for storage of vehicles for sale.*
- (1) There shall be at least three hundred (300) square feet of lot area per each outdoor displayed vehicle, not including that part of the lot covered by buildings. Adequate provisions shall be made for safe ingress and egress.
 - (2) Outdoor storage of inoperable vehicles shall not be allowed.
 - (3) No vehicles shall be parked on any public right-of-way.
- (e) *Allowed obstructions.* For the purpose of business districts, the following shall not be considered as obstructions when located in the required yards.
- (1) In any required yard.
 - a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the aggregate total of which shall not exceed twenty-five (25) percent of the required yard area.
 - b. Flag poles.
 - c. Lighting standards.
 - d. Signs
 - e. Accessory off-street parking; open.
 - (2) In any required front yard.
 - a. Overhanging roof eaves, awnings, or canopies; projecting not more than three (3) feet into the yard.
 - b. Decorative fencing.
 - (3) In any required side yard, except a side yard abutting a street.

- a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.
 - b. Accessory structures; garages, tool rooms, or other similar structures pursuant to standards set forth in Section 6.01 of this Ordinance.
 - c. Fences.
 - d. Compressor or condenser units for air conditioning systems.
 - e. Dumpsters with dumpster enclosures.
- (4) In a required rear yard.
- a. Accessory structures; garages, tool rooms or other similar structures pursuant to standards set forth in Section 6.01 of this Ordinance.
 - b. Fences.
 - c. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - d. Compressor or condenser units; for air conditioning system.
 - e. Dumpsters with dumpster enclosures.
- (5) Exceptions to the above allowed obstructions, for B-1, B-2 and B-4 zoning districts.
- a. On a corner lot, no obstruction higher than thirty (30) inches above the curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.
 - b. For the purpose of allowed obstructions in the side yard abutting a street, the front yard obstructions shall be followed.
 - i. No allowed obstruction shall be located closer than five (5) feet to any lot line; except fences.

- (f) *Compatible uses.* A proposed use which is not specified as an allowed, special or accessory use in a particular business district shall be considered compatible if it meets the following standards, as determined by the Building Inspector and ratified by the City Council.
- (1) The proposed use shall meet the intent of the subject zoning district.
 - (2) The proposed use shall meet the general requirements of the subject zoning district.
 - (3) The proposed use shall be consistent with other uses in the subject zoning district.
 - (4) The proposed use shall not be detrimental to other uses within the subject zoning district.
- (g) *Dumpster enclosures.* Before any permit for development is issued, the Building Inspector shall require that dumpster enclosures be provided in suitable locations to ensure the promotion of the health, safety and welfare of the residents of the City.
- (h) *Landscaping.* All business lots shall be appropriately landscaped outside of the area of required parking lots, which parking lot landscaping is specified in paragraph 7.04(e).
- (i) *Development in business districts.* All excavation, movement of earth, side development and execution of an erosion and sedimentation control plan in any business district shall be subject to the rules and regulations of Article VIII of the City's "Subdivision and Site Development Regulations Ordinance".
- (j) *Use of floodplain areas.* All properties deemed to be in the floodplain shall be subject to the regulations of Article VIII in the City's "Subdivision and Site Development Regulations Ordinance".
- (k) *Parking limitations.* Parking of trucks, when accessory to the conduct of a permitted use shall be limited to vehicles not over 1 and ½ ton capacity, except for a pick-up or delivery service during normal business hours.
(Amended by Ordinance No. 3869 June 17, 2002)

11.02. B-1, Neighborhood Shopping District.

- (a) *Legislative intent.* The purpose of the B-1, Neighborhood Shopping District is to provide areas for business establishments which offer retail convenience goods and services to residents located in the general vicinity of the district.
- (b) *Allowed uses.* The following uses are allowed:
 - (1) Accountant's and tax consultant offices.
 - (2) Antique shops; of refurbished and refinished materials.
 - (3) Appliance stores and repairs; household.
 - (4) Art supply stores.
 - (5) Artist studios.
 - (6) Bakeries; manufacturing of goods limited to those retailed on the premises.
 - (7) Banks and financial institutions, with or without drive-in facilities; medical clinics, supplies and accessories.
 - (8) Barber shops.
 - (9) Beauty parlors.
 - (10) Book and stationery stores.
 - (11) Camera and photographic supply stores.
 - (12) Candy, confectionery and ice cream stores; with manufacturing of goods, limited to that which is retailed on the premises.
 - (13) Card shops.
 - (14) Clinics; medical or dental.
 - (15) Clothing repair stores; including tailoring, shoe and hat repair.
 - (16) Coin and stamp stores.
 - (17) Dry cleaners and clothes pressing establishments; but not a central plant with more than one retail outlet, and when using tetrachlorides,

perchloroethylene, or other similar non-inflammable solvents, approved by the fire department and the City's Sewage Pretreatment Ordinance.

- (18) Florists.
- (19) Food stores, grocery stores, meat markets and frozen foods; excluding the wholesale or bulk sale of such items.
- (20) Gift shops.
- (21) Hobby shops.
- (22) Insurance agencies.
- (23) Laundries; laundrettes.
- (24) Liquor stores; package stores only.
- (25) Offices; professional, business or governmental.
- (26) Office supply stores.
- (27) Pet shops.
- (28) Pharmacies.
- (29) Restaurants - not exceeding five thousand (5,000) square feet in area, and not including drive-in, drive-through or fast food establishments.
- (30) Toy stores.
- (31) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (32) Temporary uses for special events; for a period not to exceed seventy-two (72) hours; as approved by the City Council at least ten (10) days before the event.
- (33) Video rentals.
- (34) Mixed uses; combination of economically compatible allowed uses listed above. (*Allowed uses.* Amended by Ordinance No. 4013 December 15, 2003)

- (c) *Accessory uses.*
 - (1) Those customarily incidental to the allowed uses.
 - (2) Signs; per regulations in Article VIII of this Ordinance.
 - (3) Communication devices; per regulations in Section 6.02 of this Ordinance.
- (d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to the standards set forth in Section 15.12 of this Ordinance:
 - (1) Automobile service station and mart; for disbursement of fossil fuels or other forms of energy or material that assists automobile movement and retail sale of other items without on-site consumption of food or repair.
 - (2) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
 - (3) School office buildings; not including the parking or storage of buses.
 - (4) Undertaking establishments and funeral parlor; with one attached residential unit.
 - (5) Public auction and/or vehicle storage facility
- (e) *Maximum floor area ratio:* 0.8.
- (f) *Minimum setbacks:*
 - (1) Front: Twenty-five (25) feet depth.
 - (2) Rear: Thirty (30) feet.
 - (3) Side: Five (5) feet.
 - (4) Side abutting street: Twenty-five (25) feet.
- (g) *Transitional yard.* When a side lot line coincides with a side lot line in an adjacent residentially zoned district, a landscaped buffer of at least fifteen (15) feet width shall be provided for sight screening purposes.
- (h) *Maximum building height.* Two (2) stories, not to exceed thirty (30) feet.

11.03. B-2, Community Shopping District.

- (a) *Legislative intent.* The purpose of the B-2, Community Shopping District is to provide for a wider range of retail shopping and financial services than in the B-1, Neighborhood Shopping District.
- (b) *Allowed uses.* The following uses are allowed:
 - (1) Accountant's and tax consultant offices.
 - (2) Antique shops; of refurbished and refinished materials.
 - (3) Appliance stores.
 - (4) Art supply stores.
 - (4a) Auto sales-automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction therewith, if conducted wholly within a completely enclosed building. (Added as #70)
 - (4b) Auto service stations. (Added as #71)
 - (5) Automotive accessory stores; including but not limited to, batteries, tires, engine parts; but not including on-site repair of autos or replacement of sold items.
 - (6) Bakeries; manufacturing of goods limited to those retailed on the premises.
 - (7) Banks and/or financial institutions, with or without drive-in facilities; medical clinics, supplies, and accessories. (Amended by Ordinance No. 4708 March 29, 2010)
 - (8) Barber shops.
 - (9) Beauty parlors.
 - (10) Book and stationery stores.
 - (11) Building material sales with outdoor storage when the area for outside storage is completely surrounded by a uniformly painted solid fence or wall not over eight (8) feet in height and no storage shall project higher than the height of the fence or wall.
 - (11a) Business machine sales and service. (Added as #72)

- (12) Camera and photographic supply stores.
- (13) Candy, confectionery and ice cream stores; with manufacturing of goods, limited to that which is retailed on the premises.
- (14) Card shops.
- (15) Carpet and rug stores.
- (16) China and glassware stores.
- (17) Clothing and apparel stores.
- (18) Clothes and costume rental agencies.
- (19) Coin and stamp stores.
- (19a) Computer sales and service, including accessory equipment.
(Added as #73)
- (20) Currency exchanges.
- (21) Department stores and variety stores.
- (22) Drapery stores.
- (23) Dressmaking and millinery shops.
- (23a) Drive-through facilities that are appropriate for an existing business and not disruptive to neighboring property uses. (Amended by Ordinance No. 4364 October 30, 2006)
- (24) Dry cleaners and clothes pressing establishments; but not a central plant with more than one retail outlet, and when using tetrachlorides, perchlorethylene, or other similar non-inflammable solvents, approved by the fire department.
- (25) Dry goods and variety stores; textiles, clothing and related articles of trade.
- (26) Electronic communications equipment sales.
- (27) Florists.
- (28) Food stores, grocery stores, meat markets and frozen foods.

- (28a) Funeral homes with or without attached residential unit. (Added as #70)
- (29) Furrier shops.
- (30) Furniture stores.
- (31) Gift shops.
- (32) Hardware stores.
- (33) Hearing aid stores.
- (34) Hobby shops; for retailing of items to be assembled or uses away from the premises.
- (35) Home supply centers.
- (36) Hotels and motels.
- (37) Insurance agencies.
- (38) Interior decorating and upholstering shops.
- (39) Jewelry stores (including watch repair).
- (40) Laundries and laundrettes.
- (40a) Lawn and garden centers. (Amended by Ordinance No. 4364 October 30, 2006)
- (41) Leather goods and luggage stores.
- (42) Linoleum and tile stores.
- (43) Liquor stores; package stores only.
- (44) Medical appliance stores.
- (45) Musical instrument sales.
- (46) Municipal parking lots.
- (47) Notion stores.
- (48) Newspaper office, including printing.

- (49) Office supply stores.
- (50) Offices-business, professional or governmental.
- (51) Opticians sales; retail.
- (52) Paint and wallpaper stores.
- (53) Pet shops.
- (54) Pharmacies.
- (55) Photography studios.
- (56) Picture framing.
- (57) Post office sub-stations.
- (58) Prerecorded audio or video sales rental.
- (59) Prerecorded music sales; any medium.
- (59a) Recreational vehicle and equipment sales and service. (Added as #74)
- (60) Restaurants, which may include accessory cocktail lounges, when the restaurant has facilities for serving 50 or more people at the same time.
- (61) Second hand thrift shops.
- (62) Sewing machine sales and service; household machines only.
- (63) Shoe stores.
- (64) Sporting goods stores.
- (65) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (66) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the City Council at least ten (10) days before the event.
- (67) Ticket agencies; amusement.

