**City of Knoxville**

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**Zoning Board of Appeals Manual**

**Updated: June 10 2019**

KNOXVILLE, ILLINOIS MUNICIPAL CODE

CHAPTER THIRTY ONE

ZONING

**Adopted February 19, 2007**

**TABLE of CONTENTS**

[ARTICLE 1: In General 9](#_Toc11054605)

[SEC. 31-1-1: INTENT AND PURPOSE 9](#_Toc11054606)

[ARTICLE 2: Definitions 11](#_Toc11054607)

[SEC. 31-2-1: ACCESSORY BUILDING 11](#_Toc11054608)

[SEC. 31-2-2: ACCESSORY USE 11](#_Toc11054609)

[SEC. 31-2-3: ACREAGE 11](#_Toc11054610)

[SEC. 31-2-4: ALLEY 11](#_Toc11054611)

[SEC. 31-2-5: APARTMENT 11](#_Toc11054612)

[SEC. 31-2-6: AUTOMOBILE REPAIR, MAJOR 11](#_Toc11054613)

[SEC. 31-2-7: AUTOMOBILE WRECKING YARD (SALVAGE YARD) 12](#_Toc11054614)

[SEC. 31:2-8: BILLBOARD 12](#_Toc11054615)

[SEC. 31-2-9: BLOCK 12](#_Toc11054616)

[SEC. 31-2-10: BUILDING 12](#_Toc11054617)

[SEC. 31-2-11: BUILDING HEIGHT 12](#_Toc11054618)

[SEC. 31-2-12: BUILDING LINE 12](#_Toc11054619)

[SEC. 31-2-13: DISTRICT 12](#_Toc11054620)

[SEC. 31-2-14: DWELLING 13](#_Toc11054621)

[SEC. 31-2-15: DWELLING, GROUP 13](#_Toc11054622)

[SEC. 31-2-16: DWELLING, MULTIPLE FAMILY 13](#_Toc11054623)

[SEC. 31-2-17: DWELLING, ONE FAMILY 13](#_Toc11054624)

[SEC. 31-2-18: DWELLING, TOWNHOUSE (PARTY WALL) 13](#_Toc11054625)

[SEC. 31-2-19: DWELLING, TWO FAMILY 13](#_Toc11054626)

[SEC. 31-2-20: DWELLING UNIT 13](#_Toc11054627)

[SEC. 31-2-21: FLOOR AREA 13](#_Toc11054628)

[SEC. 31-2-22: FLOOR AREA RATIO 14](#_Toc11054629)

[SEC. 31-2-23: HOME OCCUPATION 14](#_Toc11054630)

[SEC. 31-2-24: HOTEL OR MOTEL 14](#_Toc11054631)

[SEC. 31-2-25: LOADING SPACE 14](#_Toc11054632)

[SEC. 31-2-26: LODGING OR ROOMING HOUSE (BED and BREAKFAST) 14](#_Toc11054633)

[SEC. 31-2-27: LOT, CORNER 14](#_Toc11054634)

[SEC. 31-2-28: LOT, COVERAGE 14](#_Toc11054635)

[SEC. 31-2-29: LOT, DEPTH 14](#_Toc11054636)

[SEC. 31-2-30: LOT, FRONTAGE 15](#_Toc11054637)

[SEC. 31-2-31: LOT, INTERIOR 15](#_Toc11054638)

[SEC. 31-2-32: LOT LINE, FRONT 15](#_Toc11054639)

[SEC. 31-2-33: LOT LINE, REAR 15](#_Toc11054640)

[SEC. 31-2-34: LOT LINE, SIDE 15](#_Toc11054641)

[SEC. 31-2-35: LOT OF RECORD 15](#_Toc11054642)

[SEC. 31-2-36: LOT, THROUGH 15](#_Toc11054643)

[SEC. 31-2-37: LOT, WIDTH 15](#_Toc11054644)

[SEC. 31-2-38: LOT, ZONING 15](#_Toc11054645)

[SEC. 31-2-39: MEDICAL CLINIC 16](#_Toc11054646)

[SEC. 31-2-40: MOBILE or MANUFACTURED HOMES 16](#_Toc11054647)

[SEC. 31-2-41: MODULAR HOME 16](#_Toc11054648)

[SEC. 31-2-42: NON-CONFORMING RECORDED LOT 16](#_Toc11054649)

[SEC. 31-2-43: NON-CONFORMING STRUCTURE 16](#_Toc11054650)

[SEC. 31-2-44: NON-CONFORMING USE 16](#_Toc11054651)

[SEC. 31-2-45: NURSERY, DAY 16](#_Toc11054652)

[SEC. 31-2-46: NURSING HOME OR REST HOME 17](#_Toc11054653)

[SEC. 31-2-47: PARKING AREA, PRIVATE 17](#_Toc11054654)

[SEC. 31-2-48: PARKING AREA, PUBLIC 17](#_Toc11054655)

[SEC. 31-2-49: PLAN COMMISSION 17](#_Toc11054656)

[SEC. 31-2-50: PLANNED UNIT DEVELOPMENT ( PUD) 17](#_Toc11054657)

[SEC. 31-2-51: SIGNS 17](#_Toc11054658)

[SEC. 31-2-52: SPECIAL USE 18](#_Toc11054659)

[SEC. 31-2-53: STORY 18](#_Toc11054660)

[SEC. 31-2-54: STORY, HALF 18](#_Toc11054661)

[SEC. 31-2-55: STRUCTURE 18](#_Toc11054662)

[SEC. 31-2-56: STRUCTURAL ALTERATIONS 18](#_Toc11054663)

[SEC. 31-2-57: USE 19](#_Toc11054664)

[SEC. 31-2-58: YARD 19](#_Toc11054665)

[SEC. 31-2-59: YARD, FRONT 19](#_Toc11054666)

[SEC. 31-2-60: YARD, REAR 19](#_Toc11054667)

[SEC. 31-2-61: YARD, SIDE 19](#_Toc11054668)

[SEC. 31-2-62: ZONE 19](#_Toc11054669)

[SEC. 31-2-63: ZONING ADMINISTRATOR 19](#_Toc11054670)

[SEC. 31-2-64: ZONING BOARD of APPEALS 19](#_Toc11054671)

[SEC. 31-2-65: ZONING ENFORCEMENT OFFICER 19](#_Toc11054672)

[SEC. 31-2-66: ZONING LOT 19](#_Toc11054673)

[SEC. 31-2-67: ILLUSTRATIONS 19](#_Toc11054674)

[SEC. 31-2-68: ILLUSTRATIONS 20](#_Toc11054675)

[SEC. 31-2-69: Veterinary Clinic and Small Animal Veterinary Clinic 20](#_Toc11054676)

[ARTICLE 3: Use Districts 23](#_Toc11054677)

[SEC. 31-3-1: SCOPE OF REGULATIONS 23](#_Toc11054678)

[SEC. 31-3-2: ESTABLISHMENT OF DISTRICTS or ZONES 23](#_Toc11054679)

[SEC. 31-3-3: RESIDENTIAL DISTRICTS, PURPOSES 23](#_Toc11054680)

[SEC. 31-3-4: ESTABLISHMENT OF RESIDENTIAL DISTRICTS 24](#_Toc11054681)

[SEC. 31-3-5: BUSINESS DISTRICTS PURPOSES 24](#_Toc11054682)

[SEC. 31-3-6: ESTABLISHMENT OF BUSINESS DISTRICTS 24](#_Toc11054683)

[SEC. 31-3-7: COMMERICAL/INDUSTRIAL/MANUFACTURING DISTRICTS (C-I-M) 25](#_Toc11054684)

[PURPOSES 25](#_Toc11054685)

[SEC. 31-3-8: ESTABLISHMENT OF C-I-M DISTRICTS 25](#_Toc11054686)

[SEC. 31-3-9: HISTORIC DISTRICT 26](#_Toc11054687)

[SEC. 31-3-10: USES PERMITTED, HISTORIC DISTRICT 26](#_Toc11054688)

[SEC. 31-3-11: ARCHITECTURAL CHARACTERISTICS, HISTORIC DISTRICT 26](#_Toc11054689)

[SEC. 31-3-12: HISTORIC COMPATIBILITY 27](#_Toc11054690)

[SEC. 31-3-13: ZONING MAP 27](#_Toc11054691)

[SEC. 31-3-14: BOUNDARY LINES 27](#_Toc11054692)

[SEC. 31-3-15: ZONING OF STREET, ALLEYS, PUBLIC WAYS AND RAILROAD 27](#_Toc11054693)

[RIGHTS OF WAYS 27](#_Toc11054694)

[SEC. 31-3-16: NEW OR ANNEXED LAND 28](#_Toc11054695)

[SEC. 31-3-17: MINIMUM LOT SIZE, YARD AND BULK REGULATIONS 28](#_Toc11054696)

[SEC. 31-3-71: Table 1 29](#_Toc11054697)

[SEC. 31-3-18: LOT AREA 30](#_Toc11054698)

[SEC. 31-3-19: LOT WIDTH 30](#_Toc11054699)

[SEC. 31-3-20: FRONT YARD 30](#_Toc11054700)

[SEC. 31-3-21: REAR YARD 30](#_Toc11054701)

[SEC. 31-3-22: SIDE YARD 30](#_Toc11054702)

[SEC. 31-3-23: YARD ABUTTING A STREET 30](#_Toc11054703)

[SEC. 31-3-24: YARD ABUTTING A RESIDENTIAL ZONE 30](#_Toc11054704)

[SEC. 31-3-25: LOT COVERAGE 31](#_Toc11054705)

[SEC. 31-3-26: FLOOR AREA RATIO (PERCENT OF LOT COVERAGE) 31](#_Toc11054706)