- (68) Toy stores.
 - (69) Travel agencies, bureau and transportation ticket offices.
(Allowed uses: Amended by Ordinance No. 4013 December 15, 2003)
(Allowed uses: Amended by Ordinance No. 4015 September 8, 2004)
- (c) *Accessory uses.*
- (1) Those customarily incidental to the allowed uses.
 - (2) Signs; per regulations in Article VIII of this Ordinance.
 - (3) Communication devices; per regulations in Section 6.02 of this Ordinance.
- (d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to the standards set forth in Section 15.12 of this Ordinance:
- (1) Automobile diagnostic center and repair; when part of a department store and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.
 - (2) Automobile service station and mart; within a unified center for disbursement of fossil fuels or other forms of energy or material that assists automobile movement, without major repair work.
 - (2a) Automobile and truck sales and rental establishment.
 - (3) Banquet and meeting facility; with or without another use, includes the service of food, liquor and live entertainment.
 - (4) Bowling alleys.
 - (5) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
 - (6) Churches, provided that they are located on a single user lot and that said churches are located at least five (5) feet from any other lot in a business district and at least twenty (20) feet from any other lot in a residential district.
 - (7) Communication devices; which exceed the height limitations set forth for business districts.
 - (8) Day care facility.

- (9) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the Building Inspector.
- (10) Live entertainment, except adult use
- (11) Martial arts schools.
- (12) Movie theatres; indoor.
- (14) Physical culture and health services; includes gymnasiums, swimming pools, reducing salons, masseuses and public baths.
- (15) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (16) School office buildings; not including the parking or storage of buses.
- (17) Taverns or bars.
- (18) Wind energy conversion systems.
- (19) Unique or new uses; not listed within this Ordinance; provided that the use complies with the intent of the B-2 District.

(Special uses: Amended by Ordinance No. 4013 December 15, 2003)

(Special uses: Amended by Ordinance No. 4219 October 17, 2005)

(e) *Maximum floor area ratio: 0.5.*

(f) *Minimum setbacks:*

- (1) Front: Forty (40) feet.
- (2) Rear: Twenty-five (25) feet.
- (3) Side: No side yard required, except:
 - a. If an open area is left along an interior side lot line, it shall not be less than ten (10) feet in width.
 - b. A side yard adjoining a street shall be not less than forty (40) feet.

- (g) *Transitional yards.*
 - (1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.
 - (2) A landscaped buffer strip of at least twelve (12) feet width shall be provided immediately adjacent to any residential district for sight screening.
- (h) *Maximum building height.* Two (2) stories, not to exceed thirty (30) feet.

11.04. B-3, Central Business District.

- (a) *Legislative intent.* The purpose of the B-3, Central Business District is to provide a centrally located shopping and service area for the retail sale of items and essential services.
- (b) *Allowed uses.* The following uses are allowed:
 - (1) Antique shops; of refurbished and refinished materials.
 - (2) Appliance stores.
 - (3) Art supply stores.
 - (4) Artist's studio.
 - (5) Auto parts and accessory stores.
 - (5a) Auto service stations. (Added as #82)
 - (6) Bakeries; manufacturing of goods limited to those retailed on the premises.
 - (7) Banks and financial institutions.
 - (8) Barber shops.
 - (9) Beauty parlors.
 - (10) Beauty schools; when the service of a beauty parlor is offered to the public.
 - (11) Bicycle sales and repairs.
 - (12) Book and stationery stores.
 - (13) Camera and photographic supply stores.
 - (14) Candy, confectionary and ice cream stores, with manufacturing of goods, limited to that which is retailed on the premises.
 - (15) Card shops.
 - (16) Catalog stores.
 - (17) China and glassware stores.

- (18) Clinics; medical or dental.
- (19) Clothes and costume rental agencies.
- (20) Clothing repair stores; including tailoring, shoe and hat repair.
- (21) Clubs, lodges, temples, fraternal and not for profit organizations.
- (22) Coin and stamp stores.
- (22a) Computer sales and service, including accessory equipment.
(Added as #83)
- (23) Currency exchanges.
- (24) Dancing schools and studios.
- (25) Delicatessens.
- (26) Drapery stores.
- (27) Dressmaking and millinery shops.
- (27a) Drive-through facilities that are appropriate for an existing business and not disruptive to neighboring property uses. (Amended by Ordinance No. 4364 October 30, 2006)
- (28) Dry cleaners and clothes pressing establishments; but not a central plant with more than one retail outlet, and no use of inflammable cleaning agents.
- (29) Dry good stores; textiles, clothing and related articles of trade.
- (30) Dwelling units, when located above the first floor.
- (31) Electrical and industrial supply sales, service and repair.
- (32) Electronic communications equipment sales; including television and radio and repair of such items.
- (33) Florists.
- (34) Food stores, grocery stores, meat markets and frozen foods.
- (35) Furniture stores.

- (36) Furrier shops.
- (37) Gift shops.
- (38) Hardware stores.
- (39) Hearing aid stores.
- (40) Hobby shops.
- (41) Interior decorating studios and shops.
- (42) Jewelry stores.
- (43) Laundries, laundrettes; hand or automatic, self-service only.
- (43a) Lawn and garden centers. (Amended by Ordinance No. 4364 October 30, 2006)
- (44) Leather goods and luggage stores.
- (45) Liquor stores; package liquors only.
- (46) Loan offices.
- (47) Locksmith shops.
- (48) Medical appliance stores.
- (48a) Medical clinics, supplies and accessories. (Added as #84)
- (49) Mini-parcel service; with maximum square footage of one thousand five hundred (1,500) square feet.
- (50) Musical instruction.
- (51) Musical instrument sales and repair.
- (52) Municipal parking lots.
- (53) Newspaper distribution agencies.
- (54) Newspaper offices (public).
- (55) Nursing home.

- (56) Notion stores.
- (57) Offices; professional, business or governmental.
- (58) Office supply stores.
- (59) Opticians and optometrists shops.
- (60) Paint and wallpaper stores.
- (61) Pet shops.
- (62) Pharmacies.
- (63) Photographic studios and equipment only.
- (64) Picture framing.
- (65) Post offices or sub-stations.
- (66) Prerecorded music sales; any medium.
- (67) Public parks, public playgrounds and public community centers.
- (68) Restaurants.
- (69) Second hand thrift shop.
- (70) Sewing machine sales and service; household machines only.
- (71) Sporting good stores.
- (72) Swimming pools and accessories.
- (73) Taverns and bars, except adult use.
- (74) Telephone exchanges.
- (75) Ticket agencies; amusement.
- (76) Tobacco shops.
- (77) Toy stores.

- (78) Travel agencies, bureau and transportation ticket offices.
- (79) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (80) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the City Council at least ten (10) days before the event.
- (81) Video rentals.

(Allowed uses: Amended by Ordinance No. 4013 December 15, 2003)

(c) *Accessory uses.*

- (1) Those customarily incidental to the allowed uses.
- (2) Signs; per regulations in Article VIII of this Ordinance.
- (3) Communication devices; per regulations in Section 6.02 of this Ordinance.
- (4) Awnings, canopies or marquees; providing a headroom of at least eight (8) feet.

(d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to the standards set forth in Section 15.12 of this Ordinance:

- (1) Art galleries and public museums.
- (2) Auction rooms.
- (3) Automobile service stations.
- (3a) Automotive service and repair including painting, rebuilding, repairing and reconstructing vehicles with a State of Illinois Class D license weight or less; provided, however, there shall be no vehicles stored overnight outside the main building on the premises. (Added as #10)
- (5) Communication devices which exceed height limit.
- (6) Fences, front yard.
- (7) Live entertainment, except adult use.
- (8) Meeting halls; with a legal capacity of one hundred (100) or more people.

(9) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.

(10) Religious Institutions
Churches, with or without portable Sunday school classrooms

(11) Martial arts studio

(Amended by Ordinance No. 4013 December 15, 2003) (Amended by Ordinance No. 4229 on November 28, 2005) (Amended by Ordinance No. 4488 February 4, 2008) (Amended by Ordinance No. 4663 December 21, 2009) (Amended by Ordinance No. 4932 July 2, 2012)

(e) *Maximum floor area ratio:* 2.0.

(f) *Minimum setbacks:*

(1) Front: No requirement.

(2) Rear: No requirement.

(3) Side: Zero (0) feet; or if provided, it shall be at least five (5) feet.

(g) *Transitional yards.*

(1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.

(2) A landscaped buffer strip of at least twelve (12) feet width shall be provided immediately adjacent to any residential district for sight screening.

(h) *Maximum building height:* No limitation.

11.05. B-4, Highway Business District

- (a) *Legislative intent.* The B-4, Highway Business District is intended to accommodate a wide range of specialized commercial and business uses including highway-oriented service and commercial-recreation types of establishments to serve a trade area embracing the City and inter-community traffic through the City.

- (b) *Allowed uses.* The following uses are allowed:
 - (1) Amusement establishments - bowling alleys, billiard parlors, gymnasiums, swimming pools, skating rinks, and miniature, pitch and putt, par-3 or standard courses, golf driving ranges, swimming pools and clubs and recreation centers containing one or more of the above uses.
 - (2) Appliance stores.
 - (3) Auction rooms.
 - (3a) Automobile services and repair shops.(Added as #66)
 - (3b) Automobile service stations.(Added as #67)
 - (3c) Automobile mart. Any building or premises used for dispensing, sale, or offering for sale at retail, any possible fuels or other forms of energy that assist automobile movement, having pumps and storage tank, but no repair services, also offering for retail sale convenience items with or without on-site consumption of food. (Added as #68)
 - (4) Automotive sales; for the sale of new and used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.
 - (5) Automotive accessory store, including, but not limited to, batteries, tires, engine parts, along with on-site repair of autos or replacement of sold items, if in an enclosed building.
 - (6) Banks or financial institutions.
 - (7) Blue printing or photostating establishments.
 - (8) Boat and marine showroom and sales.
 - (9) Building material sales with outdoor storage when the area for outside storage is completely surrounded by a uniformly painted solid fence or wall

not over eight (8) feet in height and no storage shall project higher than the height of the fence or wall.