[SEC. 31-3-27: HEIGHT OF PRINCIPAL USE 31](#_Toc11054707)

[SEC. 31-3-28: HEIGHT AND NUMBEROF ACCESSORY USES 31](#_Toc11054708)

[SEC. 31-3-29: USES PERMITTED IN ZONES 32](#_Toc11054709)

[SEC. 31-3-30: LOCATION OF BUILDINGS 40](#_Toc11054710)

[SEC. 31-3-31: BUILDINGS UNDER CONSTRUCTION 40](#_Toc11054711)

[SEC. 31-3-32: BUILDINGS ON A LOT 40](#_Toc11054712)

[SEC. 31-3-33: EXCEPTIONS TO DISTRICT REGULATIONS 40](#_Toc11054713)

[SEC. 31-3-34: HEIGHT EXCEPTIONS 40](#_Toc11054714)

[SEC. 31-3-35: YARD AND BUILDING SETBACK EXCEPTIONS 41](#_Toc11054715)

[SEC. 31-3-36: FENCES, WALLS AND HEDGES 42](#_Toc11054716)

[SEC. 31-3-37: CLEAR VIEW OF INTERSECTING STREETS 42](#_Toc11054717)

[SEC. 31-3-38: HEIGHT OF FENCES, WALLS, HEDGES AND SCREENS 42](#_Toc11054718)

[SEC. 31-3-39: UTILITY EXEMPTION 42](#_Toc11054719)

[SEC. 31-3-40: SIGN AND BILLBOARD REGULATIONS 42](#_Toc11054720)

[ARTICLE 4: General Regulations 45](#_Toc11054721)

[SEC. 31-4-1: INDUSTRIAL and MANUFACTURING PERFORMANCE STANDARDS 45](#_Toc11054722)

[SEC. 31-4-2: PERMIT PROCEDURE 45](#_Toc11054723)

[SEC. 31-4-3: CONFORMITY TO STANDARDS 46](#_Toc11054724)

[SEC. 31-4-4: PERFORMANCE STANDARDS 46](#_Toc11054725)

[SEC. 31-4-5: OFF-STREET PARKING AND LOADING 47](#_Toc11054726)

[SEC. 31-4-6: GENERAL PROVISIONS—PARKING AND LOADING 47](#_Toc11054727)

[SEC. 31-4-7: DESIGN AND MAINTENANCE---PARKING SPACES 48](#_Toc11054728)

[SEC. 31-4-8: DESIGN AND MAINTENANCE----LOADING SPACES 49](#_Toc11054729)

[SEC. 31-4-9: REQUIRED NUMBER OF PARKING SPACES 49](#_Toc11054730)

[SEC. 31-4-10: REQUIRED NUMBER OF LOADING SPACES 52](#_Toc11054731)

[SEC. 31-4-11: ACCESSORY USES 53](#_Toc11054732)

[SEC. 31-4-12: LOCATION OF ACCESSORY USES 53](#_Toc11054733)

[SEC. 31-4-13: CONSTRUCTION OF ACCESSORY BUILDINGS 53](#_Toc11054734)

[SEC. 31-4-14: REGULATIONS FOR CUSTOMARY HOME OCCUPATIONS AND TENTS 54](#_Toc11054735)

[SEC. 31-4-15: TEMPORARY USES 54](#_Toc11054736)

[SEC. 31-4-16: USES PERMITTED AS TEMPORARY USES 55](#_Toc11054737)

[ARTICLE 5: Special Use 56](#_Toc11054738)

[SEC. 31-5-1: PURPOSE 56](#_Toc11054739)

[SEC. 31-5-2: LIMITED CONSIDERATION 56](#_Toc11054740)

[SEC. 31-5-3: LOCATION 56](#_Toc11054741)

[SEC. 31-5-4: STANDARDS FOR ALL SPECIAL USES 56](#_Toc11054742)

[SEC. 31-5-5: APPLICATION 57](#_Toc11054743)

[SEC. 31-5-6: STANDARDS FOR SPECIFIC SPECIAL USES 57](#_Toc11054744)

[SEC. 31-5-7: AIRPORTS AND HELIPORTS 57](#_Toc11054745)

[SEC. 31-5-8: AUTOMOBILE WRECKING YARD (SALVAGE YARD) 58](#_Toc11054746)

[SEC. 31-5-9: CEMETERY 58](#_Toc11054747)

[SEC. 31-5-10: DRIVE-IN THEATER, SUMMER THEATER, AMPITHEATER 59](#_Toc11054748)

[SEC. 31-5-11: MOBILE OR MANUFACTURED HOMES AND PARKS 60](#_Toc11054749)

[ARTICLE 6: Planned Unit Development 61](#_Toc11054750)

[SEC. 31-6-1: PURPOSE 61](#_Toc11054751)

[SEC. 31-6-2: LOCATION 61](#_Toc11054752)

[SEC. 31-6-3: STANDARDS FOR PLANNED UNIT DEVELOPMENTS 61](#_Toc11054753)

[SEC. 31-6-4: REQUIRED SEWER AND WATER 61](#_Toc11054754)

[SEC. 31-6-5: PERMITTED USES 61](#_Toc11054755)

[SEC. 31-6-6: ACREAGE STANDARDS 62](#_Toc11054756)

[SEC. 31-6-7: MINIMUM SITE AREA 64](#_Toc11054757)

[SEC. 31-6-8: DESIGN STANDARDS 64](#_Toc11054758)

[SEC. 31-6-9: APPLICATION FOR PLANNED UNIT DEVELOPMENT 65](#_Toc11054759)

[SEC. 31-6-10: SUPPORTING INFORMATION 66](#_Toc11054760)

[SEC. 31-6-11: ENGINEERING REVIEW 67](#_Toc11054761)

[SEC. 31-6-12: APPROVAL OF THE DEVELOPMENT PLAN 67](#_Toc11054762)

[SEC. 31-6-13: MINOR MODIFICATION OF FINAL PLAN 67](#_Toc11054763)

[SEC. 31-6-14: FAILURE TO BEGIN PLANNED UNIT DEVELOPMENT 68](#_Toc11054764)

[ARTICLE 7: Non-Conforming Use Regulations 69](#_Toc11054765)

[SEC. 31-7-1: PURPOSE 69](#_Toc11054766)

[SEC. 31-7-2: RESIDENTIAL DISTRICT 69](#_Toc11054767)

[SEC. 31-7-3: ALL OTHER DISTRICTS 69](#_Toc11054768)

[SEC. 31-7-4: CONSTRUCTION, REPAIR AND ALTERATION 70](#_Toc11054769)

[SEC. 31-7-5: NON-CONFORMING USE AND STRUCTURE REGULATIONS 70](#_Toc11054770)

[ARTICLE 8: Variance 71](#_Toc11054771)

[SEC. 31-8-1: GENERAL APPLICATION 71](#_Toc11054772)

[SEC. 31-8-2: SPECIAL APPLICATION FOR ZONING LOT 71](#_Toc11054773)

[SEC. 31-8-3: PUBLIC HEARING 71](#_Toc11054774)

[SEC. 31-8-4: NOTICE 71](#_Toc11054775)

[SEC. 31-8-5: STANDARDS 71](#_Toc11054776)

[SEC. 31-8-6: RECOMMENDATION 72](#_Toc11054777)

[SEC. 31-8-7: ACTION BY THE COUNCIL 72](#_Toc11054778)

[ARTICLE 9: Notice 73](#_Toc11054779)

[SEC. 31-9-1: NOTICE 73](#_Toc11054780)

[ARTICLE 10: Permits 74](#_Toc11054781)

[SEC. 31-10-1: GENERAL 74](#_Toc11054782)

[SEC. 31-10-2: BUILDING PERMIT 74](#_Toc11054783)

[SEC. 31-10-3: OCCUPANCY PERMIT 74](#_Toc11054784)

[SEC. 31-10-4: TEMPORARY USE PERMITS 74](#_Toc11054785)

[SEC. 31-10-5: PERMIT FEES 75](#_Toc11054786)

[ARTICLE 11: Penalties and Responsibilities 76](#_Toc11054787)

[SEC. 31-11-1: RESPONSIBILITY 76](#_Toc11054788)

[SEC. 31-11-2: PENALTIES 76](#_Toc11054789)

[Article 12: Administration 77](#_Toc11054790)

[SEC. 31-12-1 GENERAL 77](#_Toc11054791)

[SEC. 31-12-2 MEMBERS OF THE ZONING BOARD OF APPEALS 77](#_Toc11054792)

[SEC. 31-12-3 VACANCIES 77](#_Toc11054793)

[SEC. 31-12-4 COMPENSATION 77](#_Toc11054794)

[SEC. 31-12-5 MEETINGS 77](#_Toc11054795)

[SEC. 31-12-6 EMPLOYMENT OF PERSONNEL 78](#_Toc11054796)

[SEC. 31-12-7 OFFICERS, RULES, ETC. 78](#_Toc11054797)

[SEC. 31-12-8 JURISDICTION for ZONING BOARD of APPEALS 78](#_Toc11054798)

[SEC. 31-12-10 CITY COUNCIL ACTION 79](#_Toc11054799)

[SEC. 31-12-11 ZONING ADMINISTRATOR 80](#_Toc11054800)

[Article 13: ADULT USES 81](#_Toc11054801)

[SEC. 31-13-1: DEFINITIONS 81](#_Toc11054802)

[SEC. 31-13-2: ADULT USES ENUMERATED 83](#_Toc11054803)

[SEC. 31-13-3: LIMITATIONS ON ADULT USES 84](#_Toc11054804)

[SEC. 31-13-4: MEASUREMENT OF DISTANCE 85](#_Toc11054805)