- (10) Business machine sales and service.
- (11) Business schools.
- (12) Carpet and rug stores.
- (13) Casket sales and supplies.
- (14) Catering establishments.
- (15) Clothes stores.
- (16) Clubs or lodges.
- (17) Commercial printing.
- (18) Contractor's offices and shops.
- (19) Department stores; offering for sale at retail some or all of the goods allowed in the B-1 and B-2 districts.
- (19a) Drive-through facilities that are appropriate for an existing business and not disruptive to neighboring property uses. (Amended by Ordinance No. 4364 October 30, 2006)
- (20) Dry cleaning and laundry establishments.
- (21) Electronic communication and equipment sales.
- (22) Equipment rental and leasing service; home, office, business and industrial.
- (23) Exterminator shops.
- (24) Feed and seed stores.
- (25) Food stores, grocery stores, meat markets, and frozen foods.
- (27) Furniture stores.
- (28) Garages, storage or off-street parking lots or structures.
- (29) Greenhouses; retail and wholesale items.

- (30) Halls; capable for use as meeting rooms, party rooms and dance halls with or without live entertainment, food service and alcohol.
- (31) Home supply centers.
- (32) Hotels, motels or lodging houses.
- (32a) Lawn and garden centers. (Amended by Ordinance No. 4364 October 30, 2006)
- (33) Linen, towel and diaper service.
- (34) Linoleum or tile.
- (35) Live bait stores.
- (36) Machine, sheet metal, or welding shops - provided a building for such a use shall contain not more than 5,000 square feet of floor area, and operations are within the enclosed building, and glare from welding operations is not visible from outside the building.
- (37) Machinery and equipment sales establishments, construction and agriculture.
- (38) Machinery rental and sales.
- (39) Meat markets, including sale of meats to restaurants, clubs, hotels, institutions, and similar establishments.
- (39a) Medical clinics, supplies, and accessories. (Added as #69)
- (40) Mini-warehouses.
- (41) Monument sales.
- (42) Movie theatres; indoor.
- (43) Newspaper distribution agencies, or newspaper offices & printing.
- (44) Offices; general or professional.
- (45) Offices; physicians, surgeons, dentists, architects, engineers, lawyers or other professionals.
- (46) Parcel delivery stations.

- (47) Pawn shops.
- (48) Photograph developing and processing shops.
- (49) Pet shops.
- (50) Paint or wallpaper stores.
- (51) Printing, commercial.
- (52) Public garages.
- (53) Publishing of newspapers.
- (53a) Recreational vehicle and equipment sales and service. (Added as #70)
- (54) Restaurants, including drive-in, drive-through, or fast food establishments.
- (55) Second hand thrift stores; if conducted wholly within a completely enclosed building.
- (56) Sign painting establishments.
- (57) Snowmobile sales and service.
- (58) Studios; commercial, photographic, recording, radio and television.
- (59) Swimming pools and accessories.
- (60) Taverns and bars, except adult use.
- (61) Taxicab dispatching office facility; including accessory communications equipment.
- (62) Temporary buildings; on the premises for construction purposes for a period not to exceed the duration of such construction.
- (63) Temporary uses of special events; for a period not to exceed seventy-two (72) hours; as approved by the City Council at least ten (10) days before the event.
- (64) Video rentals.

- (6.5) Wholesale and warehouse establishments - except for the sales or storage of flammable liquids, materials or gases, except those that are in the original sealed containers.

(Allowed uses. Amended by Ordinance No 4013 December 15, 2003)

(c) *Accessory uses.*

- (1) Those customarily incidental to the allowed uses.
- (2) Signs; per regulations in Article VIII of this Ordinance.
- (3) Communication devices; per regulations in Section 6.02 of this Ordinance.

(d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to the standards set forth in Section 15.12 of this Ordinance:

- (1) Ambulance services.
- (2) Animal hospital or kennels.
- (3) Automobile, bus and truck laundries; provided traffic congestion is minimized.
- (4) Automobile diagnostic center and repair; when part of a department store, and without the disbursement of fossil fuels or other forms of energy or material that assists automobile movement.
- (5) Automobile service and repair; where automobiles are painted, repaired, rebuilt, reconstructed or stored for compensation.
- (6) Automobile service station.
- (7) Automotive sales; for the sale of used automobiles and including auxiliary service and repairs in conjunction with, if conducted wholly within a completely enclosed building.
- (8) Banquet and/or meeting room.
- (9) Bus stations; provided that direct access to a major or secondary thoroughfare is available.
- (10) Churches, with or without portable Sunday school classrooms.

- (11) Communication devices; for radio and television transmission, and in accordance with Paragraph 6.02 of this Ordinance.
- (12) Communication devices; which exceed the height limitations set forth for business districts.
- (13) Day care facilities.
- (14) Fence, front yard.
- (15) Indoor sports and recreational facilities.
- (16) Live entertainment, except adult use.
- (17) Martial arts school.
- (18) Movie theatres; outdoor.
- (19) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
- (20) Sales and service uses; with a retail sales showroom and storage conducted within a totally enclosed building;
 - a. Electrical.
 - b. Flooring.
 - c. Glass.
 - d. Heating and ventilation.
 - e. Masonry.
 - f. Painting.
 - g. Paper hanging.
 - h. Plumbing.
 - i. Refrigeration.
 - j. Roofing.
- (21) Trailer rental.
- (22) Truck rental.
- (23) Undertaking establishments and funeral parlor; with one attached residential unit.
- (24) Multiple-family dwellings. (Amended by Ordinance No. 4439 July 9, 2007)
- (25) Outdoor/Indoor group lot sales (Amended by Ordinance No. 4592 April 13, 2009)

- (26) Medical cannabis dispensary organization operating in strict compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, (410 ILCS 130/1 et seq.), as amended and the regulations promulgated thereunder, and that also meets the following additional requirements:
- i. The dispensary must be currently registered with the Illinois Department of Financial and Professional Regulation (or a successor agency) and be in good standing;
 - ii. A dispensary may not be located with 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day care facility or another dispensary. A registered dispensing organization may not be located in a house, apartment, condominium or any are zoned for residential use;
 - iii. A dispensary may not be located in the offices of a physician;
 - iv. A dispensary may only be open to the public between the hours of 8:00 a.m. and 8:00 p.m. any day of the week, including holidays;
 - v. A dispensary may not utilize amplified music outdoors;
 - vi. Medical cannabis inventory and cannabis infused products may not be displayed or stored in an area accessible to the public;
 - vii. A dispensary shall have appropriate security measures, in accordance with State regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis;
 - viii. Medical cannabis may not be consumed on the site of a dispensary;
 - ix. Exterior signage shall comply with the Zoning Ordinance, except that signs or exterior building surfaces depicting or simulating cannabis, cannabis infused products, smoking or cannabis paraphernalia shall not be permitted; and
 - x. The Mayor and City Council may condition a special use permit on a requirement that the dispensary organization defend and indemnify the City of Peru, and its officers and employees, from and against any claim arising from the organization's operation.

(e) *Minimum lot area:* Fifteen thousand (15,000) square feet.

(f) *Minimum lot width:* One hundred fifty (150) feet.

(g) *Maximum floor area ratio:* 1.0.

(h) *Minimum setbacks:*

(1) Front: Forty (40) feet.

(2) Rear: Forty (40) feet.

- (3) Side: Twenty (20) feet, except a side yard adjoining a street shall be forty (40) feet.
- (i) *Transitional yards.*
 - (1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.
 - (2) A landscaped buffer strip of at least twelve (12) feet width shall be provided immediately adjacent to any residential district for sight screening.
- (j) *Maximum building height.* Three (3) stories, not to exceed forty-five (45) feet.

11.06 B-5, Office-Business District.

- (a) *Legislative intent.* The purpose of the B-5, Office-Business District is to accommodate professional and corporate office and research facilities uses with service-related businesses that would be compatible in use and operation, and when located together would create a district that would have a unique characteristic.

- (b) *Allowed uses.* The following uses are allowed:
 - (1) Banks and other financial institutions.
 - (2) Business and professional offices.
 - (3) Clubs or lodges; private, fraternal or religious.
 - (4) Fraternal, philanthropic, and eleemosynary institutions.
 - (5) Funeral homes.
 - (6) Governmental and institutional uses.
 - (7) Laboratories; medical, dental, optical.
 - (8) Medical and dental clinics.
 - (9) Meeting halls and exhibition halls.
 - (10) Motels or hotels.
 - (11) Nursing homes.
 - (12) Recreation establishments; including bowling alleys, billiard parlors, gymnasiums, skating rinks, swimming and tennis clubs.
 - (13) Religious institutions; churches, chapels, temples and synagogues.
 - (14) Research laboratories.
 - (15) Restaurants; not including drive-in, drive-through, or fast food establishments.
 - (16) Schools; commercial or trade.

- (c) *Accessory uses.*
 - (1) Those customarily incidental to the allowed uses.
 - (2) Signs; per regulations in Article VIII of this Ordinance.
 - (3) Communication devices; per regulations in Section 6.02 of this Ordinance.

- (d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to the standards set forth in Section 15.12 of this Ordinance:
 - (1) Apartments.
 - (2) Automobile service stations.
 - (3) Private trade schools; located totally within a single structure.
 - (4) Fencing; in any front yard except for:
 - a. Decorative fencing.
 - b. Temporary fencing; erected to protect any seeding area, with the permission of the Building Inspector..
 - (5) Communication devices which exceed height limits.
 - (6) Public service facilities; including electric distributing sub-stations, telephone exchanges and similar non-municipal uses.
 - (7) Training centers; engineering or sales.

- (e) *Minimum lot area.* Fifteen thousand (15,000) square feet.

- (f) *Minimum lot width:* One hundred (100) feet.

- (g) *Maximum floor area ratio:* 1.20.

- (h) *Minimum setbacks:*
 - (1) Front: Forty (40) feet.
 - (2) Rear: Forty (40) feet.

- (3) Side: Ten (10) feet except a side yard adjoining a street shall be not less than forty (40) feet.
- (i) *Transitional yards.*
 - (1) Where a side lot line coincides with a rear or side lot line in an adjacent residentially zoned district, side yard setbacks of at least thirty (30) feet shall be provided.
 - (2) A landscaped buffer strip of at least twelve (12) feet width shall be provided immediately adjacent to any residential district for sight screening.

ARTICLE XII - MANUFACTURING DISTRICTS

12.01. General requirements of all manufacturing districts.

- (a) *Legislative intent.* The manufacturing district is intended to accommodate manufacturing activities which are most appropriate when located apart from or well buffered from residential development and which meet the general requirements and performance standards contained in this article.
- (b) *Conformance to other laws.* All allowed uses, special uses, and accessory uses allowed herein shall conform to all federal, state and local laws.
- (c) *Operating standards.* Such uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (d) *Allowed obstructions.* For the purpose of manufacturing districts, the following shall not be considered as obstructions when located in the required yards.
 - (1) In any required yard.
 - a. Landscaping embellishments; including but not limited to steps, arbors or trellises, the total of which shall not exceed twenty-five (25) percent of the required yard area.
 - b. Flag poles.
 - c. Lighting standards.
 - d. Signs.
 - e. Accessory off-street parking; open.
 - (2) In any required front yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - b. Decorative fencing.
 - (3) In any required side yard.
 - a. Overhanging roof eaves, awnings or canopies; projecting not more than thirty (30) percent of the required side yard width, with a maximum three (3) feet overhang.

- b. Fences; not to exceed eight (8) feet in height.
 - c. Compressor or condenser or heat pump units; for air conditioning and/or heating systems, except in a side yard abutting a street.
 - d. Dumpster enclosures.
- (4)
- a. Accessory structures; garages, sheds, toolrooms or other similar structures pursuant to standards set forth in Section 6.01 of this Ordinance.
 - b. Portions of the principal building; porches, breezeways, balconies, greenhouses or any structure permanently attached to the principal building, the aggregate area of which is less than ten (10) percent of the required rear yard area, and located at least twenty-five (25) feet from the rear lot line, and not encroaching the side yard setback of that district.
 - c. Fences; not to exceed eight (8) feet in height.
 - d. Recreational equipment; permanent, necessary for the use conducted on a lot.
 - e. Overhanging roof eaves, awnings or canopies; projecting not more than three (3) feet into the yard.
 - f. Compressor or condenser or heat pump units; for air conditioning and/or heating systems.
 - g. Dumpster enclosures.
- (5) Exceptions to the above allowed obstructions.
- a. On a corner lot, no obstruction higher than thirty (30) inches above curb level shall be located in any portion of a required front or side yard situated within twenty (20) feet of the lot corners formed by the intersection of any two (2) streets, or the intersection of the street lines extended.
 - b. For the purpose of allowed obstructions in the side yard abutting a street, the front yard obstruction shall be followed.
 - c. No allowed obstruction, other than the principal building, shall be located closer than five (5) feet to any lot line; except fences. If the principal building is set back five (5) feet or less, then the allowed obstruction setback is two (2) feet from any lot line.

- (e) *Development in manufacturing districts.* All excavation, movement of earth, site development and execution of an erosion and soil sedimentation plan shall be subject to the rules and regulations of Article VIII of the City’s “Subdivision and Site Development Regulations” ordinance.
- (f) *Use of floodplain areas.* All properties deemed to be in the floodplain shall be subject to the regulations of Article VII of the City’s “Subdivision and Site Development Regulations” ordinance.
- (g) *Buffers.*
 - (1) **Landscaped strip.** Any portion of a manufacturing district which lies within five hundred (500) feet of any zoned residential land or any planned residential land use shall have a fifty (50) foot wide landscaped strip installed along the boundary facing the residential land, unless the manufacturing process and material storage is entirely within enclosed buildings.
 - a. Such planting strip shall be installed in accordance with plans prepared by a landscape architect.
 - b. Such planting strip must be approved by the City Council and such installation guaranteed by a bond suitable to the City Council.
 - (2) **Height standards.** Except for chimneys, vents, flag poles or communication devices, no portion of any building or structure shall have a vertical dimension from ground level to its highest point greater than one-third (1/3) the distance from said portion of the building to any residential land.
- (h) *Screening.* The following requirements shall apply to all businesses or firms in manufacturing districts.
 - (1) All activities involving the manufacturing, storing, cleaning, servicing, and testing of materials, products and goods - may be out of doors if completely screened by a solid wall or uniformly colored fence at least eight (8) feet in height, and if there is no open storage of a greater height than that of the enclosing screening.
 - (2) All owners or developers of manufacturing businesses or firms that abut residentially zoned property shall be required to provide acceptable screenage along the lot lines.

- a. Screenage shall include but not be limited to fences, shrubs, hedges and walls.
 - b. The height of the screenage shall be a minimum of eight (8) feet high.
- (i) *Noise.* Prohibited noise levels. At no point on the property line on which the operation is located shall the sound intensity level of any individual operation or plant (other than noises produced by the operation of motor vehicles or other transportation vehicles) exceed the decibel limits allowed by the Illinois EPA Regulations.
- (j) *Smoke and particulate matter.* The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare is prohibited. All airborne emissions must be in accordance with Illinois EPA regulations.
- (k) *Toxic and noxious matter.* No use shall, for any period of time, emit into the atmosphere, store on site, or discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.
- (l) *Odorous matter.* No use shall, for any period of time, emit an odorous matter in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond the lot line.
- (m) *Glare and heat.* No use or activity shall be allowed which causes glare or heat to be transmitted or reflected in such quantities as to be detrimental or harmful to the use of adjacent properties. Such exposed sources of light shall be shielded so as not to create a nuisance across lot lines.
- (n) *Fire and explosive hazards.*
 - (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning, as determined by the City Fire Marshal, is allowed.
 - (2) The storage, utilization, or manufacture of solid materials or products ranging from free to active burning is allowed provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

- (3) The storage, utilization, or manufacture of flammable liquids, or materials which produce flammable, explosive, or toxic vapors or gases, shall be allowed, if in accordance with the "BOCA National Fire Prevention Code" and the "Flammable and Combustible Liquids Code NFPA 30", and approved by the City Fire Marshal.

12.02. M-1, Manufacturing District.

- (a) *Legislative intent.* To provide for activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products and goods in completely enclosed buildings.
- (b) *Allowed uses.* The following uses are allowed:
 - (1) Agriculture.
 - (2) Building material sales and storage -- including milling, planing, jointing, or manufacture of millwork.
 - (3) Contractors' offices and shops.
 - (4) Fuel and ice retail sales and storage.
 - (5) Greenhouses -- including retail and wholesale sales of plants, and produce.
 - (6) Monument establishments -- including accessory open sales. lot.
 - (7) Offices.
 - (8) Parking lots and storage garages.
 - (9) Printing and publishing establishments.
 - (10) Public open space.
 - (11) Public utility, governmental service and similar uses.
 - (12) Research laboratories.
 - (13) Schools, commercial or trade.
 - (14) Training centers, engineering or sales.
 - (15) Wholesale establishments.

- (c) *Accessory uses.*
 - (1) Those customarily incidental to the above uses.
 - (2) Signs; per regulations in Article VIII.
 - (3) Communication devices; per regulations in Section 6.02.
- (d) *Special uses.* The following uses are allowed as special uses when authorized by the City Council subject to standards set forth in Section 15.12 of this Ordinance.
 - (1) Ambulance services.
 - (2) Communication devices which exceed the height limitations set forth for manufacturing districts.
 - (3) Automobile service stations.
 - (4) Cartage and express establishments.
 - (5) Fence; except:
 - a. Decorative fencing.
 - b. Temporary fences erected to protect any seeding area with the permission of the Building Inspector in any front yard.
 - (6) Restaurants.
 - (7) Taverns.
 - (8) Neighborhood shopping as defined for a B-1 District.
- (e) *Minimum lot area:* Twenty thousand (20,000) square feet.
- (f) *Minimum lot width:* One hundred fifty (150) feet.
- (g) *Maximum floor area ratio:* 0.60.
- (h) *Minimum setbacks.*
 - (1) Front: Forty (40) feet.

- (2) Rear: Twenty-five (25) feet, except not less than forty (40) feet when adjoining a residential district and may be zero (0) feet when adjoining a railroad right-of-way.
 - (3) Side: Fifteen (15) feet, except not less than forty (40) feet when adjoining a street or residential district.
- (i) *Maximum building height.*
- (1) Lot abutting single-family residential district: Three (3) stories, not to exceed forty-five (45) feet.
 - (2) All other lots: Four (4) stories, not to exceed sixty (60) feet.

12.03. M-2, Manufacturing District.

- (a) *Legislative intent.* To provide for all activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products, and goods with some outdoor activities and storage allowed when in conformance with the screening requirements in Paragraph 12.01(h).
- (b) *Allowed uses.* The following uses are allowed:
 - (1) Any use allowed in the M-1 District.
 - (2) Air, rail, or motor truck freight terminals, cartage facilities, railroad switching and classification yards, repair shops, and roundhouses.
 - (3) River docks, including loading and loading of commodities and materials.
- (c) *Accessory uses.*
 - (1) Those customarily incidental to the above uses.
 - (2) Signs; per regulations in Article VIII.
 - (3) Communication devices; per regulations in Section 6.02.
- (d) *Special uses.*
 - (1) Any use allowed as a Special Use in the M-1 District.
 - (2) Automobile wrecking yards and junk yards.
 - (3) Mining, loading and hauling of coal, clay, sand, gravel, topsoil or other aggregate or minerals, and oil or gas well drilling, including equipment, buildings, or structures, for screening, crushing, mixing, washing, or storage, provided that:
 - a. No excavation shall take place within forty (40) feet of any property line.
 - b. All buildings or structures, for screening, crushing, washing, mixing, or storage are located not less than five hundred (500) feet from an existing residence or any Residential District established by this Ordinance.

- c. A plan of development for the reclamation of the land is provided as part of the application for a special use permit.
 - d. Buildings, structures, equipment and operations for processing on the premises material secured by such uses shall be allowed only when authorized by the City Council and provided the operations shall conform with performance standards set forth in the M-2, Manufacturing District.
- (4) Adult use, only in the area east of West Street in the district along the Illinois River.
 - (5) Restaurant and tavern with or without a residential dwelling within the same structure. (Amended by Ordinance No. 4392 January 8, 2007)
 - (6) Two-family detached dwellings. (Amended by Ordinance No. 4402 March 19, 2007)
 - (7) Temporary (not to exceed two years) office trailers, not to be used for food preparation or dwelling purposes. (Amended by Ordinance No. 4796 January 31, 2011)
 - (10) Medical cannabis cultivation center operating in strict compliance with Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.), as amended, and the regulations promulgated thereunder, and that also meets the following requirements:
 - i. The cultivation center must be currently registered with the Illinois Department of Agriculture (or a successor agency) and be in good standing;
 - ii. A cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility or an area zoned for residential use;
 - iii. Medical cannabis inventory and cannabis infused products may not be displayed or stored in a n area accessible to the public;
 - iv. A cultivation center shall have appropriate security measures, in accordance with State regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis;
 - v. All cultivation of cannabis must take place in an enclosed, locked facility accessed by the Department of Agriculture during the registration process. The cultivation center location shall only be accessed by the cultivation center, Department of Agriculture staff performing inspections, Department of Public Health staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to medical

- cannabis, such as installing or maintaining security devices or performing electrical wiring;
- vi. Medical cannabis may not be consumed on the site of a cultivation center;
 - vii. Exterior signage shall comply with the Zoning Ordinance, except that signs or exterior building surfaces depicting or simulating cannabis, cannabis infused products, smoking or cannabis paraphernalia shall not be permitted; and
 - viii. The Mayor and City Council may condition a special use permit on a requirement that the cultivation center organization defend and indemnify The City of Peru, and its officers and employees, from and against any claim from the organization's operations.