[SEC. 31-13-5: LICENSE REQUIRED; FILING OF APPLICATION; FILING FEE 85](#_Toc11054806)

[SEC. 31-13-6: CONTENTS OF APPLICATION FOR LICENSE 85](#_Toc11054807)

[SEC. 31-13-7: ISSUANCE OF AN ADULT USE LICENSE 86](#_Toc11054808)

[SEC. 31-13-8: SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE 87](#_Toc11054809)

[SEC. 31-13-9: PROMPT JUDICIAL REVIEW 87](#_Toc11054810)

[SEC. 31-13-10: DISPLAY OF LICENSE AND PERMIT 88](#_Toc11054811)

[SEC. 31-13-11: EXTERIOR DISPLAY 88](#_Toc11054812)

[SEC. 31-13-12: EMPLOYMENT OF PERSONS UNDER AGE OF 18 PROHIBITED 88](#_Toc11054813)

[SEC. 31-13-13: NOTICE 88](#_Toc11054814)

[SEC. 31-13-14: ILLEGAL ACTIVITES ON PREMISES 88](#_Toc11054815)

[SEC. 31-13-15: SEVERABILITY CLAUSE 89](#_Toc11054816)

[SEC. 31-13-16: VIOLATION AND PENALTY 89](#_Toc11054817)

[ARTICLE 14: Solar Energy Systems 90](#_Toc11054818)

[SEC. 31-14-1: SCOPE 90](#_Toc11054819)

[SEC. 31-14-2: PURPOSE 90](#_Toc11054820)

[SEC. 31-14-3: DEFINITIONS 90](#_Toc11054821)

[SEC. 31-14-4: BUILDING PERMIT REQUIREMENTS AND FEES 91](#_Toc11054822)

[SEC. 31-14-5: PERMITTED AND SPECIAL USES 91](#_Toc11054823)

[SEC. 31-14-6: SET BACK REQUIREMENTS 91](#_Toc11054824)

[SEC. 31-14-7: HEIGHT REQUIREMENTS 92](#_Toc11054825)

[SEC. 31-14-8: OTHER SOLAR ENERGY SYSTEM REQUIREMENTS 92](#_Toc11054826)

[SEC. 31-14-9: DECOMISSIONING OF SOLAR FARMS 93](#_Toc11054827)

CHAPTER THIRTY-ONE

**ZONING**

**Adopted February 19, 2007**

# ARTICLE 1: In General

## SEC. 31-1-1: INTENT AND PURPOSE

This ordinance is adopted for the following purposes:

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

To divide the City of Knoxville into zones or districts, restricting and regulating therein

the locations, erection, construction, reconstruction, alteration, and the use of buildings, structures, and land for residence, business, commercial/industrial/manufacturing, and

other specified uses;

To provide a quality community environment developed in accordance with the goals,

objectives, policies and recommendations of any Official Plan of Knoxville, or the provisions of this Ordinance in the absence of an Official Plan. The establishment of a

Tax Increment Financing (TIF) District represents a partial plan;

To protect the character and the stability of the residential, business, and commercial/industrial/manufacturing areas within the City of Knoxville, and to promote

the orderly and beneficial development of such areas;

To protect and provide for the orderly development of natural resources, including the

resources of the air, lakes, streams and land;

To preserve the quality of the natural environment for the health and enjoyment of the

people of Knoxville.

To provide adequate light, air, privacy, and convenience of access to property;

To regulate the intensity of use of lot areas and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health;

To establish building lines and the location of buildings designed for residential, business, commercial/industrial/manufacturing or other uses within such areas;

To fix reasonable standards to which buildings and structures shall conform thereto;

To prohibit uses, buildings and structures incompatible with the character of development or intended uses within specified zoning districts;

To prevent additions to, or alteration or remodeling of, existing buildings and structures in such a way as to avoid the restrictions and limitation imposed hereunder;

To limit congestion in the public streets and protect the public, health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles, and the loading and unloading of commercial vehicles;

To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate, in each district by regulating the use and bulk of buildings in relation to the land surrounding them;

To conserve the taxable value of land and buildings throughout the City of Knoxville;

To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and

To define and limit the powers and duties of the administrative officers and bodies as provided therein.

# ARTICLE 2: Definitions

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when repugnant to the context of any provision.

Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural, the singular; and the word ‘lot’ shall include the word ‘plot’; and the word ‘shall’ is mandatory and not directory.

## SEC. 31-2-1: ACCESSORY BUILDING

A building or other structure located on a lot in addition to a principal use, housing an accessory use. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building and shall conform to all regulations applicable thereto.

## SEC. 31-2-2: ACCESSORY USE

A use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary, incidental and subordinate to the conduct of the principal use as permitted by district regulations.

## SEC. 31-2-3: ACREAGE

Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

## SEC. 31-2-4: ALLEY

A public way, no more than 30 feet wide, which affords only a secondary means of access to abutting property.

## SEC. 31-2-5: APARTMENT

A room or suite of rooms in a multiple family building which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen and toilet facilities, permanently installed, must always be included in each apartment.

## SEC. 31-2-6: AUTOMOBILE REPAIR, MAJOR

Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service including body, frame or fender straightening or repair; and overall painting of vehicles.

## SEC. 31-2-7: AUTOMOBILE WRECKING YARD (SALVAGE YARD)

Any place where one or more motor vehicles, not in running condition, or parts thereof, are stored in the open for periods exceeding 60 days; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, including any used farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, appliances, articles or merchandise.

## SEC. 31:2-8: BILLBOARD

A structure either free-standing or attached to a building containing a sign which may or may not be illuminated, and which contains a gross area of 100 or more square feet.

## SEC. 31-2-9: BLOCK

A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, or a corporate boundary line of the city.

## SEC. 31-2-10: BUILDING

Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space, or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, property or animals. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks,

water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

## SEC. 31-2-11: BUILDING HEIGHT

The vertical distance measured from the curb level, or its equivalent established grade, opposite the middle of the front of the building to the highest point of the roof in the case

of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; provided that where buildings are set

back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

## SEC. 31-2-12: BUILDING LINE

A line or lines including the building setback line on the horizontal surface of a lot, parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations of this ordinance.

## SEC. 31-2-13: DISTRICT

A division of the geographic area of the city as shown on the zoning map, within which the character and intensity of land use is regulated by the terms of this ordinance. The terms “district” and “zone” are synonymous.

## SEC. 31-2-14: DWELLING

A building or portion thereof designed or used exclusively for residential occupancy, but not including overnight or transient accommodations in hotels, motels or similar uses.

## SEC. 31-2-15: DWELLING, GROUP

A group dwelling is a dwelling containing accommodations for more than two persons other than a family in which there are common dining facilities including dormitories, rooming houses, fraternity and sorority houses, convents, monasteries, and similar uses, but not including motels, hotels and similar uses.

## SEC. 31-2-16: DWELLING, MULTIPLE FAMILY

A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

## SEC. 31-2-17: DWELLING, ONE FAMILY

A building designed exclusively for use and occupancy by one family and entirely separated from any other dwelling by space.

## SEC. 31-2-18: DWELLING, TOWNHOUSE (PARTY WALL)

A row or other arrangement of two to six attached, party-wall dwellings and each having entrances which provide direct access to outside yards.

## SEC. 31-2-19: DWELLING, TWO FAMILY

A building designed or altered to provide dwelling units for occupancy by two families

living independently of each other.

## SEC. 31-2-20: DWELLING UNIT

One or more rooms that are located in a dwelling, and that are arranged, designed or used as living quarters for one family only, and containing complete kitchen and toilet facilities permanently installed.

## SEC. 31-2-21: FLOOR AREA

The total usable horizontal area enclosed by the exterior walls of a building exclusive of basements, cellars, attics and crawl spaces; in residential buildings not including unfinished attics, garages, breezeways, porches and patios, or other spaces not used ordinarily for living, eating and sleeping purposes.

## SEC. 31-2-22: FLOOR AREA RATIO

A number indicative of the intensity of use of a lot determined by dividing the floor area of any principal building plus the floor area of all accessory buildings by the area of the lot upon which they are located.

## SEC. 31-2-23: HOME OCCUPATION

A gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. (see SEC. 31-4-14)

## SEC. 31-2-24: HOTEL OR MOTEL

A building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests with no major provision for cooking in any individual room or suite.

## SEC. 31-2-25: LOADING SPACE

An open, hard-surfaced area of land, other than a street or public way, and providing space for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets and alleys.

## SEC. 31-2-26: LODGING OR ROOMING HOUSE (BED and BREAKFAST)

A group dwelling with not more than five guest rooms where lodging is provided for compensation, preferably pursuant to previous arrangement, open to the public for overnight and longer accommodations.

## SEC. 31-2-27: LOT, CORNER

A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of the block.

## SEC. 31-2-28: LOT, COVERAGE

The area of a lot occupied by the principal building or buildings and accessory buildings.

## SEC. 31-2-29: LOT, DEPTH

The horizontal distance between the front and rear lot lines exclusive of all rights-of-way and easements for street purposes, measured in the mean direction of the side lot lines.

## SEC. 31-2-30: LOT, FRONTAGE

The front of a lot shall be that boundary along the public street. For a corner lot the front

shall be the same as the interior lots in that block for the purpose of building set-back requirements. The owner of a corner lot may orient the principal use building toward either street.

## SEC. 31-2-31: LOT, INTERIOR

A lot other than a corner lot, through lot or reversed corner lot.

## SEC. 31-2-32: LOT LINE, FRONT

The front property line of a lot. Where a lot contains an easement for street purposes across the front of a lot, the edge of the easement shall be considered the front lot line.