- (e) *Minimum lot area:* Forty thousand (40,000) square feet.
- (f) *Minimum lot width:* Two hundred (200) feet.
- (g) *Floor area ratio:* Not to exceed 0.65.
- (h) *Minimum setbacks:* Same as in M-1 District.

ARTICLE XIII - AGRICULTURAL DISTRICT

13.01. A-1, Agricultural District.

- (a) *Legislative intent.* The A-1, Agricultural District is intended to cover the City's extra-territorial zoning jurisdiction, and regulate the use of that area for agricultural purposes. The portion of the extra-territorial area that is covered by the "Illinois Valley Regional Airport Zoning Map" regulates the various uses within this area, whenever a land use other than A-1, Agricultural District is required. Until a land use, other than an A-1, Agricultural District is appropriate, the land shall continue to be zoned and used as an A-1, Agricultural District.
- (b) *Allowed uses.* The following uses are allowed:
- (1) Accessory uses and structures common or incidental to agricultural or residential use.
 - (2) Agriculture, cropping, grazing, dairying, horticulture and all practices common or incidental to agriculture including grain elevators.
 - (3) Cemeteries.
 - (4) Churches and other permanent buildings intended for formal worship.
 - (5) Greenhouses, wholesale and retail.
 - (6) Golf courses.
 - (7) Home occupations (in accordance with Section II-J of this Ordinance).
 - (8) Kennels, stables and riding facilities.
 - (9) Public parks and recreation areas.
 - (10) Schools, public and private -- day or nursery, elementary, junior high and high, and post-secondary.
 - (11) Single-family detached dwelling in conjunction with farm use.
 - (12) Single-family detached dwellings -- on lots not less than two (2) acres in area or on lots of lesser size if in conformance with the one-time allowance for lots less than two (2) acres, as allowed by State law (765 ILCS 205/1) and the county ordinance, and one hundred fifty (150) feet in width at the front yard setback.

- (13) Temporary stands for the sale of agricultural non-livestock products produced on the premises, if provisions are made for parking and traffic control.
- (b) *Special uses.* The following uses are allowed as special uses when authorized by the City Council, subject to the standards set forth in Section 15.12 of this Ordinance.
- (1) Airstrips and airports.
 - (2) Commercial activities in conjunction with farm use.
 - (3) Commercial grain elevators.
 - (4) Communications transmission stations and towers provided that any such tower is set back from public right-of-way lines and property lines a distance at least equal to the tower height.
 - (5) Public buildings erected by a governmental entity.
 - (6) Utility substations.
- (c) *Lot and building requirements.*
- (1) Minimum lot area: Two (2) acres.
 - (2) Minimum lot width: Two hundred (200) feet.
 - (3) Minimum front yard setback: One hundred (100) feet.
 - (4) Minimum side yard setback: Twenty-five (25) feet.
 - (5) Minimum rear yard setback: Fifty (50) feet.

Only one dwelling shall be erected on any lot in the rural district.

ARTICLE XIV – PD - PLANNED DEVELOPMENTS

14.01. Legislative intent.

Planned developments are intended to allow greater design flexibility than is allowed by the standard district regulations. A planned development can best adapt to the topography and other natural characteristics of a given site and result in a more economical and stable development. It is intended that these regulations will encourage and facilitate development which is consistent with the spirit and intent of this Ordinance, be in conformity with the general character of the City and have a beneficial effect upon the health, safety, general welfare, and stability of the City and its immediate environs than would development under strict conformity with district regulations. Under certain conditions the allowed uses in a district may be increased. Planned developments are of such substantially different character from other conditional uses that the following standards are established to provide flexibility that will stimulate sound and imaginative design.

14.02. Standards.

- (a) *Standards for all planned developments.* All planned developments shall comply with the following general standards.
 - (1) The planned development shall be designed, located and operated so that the public health, safety and welfare will be protected.
 - (2) The planned development shall not adversely affect or reduce the value of other property in the area in which it is located.
 - (3) The establishment of the planned development shall not impede the normal and orderly development and improvement of surrounding property.
 - (4) Adequate utilities, access roads, drainage and/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.
- (b) *Design standards.* To supplement and support the general standards of Section 14.02(a), all planned developments shall comply with the following design standards:
 - (1) Subdivision ordinance. Planned developments shall be subject to the regulations governing required improvements found in the City's

“Subdivision and Site Development Regulations” ordinance, including the dedication of park lands and school sites.

- a. Where deviations from the above requirements are desired, such deviations shall be requested in writing.
 - b. The owner or developer shall install all required public improvements, including but not limited to sanitary and storm sewers, water supply facilities and public utilities.
- (2) Floodplain and stormwater management.
- a. All parts of planned developments in the floodplain shall be subject to Article VII of the City’s “Subdivision and Site Development Regulations” ordinance.
 - b. Compensatory storage, detention and/or retention basin shall be provided for the storage of surface and stormwater in the planned development in accordance with the City standards.
- (3) Erosion control. All excavation, movement of earth, site development and execution of an erosion and sedimentation control plan shall be subject to the rules and regulations of Article VIII of the City’s “Subdivision and Site Development Regulations” ordinance.
- (4) Impact on public facilities and services. The proposed planned development shall not impose an undue burden on public facilities and services.
- (5) Distance between principal structures. The minimum distance between principal structures shall be thirty (30) feet. However, as the height of the proposed structure increases the Plan Commission may require a greater distance, if necessary, to ensure safe access, light and circulation of air.
- (6) Traffic circulation.
- a. External traffic circulation system. The proposed planned development shall be accessible from public roads and so located with regard to major thoroughfares and uses outside the proposed development that traffic congestion will be minimized and uses adjacent to such thoroughfares will not be adversely affected.
 - b. Internal traffic circulation system. All streets and driveways constructed within the proposed planned development, whether public or private, shall be adequate to serve the needs of the

residents and shall meet the minimum standards of all applicable ordinances and codes of the City.

- c. Vehicular access points. Principal vehicular access points shall be designed to promote smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within the proposed planned development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- (7) Pedestrian circulation system. The pedestrian circulation system and its related walkways shall be insulated as completely and reasonably as is possible from the vehicle street system in order to provide separation of vehicular and pedestrian movement.
- (8) Open space. The proposed planned development shall attempt to preserve as much open space as possible. Existing trees, waterways, scenic points, and other physical or topographic assets must be considered when planning for common space, and preserved whenever possible.
- (9) Parking. The proposed planned development shall conform to all parking regulations in this Ordinance, unless evidence is presented to justify deviation from said regulations.
- (10) Dumpster enclosures. The location and area of all dumpster enclosures shall be designated on the plans for all planned developments.

14.03. Preliminary development plan.

- (a) *Preliminary staff review.* Prior to filing a planned development application, the applicant shall provide the following:
 - (1) Three (3) copies of the plat of survey of the property in question.
 - (2) Aerial photograph(s) of the subject site.
 - (3) Preliminary plans and sketches.
 - (4) Other site information, in such quantity as may be deemed necessary by the Building Inspector.
- (b) *Pre-application conference.*
 - (1) Within ten (10) working days after receipt of documents required above, the Building Inspector shall schedule a pre-application conference with the applicant and planning staff.

- (2) The said conference shall be for the purpose of reviewing the applicant's proposal and to provide the applicant with a general indication of the feasibility of the proposal and required procedures.
- (c) *Preliminary development plan.* Following the initial pre-application conference, a preliminary planned development application plan shall be filed with the Building Inspector by the applicant. Said application shall contain the following information:
- (1) Written documents.
 - a. A filing fee of two hundred and fifty dollars (\$250).
 - b. Petition for hearing for rezoning and preliminary review.
 - c. Sworn statement of landowner's and/or applicant's interest in subject land.
 - d. Statement by applicant with regard to future selling or leasing of all portions of subject land, and planning objectives to be achieved. This statement shall include, but not be limited to, the following:
 - i. Description of the character of the proposed development;
 - ii. Rationale behind choices made; and
 - iii. Analysis of relationship between proposed plan to the City's zoning or land use plan.
 - e. Proof of ownership or conveyance.
 - i. Copy of all title policies or title commitments currently in effect.
 - ii. All contracts currently in effect on the subject property.
 - iii. List of all parties and partners in the venture.
 - iv. Signature(s) of all owner(s) on the petition for hearing form or on a statement attached to said form giving owner's approval of petition.
 - f. Covenants, grants of easements and other limitations or restrictions to be imposed upon the use of land, buildings and structures.
 - g. Plat of survey and legal description of total site proposed.
 - h. Development schedule indicating approximate dates when construction is expected to begin and be completed.

- i. Copy of any proposed documents relating to formation, organization and duties of any homeowner's association, if applicable.
 - j. List of proposed allowed uses within the development, if applicable.
 - k. Market analysis.
 - l. Traffic analysis; external and internal.
 - m. Cost and benefit analysis on impact to municipal systems.
 - n. The following quantitative data:
 - i. Total number of any type of dwelling units (including number of bedrooms); if applicable;
 - ii. Parcel size;
 - iii. Lot coverage of buildings and structures;
 - iv. Total amount of open, and usable open space;
 - v. Total amount of non-residential construction including a separate amount for commercial or industrial facilities; and
 - vi. Number of parking spaces.
 - o. Names, addresses and tax index numbers of all owners of property within two hundred (200) feet of the development; typed on mailing labels.
 - p. Developer information including, but not limited to, past activities and list of locations of previous projects.
- (2) Site plan and supporting maps. Twenty (20) copies of plans and supporting maps containing the following minimum information:
- a. The existing site conditions including:
 - i. Contours;
 - ii. Trees over six (6) inches in diameter;
 - iii. Unique natural features and existing coverage;
 - iv. Soil boring results.
 - b. Proposed lot lines and plat designs.

- c. The location and floor area size of all existing and proposed structures, and other improvements, including maximum heights, and types of dwelling units.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces.
 - e. The existing and proposed circulation system of arterial, collector and local streets including points of ingress and egress to the development, off-street parking areas, service areas, loading areas and major points of access to public rights-of-way.
 - f. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatment of points of conflict.
 - g. Preliminary engineering, to include location, size and slope of all water, sanitary and storm sewer lines; the capacity of any existing sanitary sewers or watermains that will be tied into; and the location of all retention/detention ponds along with preliminary calculations for the size of the ponds.
 - h. A general schematic landscape plan.
 - i. A general schematic lighting plan.
 - j. Boundary lines of adjoining unsubdivided and subdivided land within two hundred (200) feet, identifying by name and ownership, existing land use, zoning, average density per acre, public facilities and unique natural features of the landscape.
 - k. Preliminary plat of subdivision, if applicable.
- (3) Other information. Any other information deemed necessary by the Building Inspector or applicant to fully explain the development.
- (d) *Administrative report.* Within forty-five (45) days following the submission of all documentation required in Section 14.03(c), the Building Inspector shall:
- (1) Schedule a public hearing for the purpose of rezoning subject property and review of the preliminary plan.
 - (2) Report to the applicant all concerns regarding submission of documents.
- (e) *Public hearing and report.*

- (1) Public hearing. At the public hearing, the Plan Commission shall receive the Building Inspector's report and solicit testimony from the general public. After due consideration, the Plan Commission shall vote, based on the standards of Section 14.02, to take one of three (3) actions:
 - a. Recommend approval of the preliminary plan and rezoning;
 - b. Not recommend approval of the preliminary plan and rezoning;
 - c. Recommend approval of the preliminary plan and rezoning with modifications and conditions.
 - (2) Report to the City Council. Within forty-five (45) days of the completion of the public hearing, the Plan Commission shall report its findings to the City Council together with the Building Inspector's report as per Section 14.03(d)(2).
- (f) *Actions by Mayor and City Council.*
- (1) Within thirty (30) days after its next regular meeting, following approval by the Plan Commission, the Mayor and City Council shall consider the recommendations of the Plan Commission, and the standards of Section 14.02 when determining one of three (3) actions:
 - a. Approve the preliminary plan;
 - b. Not approve the preliminary plan;
 - c. Approve the preliminary plan with modifications and conditions.
 - (2) Rezoning of the property shall not be considered at this time.
- (g) *Review fee.* The fees for a professional review of planned developments, including engineering review fees and hourly fees shall be paid for at the rate of one hundred fifty (150) percent of the rate per hour for planned development reviews conducted by the Building Inspector. (Amended by Ordinance No. 3960 June 16, 2003)

14.04. Final development plan approval.

- (a) *Time for filing final plans.*
 - (1) Time requirement. If granted preliminary approval by the City Council, the applicant has twelve (12) months from the date of preliminary approval in which to submit to the Building Inspector final plans for the proposed development.
 - (2) Time extension. If, for whatever reason, the applicant cannot meet the twelve (12) month deadline, the Plan Commission, in its sole discretion,

may grant a single six (6) month extension at a public meeting, given cause by the applicant.

- (3) Failure to comply. If the applicant fails to apply for final approval for any reason within the time period allowed, the preliminary approval shall be deemed to be revoked and all portions of the area included in the preliminary development plan shall be subject to the zoning and subdivision regulations otherwise applicable.
- (b) *Final development plan.* The applicant shall file the following information with the Building Inspector:
- (1) Written documents.
 - a. Filing fees, based on approved estimates of construction costs, consisting of:
 - i. 1% of the first \$50,000 of construction, plus
 - ii. 0.75% of the next \$200,000 of construction cost, plus
(Amended by Ordinance No. 3960 June 16, 2003)
 - iii. 0.50% of all construction costs over \$250,000.
 - b. Current ownership information.
 - i. Completed Real Estate Interest Disclosure Statement.
 - ii. Updated information, as required in Section 14.03(c)(1)e.
 - c. Petition for rezoning of the total site.
 - d. Development schedule listing phases and completion dates.
 - e. Maintenance standards of the caretaking of the project, during and after the project.
 - f. Final costs of the project, per phase.
 - g. Financing arrangements of the project by the applicant.
 - h. Final list of proposed allowed uses within the development, if applicable.
 - i. Engineer's cost estimates of all public improvements, per phase.
 - j. For residential projects, the extent of park land and school site dedication.

maximum percent of land covered so long as the final development, considered as a whole, is within such maximum.

(d) *Administrative report.* Within a maximum of thirty (30) days following the submission of all documents required by Section 14.04(b), the Building Inspector shall:

- (1) Schedule a public meeting for the purpose of reviewing the final plan.
- (2) Report to the applicant all concerns regarding submission documents.

(e) *Meeting and report.*

(1) Public meeting. At the public meeting, the Plan Commission shall receive the Building Inspector's report and solicit comments from the general public. After due consideration, the Plan Commission shall vote, based on the standards of Section 14.02, to take one of three (3) actions:

- a. Recommend approval of the final plan;
- b. Not recommend approval of the final plan;
- c. Recommend approval of the final plan with modifications and conditions.

(2) Report to City Council. Within a maximum of forty-five (45) days after rendering a recommendation, the Plan Commission shall report its findings to the City Council together with the Building Inspector's report.

(f) *Actions by Mayor and City Council.*

(1) The Mayor and City Council shall consider recommendations, public record, the standards of Section 14.02, and preliminary plan compliance pursuant to Section 14.04(c), in determining one of two (2) actions:

- a. Approval final plans and rezoning;
- b. Not approve plans and rezoning.

(2) Planned development approval shall be accomplished by adoption of any ordinance containing:

- a. Special conditions and restrictions imposed by the Mayor and City Council upon the planned development.
- b. Any changes and modifications in the zoning district regulations which would otherwise have been applicable.

- (3) Rezoning approval shall be accomplished through adoption of an ordinance rezoning the total site to “P”, Planned Development District, unless this has been previously accomplished.

14.05. Final plan and preliminary plan in one step.

When an applicant chooses to file with the Building Inspector all supporting documents and other submittals required for preliminary development plan approval under Section 14.03, and all supporting documents and other submittals required for final development plan approval required under Section 14.04, together with a petition for rezoning of the subject property to “PD”, planned development classification, if needed, and prior to any hearing of the Plan Commission, the preliminary and final development plans of such applicant shall be deemed consolidated. The following procedures shall be followed with respect to the applicant’s planned development application.

- (a) The Plan Commission shall hold a single public hearing, upon notice as required by this Ordinance, to:
 - (1) Consider and act upon the applicant’s preliminary and final development plans in the same manner as provided in Section 14.03(e) for preliminary development plans; and
 - (2) Consider and act upon the applicant’s petition for rezoning of the subject property to “PD”, planned development classification.
- (b) The hearing may be continued from time to time at the discretion of the Plan Commission to permit the applicant to amend the final development plans to conform to the requirements of the Plan Commission.
- (c) After the hearing procedure has been completed, the Plan Commission’s written findings and recommendations shall be submitted to the Mayor and City Council, as provided in Section 14.03(e). Within sixty (60) days after receipt of such findings and recommendations, the Mayor and City Council shall take final action on both the petition for rezoning and the application for planned development, in the manner provided in Section 14.04.

14.06. Implementation of final plan.

- (a) *Implementation.* Any planned development project receiving the approval of the Mayor and City Council shall be developed only in accordance with the final plan with any requested changes made according to the requirements set forth in this section.
- (b) *Final plat recorded.* The final plat, together with the ordinance approving the planned development and all pertinent covenants and restrictions shall be recorded in the office of the Recorder of Deeds of LaSalle County.

- (1) Said plat shall be binding upon the applicants, and all successors or assignees.
 - (2) Any exhibits which are referenced in any covenants or restrictions shall be maintained on file with the City Clerk.
- (c) *Conditions and terms.* Each planned development shall be subject to the following conditions and terms:
- (1) The developer shall be requested to appear before the Mayor and City Council if, in the opinion of the Building Inspector, inadequate effort is being made to comply with the development schedule.
 - (2) All authorized public improvements shall be substantially completed as determined by the Building Inspector within three (3) years after final approval of the planned development, or as otherwise agreed.
 - (3) To ensure the completion of public improvements, within the specified time, the City shall require the developer to submit a letter of credit in the full amount of the estimated cost of such improvements, along with a ten (10) percent cash bond for the one year maintenance period. Such letter of credit shall be in the form specified in the City's "Subdivision and Site Development Regulations" ordinance.
 - (4) To ensure the completion of buildings within the specified time, and the removal of any building materials and debris upon completion, the City shall require the developer to submit a letter of credit or any other reasonable form of financial assurance that is acceptable to the City, in an amount equal to ten (10) percent of the estimated cost of the sum total of buildings to be constructed, or a sum approved by the City Council. Such letter of credit shall be of substantially the following form:

IRREVOCABLE LETTER OF CREDIT

AMOUNT _____

DATED _____

NO. _____

To: City of Peru,
A municipal corporation
Peru, Illinois 61354

WE HEREBY AUTHORIZE YOU TO DRAW ON _____

(Name of Bank)

DRAFTS AT SIGHT FOR ANY SUM OR SUMS NOT EXCEEDING A TOTAL OF _

(Amount)

FOR ACCOUNT OF _____

Drafts shall be signed by the Peru City Treasurer and must be accompanied by his written certification that the funds drawn are to be used for one or more of the following purposes:

- (1) The removal of all debris, rubbish, building materials, apparatus, tools and equipment as well as all excess excavated materials from the said premises which have not been removed by the developer upon completion and acceptance of the work described in the final development plan approved by the corporate authorities of the City of Peru on _____ under Ordinance No. _____ or any duly authorized extension or modification thereof; or
- (2) The placement of any uncompleted buildings in a safe and secure condition or demolition of the same, if not done by the developer, and removal of all debris, rubbish, building materials, including foundations and partially constructed portions of buildings, and all apparatus, tools and equipment, as well as all excess excavated materials from the said premises, if not done by the developer, in the event of the lapse of the planned development as a result of the failure of the developer to do the work in accordance with the manner and phasing scheduled described in the final development plan approved by the corporate authorities of the City of Peru, or any duly authorized extension or modification thereof;

- (3) To hold the funds drawn for one or more of the purposes set forth in paragraphs (1) and (2) above if the work has not been completed and accepted as provided in paragraph (1) at least thirty (30) days prior to the expiration of this Letter of Credit or any renewal hereof.

All drafts hereunder must be marked drawn under _____, _____, Illinois.

Letter of Credit No.: _____ dated _____.

The amount of each draft drawn under this credit must be endorsed hereon and the presentation of each draft, if negotiated, shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required; if the draft is not negotiated, this credit must accompany the draft. This credit is subject to Uniform Customs and Practice for Documentary Credits (as revised), International Chamber of Commerce.

We hereby engage with the drawers, endorsers and bonafide holders of drafts drawn under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated or presented on or before _____.

BY: _____
Name Title

(Signature)

(d) *Authorized changes by City Council.*

- (1) Changes prior to construction. The City Council may authorize minor changes in locations, siting, or character of in the final development plan. No changes can be authorized that may lead to the following:
- a. Increase the size of any building or structure; or
 - b. Change the location of any building or structure by more than ten (10) feet in any direction; or
 - c. Provide for changes beyond the minimum or maximum requirements set forth in the approved planned unit development ordinance.

- (2) Changes in mature planned developments. It is recognized that successful, mature planned developments may require minor changes to ensure the continued marketability of the development. The City Council may authorize such changes provided that the change shall not significantly alter the character or intent of the planned development.
 - a. Any proposed change shall be clearly accessory to the planned development.
 - b. Any granted change shall be clearly stated in the City file of the planned development.