## SEC. 31-2-33: LOT LINE, REAR

The rear lot line is the line most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

## SEC. 31-2-34: LOT LINE, SIDE

A lot line common with another lot, or in the case of a corner lot in common with a street right-of-way or easement line, and intersecting the front lot line.

## SEC. 31-2-35: LOT OF RECORD

A lot which is a part of a subdivision or a parcel of land described by deed and where both the map and the deed were recorded in the Office of the Recorder of Deeds of Knox County prior to the adoption of this ordinance.

## SEC. 31-2-36: LOT, THROUGH

A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

## SEC. 31-2-37: LOT, WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

## SEC. 31-2-38: LOT, ZONING

A plot of ground made up of two or more parcels which are, or may be, occupied by a use, building or buildings including the yards and open spaces required by this ordinance.

## SEC. 31-2-39: MEDICAL CLINIC

An establishment where human patients, but not animals or pets, are admitted for diagnosis and treatment by two or more licensed physicians and professional associates utilizing jointly the same reception area, medical supply, laboratory, auto parking and other physical accommodations.

## SEC. 31-2-40: MOBILE or MANUFACTURED HOMES

A building which is designed for residential purposes which is constructed on a frame

to which a tongue, axles and wheels are (or may be) attached for transportation from the place of its construction to the initial or subsequent placement locations.

## SEC. 31-2-41: MODULAR HOME

A residential building which is partially constructed off site which meets BOCA construction requirements and is placed on a permanent foundation with footings below the frost line.

## SEC. 31-2-42: NON-CONFORMING RECORDED LOT

A tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means which has less than the minimum lot area or width or other dimensions prescribed for the particular zone in which it is located.

## SEC. 31-2-43: NON-CONFORMING STRUCTURE

A structure which was legally constructed prior to the effective date of this ordinance which would not be permitted as a new structure under the terms of this ordinance because such structure is not in conformance with the yards, height, coverage, floor area ratio, set backs or space between building requirements of the zone in which it is located. A structure located on a non-conforming recorded lot is not classified as a non-conforming structure solely because of insufficient lot area or width, nor shall any thing herein be construed to affect those structures previously covered by the regulations for non-conforming lots.

## SEC. 31-2-44: NON-CONFORMING USE

An activity using land or structures or both, legally established prior to the effective date

of this ordinance which would not be permitted as a new use in the zone in which it is located under the terms of this ordinance.

## SEC. 31-2-45: NURSERY, DAY

A person(s), organization or institution licensed by the State of Illinois providing care for three or more children under the age of 5 years for periods of more than 4 hours per day, but not exceeding 24 hours.

## SEC. 31-2-46: NURSING HOME OR REST HOME

A private home or institution licensed by the State of Illinois for the care of the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or surgical care.

## SEC. 31-2-47: PARKING AREA, PRIVATE

An open, surfaced area of land, other than a street or public way, designed, arranged and made available for the storage of private vehicles only, for occupants of the building or buildings for which the parking area is developed and is accessory.

## SEC. 31-2-48: PARKING AREA, PUBLIC

An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger and commercial vehicles under one and one-half ton capacity, and available to the public whether for compensation, free, or as an accommodation to clients or customers.

## SEC. 31-2-49: PLAN COMMISSION

The Plan Commission of the City of Knoxville. (See Article 12)

## SEC. 31-2-50: PLANNED UNIT DEVELOPMENT ( PUD)

A Planned Unit Development is a real estate development characterized by a mixture of principal uses or dwelling types with a development plan which is specifically adapted to the conditions of the site, and which unifies all components of the development. The development plan may vary from the specific standards of this ordinance and the subdivision ordinance for the zone in which the planned development is established.

## SEC. 31-2-51: SIGNS

A “sign” is a name, identification, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure or is self-standing, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Signs include, but are not limited to, Billboards as defined by Section 31-2-8 of this ordinance. For the purpose of this ordinance, any sign that is free-standing is an accessory building and accessory use, and, in addition to the restrictions placed on signs by this ordinance, is also subject to the restrictions placed on accessory buildings and accessory uses by this ordinance.

For the purpose of this ordinance, a sign does not include church or public bulletin boards, street numbers or traffic signs. (See Sec. 24-3-1). For purposes of this ordinance, a sign also does not include a “temporary sign,” provided further that temporary signs shall still be subject to the regulations, set forth in Section 31-3-40(A) (1) of this ordinance, regarding coverage or obstruction of windows, and the regulation, set forth in Section 31-3-40(B)(8), limiting the number of temporary signs on any one parcel in the Historic District. A “temporary sign” means any outdoor sign or device, or an indoor sign or device displayed inside a window, including but not limited to banners, pennants, flags, or advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, intended to be displayed for a limited period of time and which is not permanently affixed. To qualify as a “temporary sign,” the sign or device must not be illuminated or incorporate any lights or electronics.

Also for purposes of this ordinance, a sign does not include a holiday decoration. In all zoning districts, seasonal or holiday signs or decorations for the temporary observance of holidays are permitted. Such decorations may blink, flash, or move and may be located in a required yard; provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.

## SEC. 31-2-52: SPECIAL USE

Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Article 5.

## SEC. 31-2-53: STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between the floor and ceiling next above it. Any basement or cellar with more than one-half of its height above the established curb level, or above the level of the adjoining ground where curb level has not been established, shall be considered a story for purposes for both height and area measurements.

## SEC. 31-2-54: STORY, HALF

A half story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-

half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less than three full stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings, three or more full stories in height, a half story shall be counted as an additional story.

## SEC. 31-2-55: STRUCTURE

Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

## SEC. 31-2-56: STRUCTURAL ALTERATIONS

Any change other than incidental repairs and maintenance which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

## SEC. 31-2-57: USE

The purpose, for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

## SEC. 31-2-58: YARD

An open space on the same lot which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends

along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

## SEC. 31-2-59: YARD, FRONT

An open space extending across the full width of the lot and lying between the front line of the lot and the nearest building line.

## SEC. 31-2-60: YARD, REAR

An open space extending across the full width of the lot and lying between the rear line or lines of the lot and the building line.

## SEC. 31-2-61: YARD, SIDE

An open space extending along each side lot line between the front yard and rear yard.

## SEC. 31-2-62: ZONE

A district as defined in this section.

## SEC. 31-2-63: ZONING ADMINISTRATOR

The Zoning Administrator for the City of Knoxville (see SEC. 31-12-11 for duties.)

## SEC. 31-2-64: ZONING BOARD of APPEALS

The Zoning Board of Appeals of the City of Knoxville. (See Article 12).

## SEC. 31-2-65: ZONING ENFORCEMENT OFFICER

The Zoning Administrator for the City of Knoxville.

## SEC. 31-2-66: ZONING LOT

See lot, zoning

## SEC. 31-2-67: ILLUSTRATIONS

Building Heights and types of Lots (Page 18)

## SEC. 31-2-68: ILLUSTRATIONS

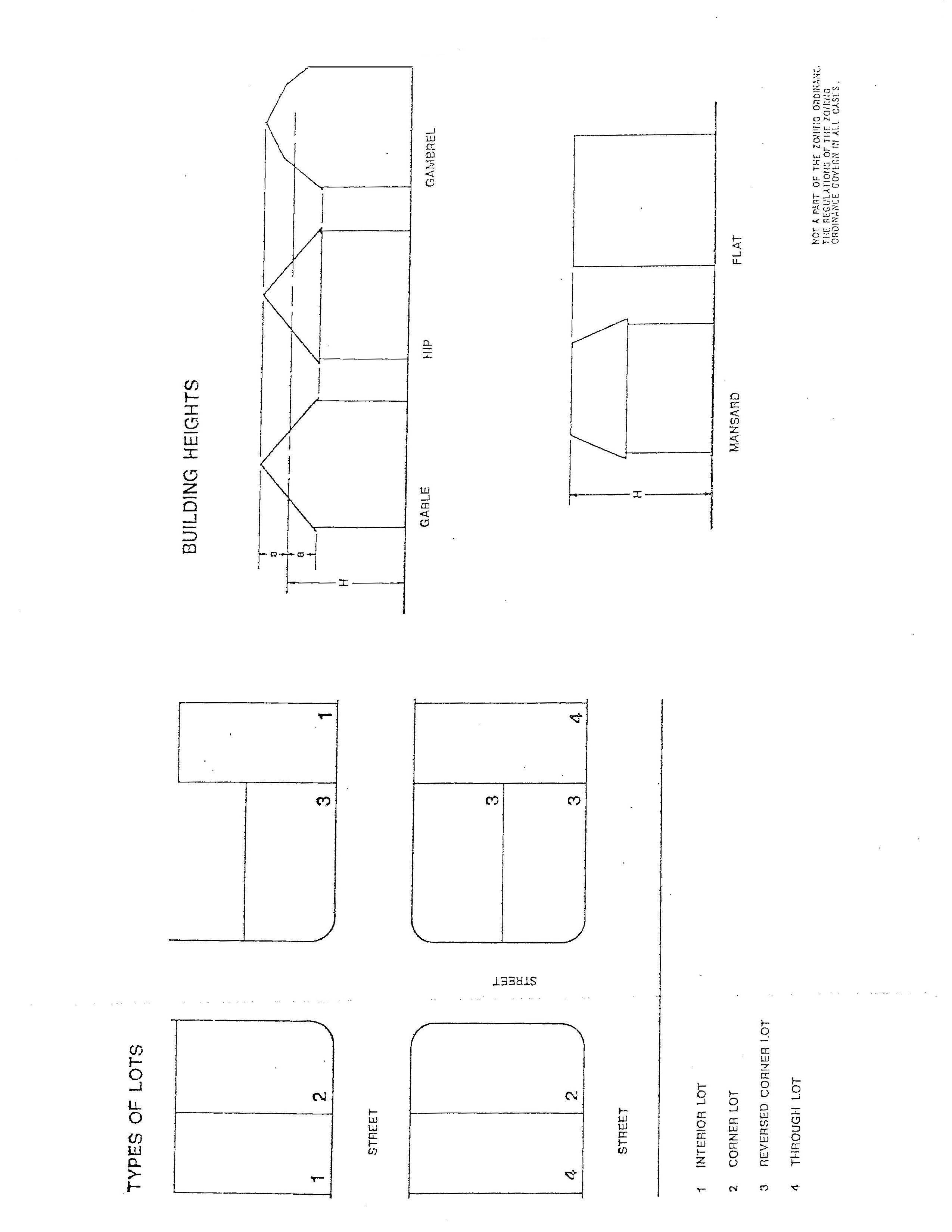
Floor area ratio, lot coverage, lot depth, width and yard and building uses