- (e) *Changes to the time schedule.*
 - (1) In the event the developer anticipates a time delay in meeting the completion date for each phase or segment thereof, the applicant may file a written request to the Mayor and City Council at least twenty (20) days prior to the expiration of said completion date for each phase or segment.
 - (2) The Mayor and City Council may extend said completion date for any length of time as deemed justifiable by the Mayor and City Council.

- (f) *Expiration of time schedule.* If actions required in any ordinance establishing a use in a planned development district are not taken within the time schedule set in connection with such ordinance, the Building Inspector shall review the circumstances and prepare a written report specifying the circumstances and recommending either:
 - (1) The use for the entire area to be continued with a revised time schedule; or
 - (2) The use be continued for part of the area, with or without a revised time schedule, and the remainder be rezoned to an appropriate category; or
 - (3) The entire district be rezoned from a planned development district to an appropriate category; or
 - (4) That other appropriate measures be made or actions taken.

- (g) *Reapplication for planned development and rezoning.*
 - (1) In the event the Mayor and City Council decide to rezone all or a portion of the planned development district and have complied with all necessary administrative procedures, the applicant may apply for approval of a new

or former planned development use and for rezoning of the subject premises within sixty (60) days after formal City action.

- (2) In the event the applicant does make such an application within the sixty (60) day period, the Mayor and City Council shall initiate consideration by referring the matter to the Plan Commission for public hearing and recommendation.

14.07. Acceptance of planned developments approved by another municipal or county government.

- (a) A planned development approved prior to annexation of the property involved to the City may be continued pursuant to the terms and conditions of an annexation agreement between the City and the property owner.
- (b) Such planned developments shall be governed by and subject to the terms of any planned development ordinance affecting the property approved by another municipal or county government or by court decision except to the extent such planned development is modified by the terms of an annexation agreement between the City and the property owner.
- (c) Except for and to the extent of conflicting provisions in such other planned development ordinance, court decisions or annexation agreement, all terms and conditions of the City shall be fully applicable to said premises.

14.08. Applicable zoning designations.

- (a) All existing land zoned “PD” Planned Development and “PUD” Planned Unit Development in the City at the date of adoption of this Ordinance shall conform to the rules and regulations of this Article XIV.
- (b) All applications approved after the date of adoption of this Ordinance shall be zoned “PD” Planned Development.

ARTICLE XV - ADMINISTRATION

15.01. Organization.

The administration of this Ordinance is hereby vested in:

- (a) The Building Inspector.
- (b) The Zoning Board of Appeals.
- (c) The Plan Commission.
- (d) The City Council.

15.02 Office of the Building Inspector.

The Building Inspector shall enforce this Ordinance and in furtherance of his authority shall:

- (a) Determine conformance of applications for building permits and certificates of occupancy with regulations of this Ordinance.
- (b) Issue all certificates of occupancy, and maintain records thereof.
- (c) Issue all building permits, and maintain records thereof.
- (d) Conduct inspections of structures and uses of land to determine compliance with the terms of this Ordinance.
- (e) Receive, file and forward to the Zoning Board of Appeals all applications for variances, amendments, special uses, appeals, or for other matters on which the Zoning Board of Appeals is required to act, under this Ordinance.
- (f) Receive, file and forward to the Plan Commission all applications for variances, amendments, special uses, appeals, or for other matters which under this Ordinance require referral to the Plan Commission.
- (g) Maintain appropriate records of the administration and enforcement of this Ordinance, including, but not limited to, applications, processing and decisions for all amendments and special uses granted by the City Council, variations and appeals; and designate all zoning amendments and annexations on the Zoning District Map.

- (h) Decide or make recommendations on all other matters under this Ordinance upon which the Building Inspector is required to act.
- (i) Receive from the City Clerk all notices of petitions for amendments, appeals, variations, and special use permits which have been referred by the City Clerk to the Zoning Board of Appeals, Plan Commission, or other appropriate reviewing body.
- (j) Provide public information relative to all matters pertaining to this Ordinance.

15.03. Filing plans.

All applications for building permits and certificates of occupancy shall be accompanied by plans, drawn to scale, showing the actual shape, area and dimensions of the lot to be built upon, the exact size and location on the lot of the existing buildings and accessory buildings, and the lines within which the new structures shall be erected, the existing and intended use of each structure, the number of dwelling units or lodging rooms a building is designed to accommodate, location and number of off-street parking and off-street loading spaces, and such other information with regard to the lot and neighboring lots and performance standards as may be necessary to determine and provide for the enforcement of this Ordinance. Also, furnish the elevations of the finished building floor, finished earth elevations at building corners, and street pavement elevation. The lot and location of the building thereon shall be staked out on the ground before construction is started.

15.04. Building permits.

- (a) It shall be unlawful to start the construction of a new building, structure, parking lot or sign, or the enlargement or alteration of a building or structure, which involves a change in use, without first filing written application for and obtaining a building or development permit from the Building Inspector.
- (b) Each application for a building permit shall be accompanied by the plans required in paragraph 15.03. A record of applications and plans shall be kept in the office of the Building Inspector.
- (c) No building, development, removal or erection permit shall be issued unless the Building Inspector has certified after examination of the plot plan and construction plans that such plans show compliance with all provisions of this ordinance.
- (d) Before a building permit is issued by the Building Inspector, the permittee, if requested by the Building Inspector, shall present to the Building Inspector a plat that indicates all corner points of the property in question, which plat shall have

been prepared and signed by a Professional land Surveyor, licensed by the State of Illinois. All costs incurred shall be the responsibility of the permittee, if requested by the Building Inspector. (Amended by Ordinance No. 4362 October 30, 2006)

- (e) The Building Inspector is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions may be occupied safely. The Building Inspector shall set a time period during which the temporary certificate of occupancy is valid. (Amended by Ordinance No. 4362 October 30, 2006)

15.05. Certificate of occupancy.

- (a) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate is issued by the Building Inspector stating that the intended use is allowed under the provisions of this Ordinance.
- (b) No occupancy certificate for a change of use in an existing structure or land improvement shall be issued until the premises has been inspected and certified by the Building Inspector to be in compliance with applicable requirements for the zoning district in which it is located.
- (c) Certificate of occupancy of a building shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Building Inspector and shall be furnished, on request, to any person having proprietary or tenancy interest in the building affected.
- (d) No permit for excavation for, or the erection of, any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued.
- (e) The Building Inspector is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions may be occupied safely. The Building Inspector shall set a time period during which the temporary certificate of occupancy is valid.

15.06. Procedure in case of violations.

Whenever there is found a violation of the terms of this Ordinance, the Building Inspector shall at once issue written notice to the owner and any other party responsible, specifying the nature of the violation and citing the provisions of the Ordinance which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation

within a reasonable time, the Building Inspector shall initiate action or proceeding as shall secure compliance with the applicable provision of this Ordinance.

15.07. Zoning Board of Appeals.

- (a) *Establishment.* There is hereby established a Zoning Board of Appeals. Said Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor with approval of the City Council.

Each member so appointed shall serve for a term of five (5) years. Vacancies shall be filled by appointment by the Mayor and approved by the City Council for the unexpired term. Members may be removed for cause after written charges have been filed and after a public hearing has been held. One of the members of said Zoning Board of Appeals shall be appointed by the Mayor and approved by the City Council as Chairman of said Zoning Board of Appeals, and shall hold said office as Chairman until a successor is appointed. Such Chairman, or in his absence, the Acting Chairman, shall administer oaths and compel the attendance of the witnesses.

The Zoning Board of Appeals shall elect a secretary to hold said office until a successor is elected.

- (b) *Jurisdiction.* The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

- (1) To hear and decide an appeal from any order, requirement, decision, or determination made by the Building Inspector or other authorized official of the City having jurisdiction under this Ordinance.
- (2) To hear all applications for variations from the terms provided in this Ordinance in the manner and subject to the standards set forth in this section.
- (3) To hear and decide upon all matters referred to it or upon which it is required to pass under this Ordinance, in accordance with applicable Illinois Statutes.

- (c) *Meetings and rules.* All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places within the City as the Zoning Board of Appeals may determine. All testimony by witnesses at any hearing provided for in this zoning Ordinance shall be given under oath. The Chairman, or in his absence, the acting chairman, shall administer oaths and compel the attendance of the witnesses.

All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of the applicant on any matter which is authorized by this Ordinance which requires a decision. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the Office of the Zoning Board of Appeals and shall be a public record. In the performance of its duties, the Zoning Board of Appeals may incur such expenditures as shall be authorized by the City Council.

15.08. Variations.

- (a) *Authority.* The City Council shall decide all applications for variations of the provisions of this Ordinance after a public hearing held before the Zoning Board of Appeals. The Zoning Board of Appeals shall hold public hearings upon all applications of variations and shall report its recommendations to the City Council. The Zoning Board of Appeals shall recommend a variation only after they have made a finding of fact specifying the reason or reasons for recommending the variation. Such findings shall be based upon the standards prescribed in 15.08(d) of this section. No variation shall be granted by the City Council without such findings of fact. When the Zoning Board of Appeals fails to recommend a variation, it can only be adopted by an ordinance with the favorable vote of two-thirds (2/3) of the City Council.
- (b) *Initiation.* An application for a variation may be made by any governmental office, department, board, bureau, or commission or by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a free hold interest, an option to purchase, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.
- (c) *Application for variation and notice of hearing.* An application for a variation shall be filed with the City Clerk, who shall forward a copy of same to the Zoning Board of Appeals without delay. The application shall contain such information as the Zoning Board of Appeals may from time to time by rule require. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation within the City. The published notice may be supplemented by such additional form of notice as the Zoning Board of Appeals may by rule require. Also, a sign supplied by the City of Peru that gives notice of this pending

petition shall be placed in plain view on the property, which is the subject of the hearing, by the petitioner, not less than fifteen (15) days prior to the meeting.

- (d) *Standard for Variations.* The Zoning Board of Appeals shall not recommend a variation of the regulations of this Ordinance, as authorized herein, unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:
- (1) The property in question cannot yield a reasonable return if allowed to be used only under the conditions allowed by the regulations in the district in which it is located.
 - (2) The plight of the owner is due to unique circumstances.
 - (3) The variation, if granted, will not alter the essential character of the locality.
 - (4) For the purpose of implementing the above rules, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - b. The conditions upon which the petition for variation is based would not be applicable, generally to other property within the same zoning classification.
 - c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner.
 - e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or

endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals may recommend and the City Council may require such conditions and 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 injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Ordinance.