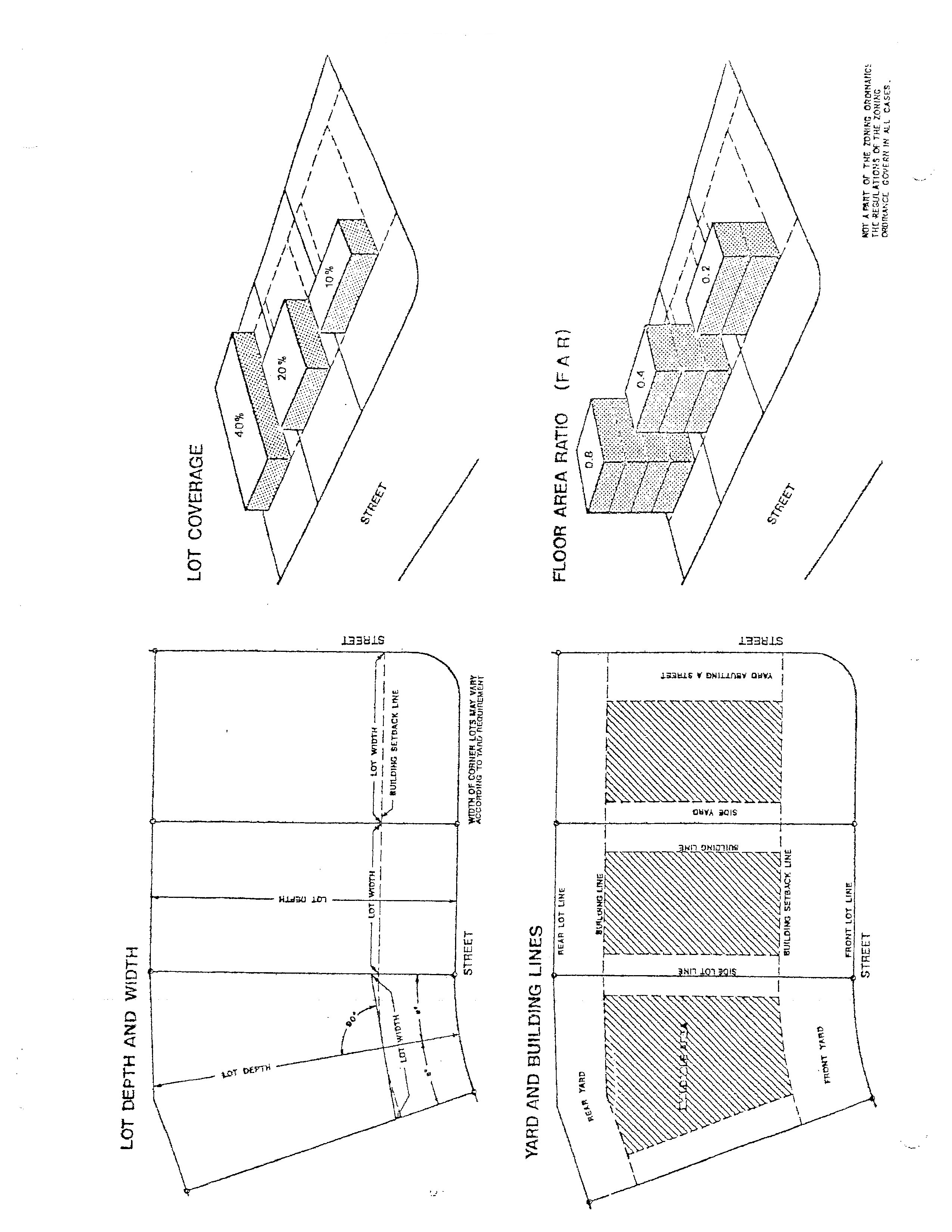
(Page 19)

## SEC. 31-2-69: Veterinary Clinic and Small Animal Veterinary Clinic

1. Veterinary Clinic: A place where animals, including both household pets and livestock or farm animals, are given medical or surgical treatment and are cared for during the time of such treatment. Kennel use shall be limited to short-time boarding, incidental to medical or surgical treatment.
2. Small Animal Veterinary Clinic: A place where small animals, typically kept as household pets, but not animals which are typically considered livestock or farm animals (including, but not limited to, horses, cattle, swine, sheep, turkeys and chickens) are given medical or surgical treatment and are cared for during the time of such treatment. Kennel use shall be limited to short-time boarding, incidental to surgical or medical treatment and such kennels shall be located within the building (unless outdoor kennels are expressly permitted, as a special use, after such special use has been granted upon application and hearing in accordance with the procedures for special uses).

**SEC. 31-2-67: Building Heights and Types of Lots**

**SEC. 31-2-68: Floor area ratio, lot coverage, lot depth, width and yard and building uses**



# ARTICLE 3: Use Districts

## SEC. 31-3-1: SCOPE OF REGULATIONS

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

These districts are shown on the zoning map.

## SEC. 31-3-2: ESTABLISHMENT OF DISTRICTS or ZONES

In order to carry out the purposes and provisions of this ordinance, the City of Knoxville, Illinois is hereby divided into districts or zones as identified in this article.

## SEC. 31-3-3: RESIDENTIAL DISTRICTS, PURPOSES

The residential district regulations set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others,

the following specific purposes:

1) To protect against fire, explosion, noxious fumes, offensive odors,

noise, smoke, vibrations, dust, heat, glare and other objectionable

factors;

2) To protect against unduly heavy vehicle traffic, especially through

traffic and to alleviate congestion by promoting off-street parking;

3) To protect against undue congestion of public streets and other

public facilities by controlling density of population through

regulation of the bulk of buildings;

4) To provide for ample light and air to buildings and the windows

thereof;

5) To provide for usable open space on the same lot with the

building improvements;

6) To provide sufficient space in proper locations to meet the probable need for necessary and desirable services in the vicinity of residences which increase safety and amenity, but which do not exert objectionable influences; and

7) To promote best use and development of the residential land in

accordance with a comprehensive land use plan (or this Ordinance

in the absence of such a plan), to promote stability of residential development and protect the character of desirable development and protect the value of land improvements and so strengthen the economic base of the City.

## SEC. 31-3-4: ESTABLISHMENT OF RESIDENTIAL DISTRICTS

The following Residential Districts are established:

RA Rural Agricultural district

R-1A Single Family Residence district (larger lots)

R-1B Single Family Residence district (smaller lots)

R-2 Single and Multi-Family Residence district

## SEC. 31-3-5: BUSINESS DISTRICTS PURPOSES

The business district regulations set forth herein are established to

protect public health, to promote public safety, comfort, convenience,

and the general welfare, and to protect the economic base of the city and the value of property. These general objectives include, among others,

the following specific purposes:

1. To promote the most desirable use of land in accordance

with a well-considered plan (or this ordinance in the absence

of such plan) so that adequate space is provided in appropriate

locations for the various types of business uses, thereby promoting

and strengthening the economic base of the City;

1. To encourage the grouping in appropriate locations of

compatible business uses which will tend to draw trade that

is mutually interchangeable and so promote public convenience

and business prosperity, and contribute to the alleviation of traffic

and pedestrian congestion; and

1. To provide for the further development and expansion of the

business districts and the redevelopment of surrounding

areas with a compatible mixture of residential and restricted

business uses.

## SEC. 31-3-6: ESTABLISHMENT OF BUSINESS DISTRICTS

The following Business Districts are established:

B Small and Medium Businesses

The “B” districts consist of two different areas:

1. Central Business Area which is defined as around the

Public Square and along both sides of Main Street from

the Square to points which are 170 feet east of the center

of Hebard Street, and 292 feet east of the center of Broad St.; and

1. All other areas designated as “B” on the zoning map.

## SEC. 31-3-7: COMMERICAL/INDUSTRIAL/MANUFACTURING DISTRICTS (C-I-M)

## PURPOSES

The C-I-M districts set forth herein are established to protect public health,

safety, comfort, convenience and the general welfare of the residents, and

to promote the economic base of the City. This multi-purpose district is designed to increase the flexibility of development for commercial-industrial-manufacturing activities. The general objectives for these districts include,

among others, the following:

1. To protect established residential areas, and the health of

families living therein, by restricting the types of industrial-

manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, glare, fire hazards, and other objectionable influences by requiring that all such processes meet

State and Federal EPA standards;

1. To provide adequate space in appropriate locations for

most types of commercial-industrial-manufacturing activities so that the economic structure of the community may be strengthened, and that employment may be found in the interest of public prosperity and welfare;

1. To provide space for commercial-industrial-manufacturing

activities in locations accessible to rail and highways, so that movement of materials, products and employees may be carried on efficiently and with minimum danger to public life and property; and

1. To protect commercial-industrial-manufacturing districts

from incompatible uses of land by prohibiting the use of such space for new residential development.

## SEC. 31-3-8: ESTABLISHMENT OF C-I-M DISTRICTS

The following Commercial/Industrial/Manufacturing Districts are established:

C-I-M Commercial/Industrial/Manufacturing district

## SEC. 31-3-9: HISTORIC DISTRICT

The historic area in Knoxville is located in the central portion of the City and includes residential, public and business buildings and uses. The Historic District is established as an “overlay zone” located in residential and business districts to protect existing structures and uses, and to preserve the historic character of the area. The general objectives include, among others, the following:

1) To protect existing structures and uses from encroachment by

non-compatible uses which will detract from the historic legacy

of the City;

2) To establish an area where buildings with historic significance may be preserved as an acknowledgement of the cultural heritage of

Knoxville and Knox County; and

3) To provide an area which will maintain the historic character of the

community and enable the City to place limits on the use of land or

construction of buildings.

## SEC. 31-3-10: USES PERMITTED, HISTORIC DISTRICT

Uses permitted in the Historic District include both business and residential

use which would have been found in Knoxville in the period prior to the year 1900. Contemporary uses such as automotive repair, electrical appliance

sales and repair, and drive-in restaurants may be classified as repair shops or eating establishments and may be permitted as long as the architectural character of the building is in harmony and compatible with the period prior

to 1900.

## SEC. 31-3-11: ARCHITECTURAL CHARACTERISTICS, HISTORIC DISTRICT

The architectural character of the area is typified by the Greek revival architecture of the “Old Courthouse” (1839), the J.S. Sanburn store (1832),

the Knox County Jail (1845-1873), and the Hall of Records (1858-1873),

all located on or near the Old Courthouse Square. Many buildings in the

business district were erected prior to 1900. Building materials commonly found in the area include brick and painted or stained wood. Architectural

treatment of existing structures include a wide range of styles from Greek

revival to the gingerbread trim of the late Victorian period. Architectural features which are not compatible with old buildings now found in the historic area are not permitted. Contemporary building materials featuring

expanses of plate glass, shining metal surfaces, and glazed brick or tiles

are not considered to be compatible.

## SEC. 31-3-12: HISTORIC COMPATIBILITY

In considering any application or petition that comes before it, the Zoning Board of Appeals shall determine whether the application or petition involves the construction of new buildings or major modifications to existing buildings, and, if so, the Zoning Board of Appeals shall make findings as to whether such construction of new buildings or major modifications to existing buildings is compatible with the style, materials and historic nature of existing structures in the environs. The Zoning Board of Appeals shall report its findings with any report or recommendation it submits to the City Council. **(Revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-3-13: ZONING MAP

The locations and boundaries of the districts established herein are shown

upon the Zoning Map which is hereby incorporated into this ordinance.

The Zoning Map, together with all notations, reference, and other information shown thereon, and all amendments thereto, shall be a part of

this ordinance and shall have the same force and effect as if the Zoning Map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

## SEC. 31-3-14: BOUNDARY LINES

Wherever any uncertainty exists as to the boundary of any district as shown on the zoning map incorporated herein, the following rules shall apply:

1) Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the center lines thereof;

2) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries;

3) Where a lot (as distinguished from acreage) held in one ownership of record at the effective date of this ordinance is divided by a

district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20 percent; and

4) In subdivided property, unless otherwise indicated, the district boundary line on the map accompanying and made a part of these regulations shall be determined by the use of the scale contained on such map.

## SEC. 31-3-15: ZONING OF STREET, ALLEYS, PUBLIC WAYS AND RAILROAD

## RIGHTS OF WAYS

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 alleys, streets, public ways and railroad rights-of-ways. Where the center line 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 center line.

## SEC. 31-3-16: NEW OR ANNEXED LAND

Submerged land which may be reclaimed hereafter and land which may be annexed to the City of Knoxville hereafter and which is not shown on the

zoning map made a part of this ordinance, shall be classified as RA-Rural

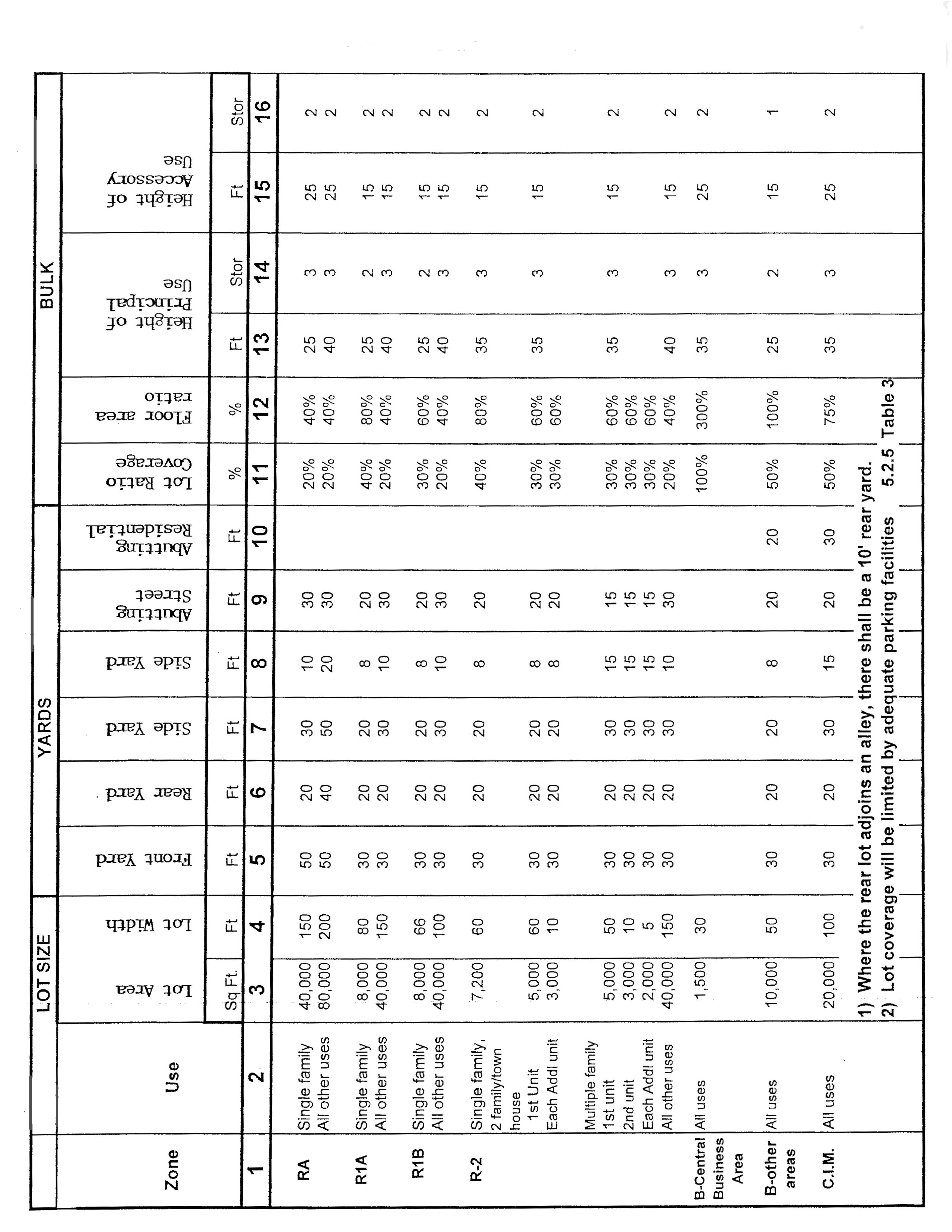
Agricultural until such time as the City Council designates a different classification in accordance with the provisions of this ordinance, or shall

be classified as one of the other districts established above in accordance with a pre-annexation agreement with the City and following a public hearing as provided as law.

## SEC. 31-3-17: MINIMUM LOT SIZE, YARD AND BULK REGULATIONS

This information is shown in Section 31-3-17, Table 1. (See next page)

## SEC. 31-3-71: Table 1



## SEC. 31-3-18: LOT AREA

Any principal use together with all accessory uses shall be located on a lot having an area as shown in Sec. 31-3-17; Column 3, Table 1.

The minimum lot area for two-family, multi-family, and townhouse and any other attached dwellings shall be the sum of the lot area required for the first dwelling unit, plus the lot area required for the second dwelling unit, plus the lot area required for each additional dwelling unit as shown in Sec 31-3-17; Column 3, Table 1.

## SEC. 31-3-19: LOT WIDTH

Any principal use, together with all accessory uses, shall be located on a lot having width as shown in Sec. 31-3-17; Column 4, Table 1.

The minimum lot width for two-family, multiple-family, townhouse and any other attached dwellings shall be the sum of the width required for the first dwelling unit plus the width required for the second unit plus the width, required for each additional dwelling unit.

## SEC. 31-3-20: FRONT YARD

Each lot shall have a front yard as shown in Sec 31-3-17: Column 5, Table 1.

## SEC. 31-3-21: REAR YARD

Each lot shall have a rear yard as shown in Sec-31-3-17; Column 6, Table 1, except as provided in Sec 31-3-35.

## SEC. 31-3-22: SIDE YARD

Each lot shall have a side yard extending along each side lot line, the total width of which is not less than shown in Sec. 31-3-17; Column 7, Table 1; and no side yard shall be less than as shown in Column 8, Table 1, except as provided Sec 31-3-35.

## SEC. 31-3-23: YARD ABUTTING A STREET

Any side or rear yard which abuts a street shall have a width of not less than as shown in Sec. 31-3-17; Column 9, Table 1, except as provided in Sec 31-3-35.

## SEC. 31-3-24: YARD ABUTTING A RESIDENTIAL ZONE

Any side or rear yard in an office, business, or commercial, industrial, and manufacturing district which abuts a residential district shall have a width

as shown in Sec. 31-3-17; Column 10, Table 1.