- (e) *Authorized variations.* Variations from the regulations of this Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set out in this section and may be granted only in the following instances, and in no others:
- (1) To allow any yard or setback less than a yard or a setback required by the applicable regulations, however, the Building Inspector may review all applications for yard setbacks for garages being reconstructed, or for other accessory structures, and make recommendations to the City Council, or may remand the application to the Zoning Board of Appeals for further action. Any such application must limit the minimum yard setback to two (2) feet, and be accompanied by a letter from the adjoining property owner(s), stating that they have no objections.
 - (2) To allow a lot of record prior to the year 1971, in a residence district, which is unable to meet the requirements of this Ordinance as to area, lot width, and yard requirements to be used for a single-family detached dwelling, provided it shall meet all the other requirements of this Ordinance.
 - (3) To allow the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user 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, or to allow greater distances between parking and businesses served.
 - (5) To modify the requirements under ARTICLE 8 - SIGNAGE. (Amended by Ordinance No. 3960 June 16, 2003)
 - (6) To modify the requirements under Section 7.04, entitled “Design and maintenance of off-street parking areas,” of this Code. (Amended by Ordinance No. 4224 October 17, 2005)

- (f) *Administrative variations.* Notwithstanding the aforesaid procedures for a variance, the City Council, upon the favorable vote of not less than two-thirds (2/3rds) of the corporate authorities then holding office, may grant a variation without the necessity of a public hearing upon the following conditions:
- (1) A petition for administrative variation shall be filed with the Zoning Officer and City Clerk with all filing fees paid to the City Clerk;
 - (2) The administrative variation shall not seek any variance in excess of forty percent (40%) of any numeric standards required by this Zoning Ordinance for any subdivision platted on or after January 1, 1990;
 - (3) The petition for administrative variation shall be accompanied by affidavits from all contiguous property owners giving the legal description of their respective properties and stating they have no objections to the requested administrative variation;
 - (4) The administrative variation shall apply only to properties located within R-1 Single Family Detached Dwelling Districts, R-2 Single-Family Detached Dwelling Districts, and R-3 Single-Family and Two-Family Residence Districts zoning classifications; and
 - (5) The administrative variation shall be unanimously recommended to the City Council by the Zoning Officer of the City, the Chairman of the Zoning Board of Appeals, and both aldermen of the ward in which the subject property is located.

(Amended by Ordinance No. 4441 July 9, 2007)

15.09. Appeals (Scope of appeals).

An appeal to the Zoning Board of Appeals may be made by any person, firm or corporation, or by any office, department, board or bureau aggrieved by a decision of the Building Inspector under this Ordinance in accordance with Illinois Statutes and the following:

- (a) An application for an appeal shall be filed with the City Clerk within twenty (20) days of the date of the action from which the appeal is being filed, and thereafter the City Clerk shall forward such application to the Zoning Board of Appeals for processing. The City Clerk shall forward to the Building Inspector a notice of appeal specifying the grounds thereof and he shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal stays all the proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that

by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case 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, on notice to the Building Inspector from whom the appeal is taken and on due causes shown.

- (c) The Zoning Board of Appeals shall fix a reasonable time, not to exceed ninety (90) days, for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made on the premises, and to that end shall have all the powers of the officer from whom the appeal was taken.

15.10. The Plan Commission.

The Plan Commission shall have the following duties under this Ordinance:

- (a) To receive copies of all applications for proposed special uses and hold public hearings thereon, as required;
- (b) To receive all applications for proposed zoning amendments and hold public hearings thereon; and
- (c) To initiate, direct and review, from time to time, a study of the provisions of the text and the maps comprising this zoning Ordinance, and to make reports of its recommendations to the City Council not less frequently than annually.

15.11. 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 Illinois Statutes. An amendment shall be granted or denied by the City Council only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the City Council.
- (b) *Initiation.* Amendments may be proposed by the City Council, Plan Commission, and by any other person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or an exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

(c) *Application for amendment and notice of hearing.*

- (1) An application for an amendment shall be filed with the City Clerk, and thereafter entered into the records of the first meeting thereafter of the City Council.
- (2) A copy of such application shall thereafter be forwarded by the City Clerk to the Plan Commission with a request to hold a public hearing and submit to the City Council a report on its findings and recommendations. No more than ninety (90) days after filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation within the City. The published notice may be supplemented by such additional form of notice as the Plan Commission may by rule require. Also, a sign supplied by the City of Peru that gives notice of this pending petition shall be placed in plain view on the property, which is the subject of the hearing, by the petitioner, not less than fifteen (15) days prior to the hearing.
- (3) The City Clerk shall also transmit a copy of the application to the Zoning Board of Appeals. The Zoning Board of Appeals shall submit an opinion report relative to such proposed amendment to the Plan Commission and City Council.

(d) *Decisions.*

- (1) The City Council, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois Statutes, or may refer it back to the Zoning Board of Appeals, for further consideration.
- (2) In case a written protest against any proposed amendment signed and acknowledged by owners of twenty (20) percent of the frontage proposed to be altered, or by owners of twenty (20) percent of the frontage immediately adjoining, or by owners of twenty (20) percent of the frontage directly opposite the frontage to be altered, is filed with the City Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the City Council.

15.12. Special uses.

- (a) *Purpose.* The formulation and enactment of a comprehensive ordinance is based on the division of the entire City into districts in each of which are allowed specified uses that are mutually compatible. In addition to such allowed, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which on account of their potential influence upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Ordinance as “Special Uses” and fall into two categories:
- (1) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest.
 - (2) Uses entirely private in character which, on account of their peculiar location need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district or districts in which they cannot reasonably be allowed as an unrestricted allowed use under the regulations of this Ordinance.
- (b) *Initiation.* Special uses may be proposed by the City Council, Plan Commission, and by any person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for a special use.
- (c) *Application for special uses and notice of hearing.* An application for a special use shall be filed with the City Clerk, who shall forward a copy of same to the Plan Commission without delay. The application shall contain such information as the Plan Commission may from time to time by rule require. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation within the City. The published notice may be supplemented by such additional form of notice as the Plan Commission may by rule require. Also, a sign supplied by the City of Peru that gives notice of this pending petition shall be placed in plain view on the property, which is the subject of the hearing, by the petitioner not less than fifteen (15) days prior to the hearing.

15.13. Fees.

Any application for Amendment, Special Use, or Variance filed, shall be accompanied by a fee of \$100 for residential or agricultural property or \$200 for business or manufacturing property, except requests for variations described in Section 15.08 (e) (1), which shall require a fee of \$25.00.

ARTICLE XVI - ENFORCEMENT AND PENALTIES

16.01. Non-conforming work.

If at any time any work is performed which is not in accordance with this Ordinance or a permit covered by this Ordinance, including conditions and approved modifications thereof, a written notice to comply shall be given by the Building Inspector stating the nature and location of the alleged non-compliance and specifying what remedial steps are necessary to bring the project into compliance. The responsible parties shall have such time as may be allowed in writing by the Building Inspector to correct all noted deficiencies; the time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

16.02. Revocation or suspension of permit.

A permit may be revoked or suspended by the Building Inspector. The permit holder may request in writing, within ten (10) days of the permit revocation or suspension, a public hearing before the City Council or its designated committee. The permit holder shall have an opportunity to be heard, present evidence, and cross-examine witnesses at such public hearing. The decision of the City Council or its designated committee shall be final and any further appeal shall be in the Circuit Court of LaSalle County, Illinois. Written notice shall be given to the permit holder specifying the grounds for such revocation or suspension, and advising the permit holder of the date, place, and time of the hearing before the City Council.

A permit may be revoked or suspended upon the occurrence of any one of the following events:

- (a) Violation of any condition of the permit, or
- (b) Discovery of new information which would place an issued permit in non-compliance with this Ordinance, or
- (c) Violation of any provision of this Ordinance or any other applicable law or Ordinances, or
- (d) Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

Upon revocation of any permit and in cases where a permit is suspended, the Building Inspector shall issue a stop work order on all construction activity on the permit holder's property which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City. Notices and orders required by this Ordinance shall be served upon the parties concerned, either personally or by certified mail,

addressed to the individual contracting party or permit holder at the address given on the contract document or permit application filed with the City.

16.03. Civil action.

The City may institute actions or proceedings at law or in equity for the enforcement of the provisions of this Ordinance.

16.04. Settlement of litigation.

- (a) *Authority.* Notwithstanding any other provisions of this Ordinance, the City Council may grant zoning approvals in connection with the settlement of litigation or a pending suit against the City.
- (b) *Purpose.* The authority conferred on the City Council is conferred in recognition of the fact that, when the City is involved in litigation concerning the exercise of its powers under this Ordinance, all factors must be considered. It is the ultimate responsibility of the elected governing body of the City to assess the impact of those factors on the land use decisions involved and to make a decision based upon the overall public good.
- (c) *Powers.* For the purpose of settling pending litigation on terms deemed by the City Council to be the most advantageous to the City, the City Council shall have the power to grant any approval authorized by this Ordinance or to modify or vary the provisions of this Ordinance as they apply to the property which is the subject of such litigation.
- (d) *Procedure.* Before exercising its powers hereunder, the City Council may, within its discretion, conduct a hearing in accordance with this Ordinance. No other procedures shall be required.

All action taken pursuant to this Section shall be evidenced by an Ordinance duly adopted. The concurrence of a majority of the City Council shall be sufficient to approve any Ordinance adopted pursuant to the authority and power granted herein.

16.05. Penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE XVII - REPEAL, SAVING CLAUSE, EFFECTIVE DATE

- 17.01. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 17.02. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.
- 17.03. It is further ordered that this Ordinance is hereby directed to be published in book or pamphlet form.
- 17.04. The repeal of the ordinances or parts thereof specified in Paragraph 17.01 of this Section shall not:
- (a) Affect suits pending or rights existing immediately prior to the effective date of this Ordinance;
 - (b) Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed ordinance or amendment thereto; or
 - (c) Affect or impair the validity of any bond or other obligation issued or sold in constituting a valid obligation of the issuing authority immediately prior to the effective date of this Ordinance.
- 17.05. Should any section, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of the Ordinance as a whole or in part, other than the part so declared to be invalid.

First Revision June 17, 2002
Second Revision September 22, 2003
Third Revision November 10, 2004
Fourth Revision December 8, 2005
Fifth Revision October 30, 2006
Sixth Revision July 10, 2007
Seventh Revision December 22, 2008
Eighth Revision April 13, 2009
Ninth Revision October 12, 2009
Tenth Revision December 21, 2010
Eleventh Revision March 1, 2010
Twelfth Revision March 29, 2010
Thirteenth Revision September 27, 2010
Fourteenth Revision January 31, 2011
Fifteenth Revision August 27, 2012
Sixteenth Revision February 11, 2013

PRESENTED, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Peru, Illinois, by an aye and nay roll call vote, with _____ voting aye, _____ voting nay, _____absent, _____ passing, and Mayor Baker voting _____, which meeting was held on the 10th day of September, A.D., 2001.

APPROVED:

Donald L. Baker, Mayor

(CORPORATE SEAL)

ATTEST:

Judith A. Heuser, City Clerk

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Aldermen:			
Sadowski			
O'Beirne			
Witczak			
Potthoff			
Ferrari			
Mikyska			
Ankiewicz			
Wren			