## SEC. 31-3-25: LOT COVERAGE

The total ground area occupied by any principal building together with all accessory buildings shall not exceed the per cent of the total area of the lot as shown in Sec. 31-3-17; Column 11, Table 1.

*In addition, and notwithstanding any provision to the contrary in this Zoning Ordinance, the total ground area of all accessory buildings and structures on a lot shall not exceed forty percent (40%) of the lot’s total area. To the extent that this paragraph conflicts with Sec. 31-3-17; Column 11, Table 1, the more restrictive provision will apply.*

## SEC. 31-3-26: FLOOR AREA RATIO (PERCENT OF LOT COVERAGE)

The combined floor area ratio for any principal building together with all accessory buildings shall not exceed the percentage of the lot shown in SEC. 31-3-17; Column 12, Table 1.

*In addition, and notwithstanding any provision to the contrary in this Zoning Ordinance, no accessory building or structure shall exceed one thousand square feet in ground area. To the extent that this paragraph conflicts with Sec. 31-3-17; Column 12, Table 1, the more restrictive provision will apply.*

## SEC. 31-3-27: HEIGHT OF PRINCIPAL USE

No principal building or other structure shall exceed the height in feet shown

in Sec. 31-3-17; Column 13, Table1, nor the height in stories as shown in Column 14, Table 1.

## SEC. 31-3-28: HEIGHT AND NUMBEROF ACCESSORY USES

No accessory building or other structure *(including, but not limited to, signs)* shall exceed the height shown in feet in Sec. 31-3-17; Column 15, Table 1, nor the height shown in stories in Column 16, Table 1, except as provided in Sec. 31-3-34.

*Notwithstanding any provision to the contrary in this Zoning Ordinance, no more than one (1) principal use and three (3) accessory buildings or structures shall be allowed on any one lot.*

## SEC. 31-3-29: USES PERMITTED IN ZONES

(See next 7 pages)

Sec. 31-3-29, Table 2, lists the uses permitted in the several zones established by this ordinance. Any use which is not listed in table 2 may be permitted if that use is an evolution of a listed use. For any other use a request for the amendment of Table 2 of this section of the zoning ordinance may be submitted to the Zoning Administrator. Any such request shall be considered by the Zoning Board of Appeals and City Council.

Uses which are shown in table 2 with the symbol “X” are principal uses permitted by right in the zones indicated. Uses with the symbol “S” in table 2 are special uses and are permitted upon approval of a Special Use Permit in accordance with the procedures in Article 5. Uses indicated by the symbol “T” are temporary uses which may be permitted for specific limits of time following approval of an application for temporary use as provided in

Sec: 31-4-15/16. **(Revised 11/19/2018, Ordinance 2018-18)**

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**AGRICULTURAL USES**

X Apiary

X X X X Cultivation of field, flower & garden crops

X Grass or sod farm

X X Nursery

X Orchard

X Truck Farm

**AGRICULTURAL BUSINESS USES**

X Feed and grain sales

X X Greenhouse

X X Kennel

X X Mushroom production barn

X X Nursery, including retail sales

X X Veterinary Clinic

**BUSINESS USES**

**AUTOMOTIVE**

X Agricultural implement sales and service

X X Ambulance service and garage

X X Automobile car wash

X Automobile repair, major

X Automobile sales

X X Automobile service

X Boat Sales

X Garage, bus or truck

X X Gasoline service station

X Mobile home sales

X Motorcycle sales and service

X Recreational vehicle sales and service

X X Taxicab garage

X Trailer rental

X Truck rental

X Truck repair

X Truck sales

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**FINANCIAL**

X X Bank

X X Credit Union

X X Currency Exchange

X X Personal loan agency

X X Savings and Loan Association

**FOOD SERVICE**

CA CA Vendor/vending machines-on City propery

X X Catering service

X X Drive-in restaurant, coffee shop

X X Frozen food locker

X X Ice cream shop

X X Skating rink

X X Restaurant/cafeteria

X X Soft drink stand, coffee kiosk

**OFFICE**

X X Bookkeeping

X X Income tax service / public account

X X Insurance office

X X Manuf. Agent office

X X Offices for administration purposes

X X Professional offices

X X Real estate office

X X Title Company

X X Travel Agency

X X Utility Office

**PERSONAL SERVICES**

X X Barber shop

X X Beauty shop

X X Clothes, pressing and repair

X X Dressmaker, seamstress, tailor

X X Funeral Home, mortuary, crematory

X X Hotel/Motel

X X Laundry cleaning/dyeing

X X Photography studio

X X Shoe repair

X X Therapy/massage, tanning salon

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**COMMERCIAL RECREATION**

S S Billiard parlor

X X Bowling alley

X X Club, private indoor

X X Recreation Hall

X X Distribution/sales of equipment

X Drive-in theater

X Golf course

X X Golf driving range

X X Health club or gymnasium

X X Miniature golf

X Riding stable

X X Sports club

X Skating rink

X Swimming pool

X Tennis club

X X Theater

X X Video-Entertainment sale/rental

**COMMERICAL SERVICE**

X X Appliance-service only

X X Auction House

X X Blacksmith or welding

X X Business machine repair

X X Dry-Cleaning -non-retail

X X Exterminating & fumigating

X X Fuel, ice, coal and wood sale

X X Furniture repair and refinishing

X X Laundry--non-retail

X X Newspaper-publisher

X X Office equipment & supplies-sales

X X Radio & television studio

X X Signs--construction/industrial

X X Wholesaling of commercial & retail products

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**RETAIL SALES**

X X Antique sales

X X Appliances, sales

X X Art supply store

X X Auto accessory store

X X Bakery-retail

X X Bicycle shop

X X Bookstore

X X Cigar, cigarette & tobacco store

X X Clothing stores

X X Department store

X X Discount store

X X Drug store

X X Dry goods store

X X Floor covering

X X Florist sales

X X Fruit/vegetable market

X X Furniture sales--new/used

X X Gift shop

X X Grocery store

X X Hardware store

X X Health food store

X X Hearing aid sales

X X Hobby shop or craft studio

X X Household furnishings shop

X X Jewelry --- retail

X X Leather goods

X X Magazine and newstand

X X Meat market

X X Paint and wallpaper store

X X Picture frame shop

X X Souvenir Curio shop

X X Sporting goods

X X Stationery store

CA CA Vendors/Vending machines on City property

X X Watch, clock sales & repair

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**INDUSTRIAL USE**

**CONSTRUCTION**

X Building materials sales

S Bulk material storage yard

X X Electrical equipment sales/fixtures

X Monument works

X Plumbing supplies/fixtures

X Pump sales

X Septic tank sales and service

**INDUSTRIAL SERVICE**

X Dry cleaning and dyeing plant

X Laboratory for experimentation

and scientific research

X Laboratory for testing materials or

products

X X Mirror supply, refinishing (glass)

X X Upholstery shop

**MANUFACTURING**

X Manufacturing uses, including but

not limited to assembly, cleaning

compounding, fabrication,

manufacture, custom building,

mixing, packaging, processing, and

production which must meet U.S. and

Illinois standards

**PUBLIC USES**

**EDUCATION**

S S S S S College, university, junior college or high school

S S S S Commercial school, trade school

or other school offering training in

specialized course of study

S S S S S Elementary or junior high

S S S S S Nursery, pre-school or day care

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**HEALTH CARE**

S S S S S Child care institution

S S S S X Hospital

S S S S X Medical Clinic

S S S S S Mental health clinic

S S S S S Mental hospital

S S S S X Nursing home

S S S X X Professional Office

S S S S S Sheltered Care Home

X X Therapy-occupational / physical, etc.

**PUBLIC FACILITIES**

S S S S S Cemetery and mausoleum

S S S X X Community center

X X Governmental office

X X Library

X X Museum

X X Post Office

**PUBLIC RECREATION**

S S S S X Auditorium

S S S S S Park

S S S S Playground

S S X Recreation center

S S S S Tot Lot

**PUBLIC UTILITY**

S Gas storage tank

S S S S X Sub-station

S S S S X Telephone exchange

S S S S X Water storage tank

S Wastewater treatment facility

**RELIGIOUS**

S S S S S Church or other place of worship

S S S S S Convent, monastery

S S S S S Rectory

S S Religious retreat

S S S S S Sunday school

**Sec. 31-3-29: Table 2**

**Uses in Zones**

**Districts Uses**

Note: X Principal Use

**RA R-1 R-2 B C.I.M** S Special Use

**A/B** T Temporary Use

CA Council Approval

**RESIDENTIAL USES**

X CBA-X Apartments -12 dwelling units or less per structure

X Apartments above first floor business

S Group dwelling

X X X CBA-X Single family dwelling

X X X X X Tourist home/Bed Breakfast

X Townhouse- 6 dwelling units or less

X Two family dwelling

Note: CBA-Central Business Area only

**SPECIAL USES**

S S S Planned developments--residential

S S Planned developments--non-residential

**TRANSPORTATION USE**

S S Heliport

S X Grain elevators

X Motor-rail freight terminal

X Parking garage, public

S S S S S Parking area, public

X X Storage Rental Space(s)

X Warehouse, storage

**TEMPORARY USES**

T T Carnival or circus

T T T T T Christmas tree sales

T T T T Contractor's office and equipment shed

T T T Real estate sales office

T T T T Religious tent meetings

T T T T Seasonal sale of farm products

T T Tent Theater

## SEC. 31-3-30: LOCATION OF BUILDINGS

Except as otherwise provided for in this ordinance and in planned unit developments, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street.

## SEC. 31-3-31: BUILDINGS UNDER CONSTRUCTION

Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance.

## SEC. 31-3-32: BUILDINGS ON A LOT

Except in planned developments and for institutions, commercial and industrial structures, every principal building hereafter erected or structurally altered shall be located on one lot (including a zoning lot) and in no case shall there be more than one such building on one lot.

## SEC. 31-3-33: EXCEPTIONS TO DISTRICT REGULATIONS

The following exceptions are established to provide relief from the zone regulations where applicable:

## SEC. 31-3-34: HEIGHT EXCEPTIONS

The following structures or parts thereof are exempt from the height limitations set forth in the several zones; except as limited by any height restriction imposed by any airport authority or other municipal corporation operating an airport.

1) Agricultural buildings, but not dwellings;

2) Bulk storage, silos and towers;

3) Gravity feed apparatus;

4) Public utility poles, towers and wires;

5) Radio and television antennas and towers, provided that

a special use permit shall be obtained for any public utility transmitting tower subject to the standards and procedures of this ordinance;

6) Towers: fire, mechanical and smoke, not to exceed by 16 feet, the

height restriction of the zone in which they are located; or

7) Water tanks and standpipes.

## SEC. 31-3-35: YARD AND BUILDING SETBACK EXCEPTIONS

The following structures shall be allowed to project into or to be constructed

in any required yard or beyond the building setback line:

1) Awnings and canopies, not to exceed five feet;

2) Bay windows, not to exceed 2.5 feet;

3) Chimneys not to exceed 2 feet;

4) Clothesline post;

5) Driveways and curbs;

6) Fences, walls, and hedges in accordance with Sec 31-3-36,etc.;

7) Flagpoles;

8) Garbage disposal equipment, non-permanent;

9) Guardhouse or gatehouse;

10) Islands and pumps for gasoline service station, minimum setback of 20 feet;

11) Landscape features;

12) Mailbox;

13) Overhanging roof, eave, gutter, cornice, or other architectural features, not to exceed 1.5 feet;

14) Parking spaces as regulated in Article 4;

15) Planting boxes;

16) Recreational equipment, other than recreational vehicles;

17) Sidewalks and steps;

18) Signs, as regulated by the Knoxville Sign Ordinance-Sec. 3-1-2 and 24-3-1;

19) Steps or stairs to a dwelling, non-enclosed, not to exceed four feet;

20) Terraces (open) and porches, non-enclosed, not to exceed four feet;

21) Trees, shrubs, flowers, and other plants; and

22) Yard, and service lighting fixtures, poles.

## SEC. 31-3-36: FENCES, WALLS AND HEDGES

In order to provide for the maximum safety of persons using the sidewalks and streets and to provide for the maximum enjoyment of the use of property, the following regulations shall apply to all fences, walls and hedges located in required yards. A wall shall be treated as a fence for all purposes under this ordinance. In addition to the following regulations, fences are subject to the

provisions of Sec. 7-2-8, and 7-2-9 and 7-2-10.

## SEC. 31-3-37: CLEAR VIEW OF INTERSECTING STREETS

On any corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially obstruct vision between a height of

two and one-half feet (30 inches) and ten (10) feet above the ground within a triangular area of thirty (30 ) feet from the corner of the lot along both lot lines and a line connecting the two end points. A tree with limbs trimmed ten (10) feet above the ground shall not be considered to materially obstruct vision.

## SEC. 31-3-38: HEIGHT OF FENCES, WALLS, HEDGES AND SCREENS

Fences, walls, hedges and screens are permitted in any required side or rear yard, provided they do not exceed six (6) feet six (6) inches in height at any point on the property. In any required front yard such items shall not exceed four (4) feet six (6) inches except as provided in Sec 31-3-37.

## SEC. 31-3-39: UTILITY EXEMPTION

In accordance with the Statutes of the State of Illinois, nothing in this ordinance shall impose restrictions on the type or location of any poles,

towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility.

## SEC. 31-3-40: SIGN AND BILLBOARD REGULATIONS

(A) Regulations applicable to all signs and billboards.

All signs (including billboards) shall be subject to the following restrictions:

(1) No sign or signs (including a temporary sign or sign) posted in a window shall obstruct, in aggregate, more than 25% of the window’s area;

(2) No sign or billboard shall encroach upon, or overhang, a neighboring property;

(3) No free-standing sign or sign projecting from a building shall be erected within 25 feet (or 75 feet, if the sign is illuminated) from the boundary of a residential property;

(4) No sign shall exceed the maximum height permitted for buildings in the zoning district in which the sign is located or cause, if attached to a structure, that structure to exceed its maximum permitted height; and

(5) No sign shall be placed on a public right of way , alley or public easement.

(B) Regulation of signs in the Historic District.

Signs in the historic district shall be subject to all restrictions applicable to all signs subject to this ordinance. In addition, notwithstanding any contrary provisions in this ordinance, the following types of signs shall not be allowed in the Historic District:

(1) Neon signs or signs that incorporate neon lighting;

(2) Programmable signs, changeable copy signs, signs with an electronic screen or signs that display or simulate animation;

(3) Signs that rotate or otherwise incorporate motion, either by wind or mechanical means;

(4) Balloons or inflatable signs that incorporate or use mechanical or electrical pumps to maintain inflation; or balloons or inflatable signs greater than four feet in circumference;

(5) Signs with flashing lights or lights that change color;

(6) Billboards;

(7) Signs attached to rooftops or parapets; and

(8) Temporary signs which are exterior to the primary structure on any parcel, or are not attached to the primary structure on any parcel. Notwithstanding this restriction, up to two, but no more than two, temporary signs may be allowed on any one parcel in the Historic District if they comply in all other respects with this Ordinance (including, but not limited to, the Ordinance’s prohibition against posting signs in any public right of way), and if the temporary signs are maintained in good condition.

(C) The restrictions and requirements set forth in this section are in addition and cumulative to all other restrictions and requirements of this ordinance, including but not limited to those regarding accessory structures and accessory uses, as well as all other ordinances adopted by the City of Knoxville, including but not limited to any building codes adopted by the City of Knoxville.

# ARTICLE 4: General Regulations

## SEC. 31-4-1: INDUSTRIAL and MANUFACTURING PERFORMANCE STANDARDS

It is the purpose of this section to establish regulations and standards for the installation and operation of industrial/manufacturing uses, based upon consideration of the objectionable characteristics of such uses and the areas in which they are permitted. Further, this section is intended to prescribe procedures and methods of measurement of industrial/manufacturing characteristics subject to such standards. Any use permitted in the C-I-M

zones, whether such use is permitted as a principal or accessory use, shall

be subject to these standards.

## SEC. 31-4-2: PERMIT PROCEDURE

Before the Zoning Administrator issues a building permit for an industrial/manufacturing use in a C-I-M zone, the applicant shall furnish the Zoning Administrator with sufficient information to enable the Zoning Administrator to assure himself/herself that all performance standards and site development standards set forth in this ordinance can and will be complied with at all times. The Zoning Administrator, in order to determine whether or not the application will meet such standards, may consult professionals and require the applicant to submit the following information:

1. A plot plan showing the location of all present and proposed

structures, drives, parking lots, waste disposal areas, bulk storage

areas, streets, streams or other significant features on or within 20 feet of the proposed site;

1. A description of the activity to be conducted, including the

type and size of equipment or machinery to be operated, waste products, external effects or other conditions which are regulated herein; plus abatement devices and pollution recording instruments as part of the manufacturing process. However, the applicant shall not be required to reveal any trade secrets of sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors; and

1. The type and location of abatement devices to control, or

recording instruments to measure conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.

## SEC. 31-4-3: CONFORMITY TO STANDARDS

All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

## SEC. 31-4-4: PERFORMANCE STANDARDS

In the C-I-M zones, all current Federal and State EPA regulations are in effect. In addition, the following regulations shall apply:

1. Noise: Permitted noise levels and sound pressure levels shall

not exceed current standards enforced by the EPA. When noise levels exceed permitted maximums, complaints shall be received and transmitted to the appropriate EPA office;

1. Smoke and Particulate Matter: The emission, from all sources

within any lot, of particulate matter containing more than five percent

by weight of particles having a particle diameter larger than 44

microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density equal to, or greater than, No. 2 on the Ringlemann Chart is prohibited at all times, except as otherwise provided herein;

1. Odors: Any continuous, frequent or repetitive emission of odors

or odor-causing substances which would be offensive beyond any property line of any industrial use will not be permitted. An odor emitted no more than 15 minutes in any one day shall not be

deemed as continuous, frequent or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible

odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. The rules and regulations of the Illinois Environmental Protection Agency shall be complied with;

1. Radiation Hazards: The handling of radioactive materials, the

discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with (a) the applicable regulations of the Atomic Energy Commission, and (b) the applicable regulations of any instrumentality of the State of Illinois; and

1. Fire and Explosive Hazards: The provisions of the Illinois

Explosives Act shall be complied with and no explosives shall be stored, used or manufactured without first submitting to the Zoning Administrator a certificate of compliance from the Illinois Department of Natural Resources. No gasoline or other inflammables shall be stored unless the locations, plans and construction conform to the laws and regulations of the State of Illinois and have the approval of the State Fire Marshall.

## SEC. 31-4-5: OFF-STREET PARKING AND LOADING

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

## SEC. 31-4-6: GENERAL PROVISIONS—PARKING AND LOADING

1) Procedure: An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan in duplicate,

drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.

2) Extent of Control: All buildings, structures and land uses, and all modifications of existing buildings and uses, initiated after the effective date of this ordinance, shall be provided with accessory off-street parking or loading facilities as required herein.

3) 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, except in compliance with the requirements of this ordinance.

4) Permissive Parking and Loading Spaces: Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing uses of land or buildings, subject to the provision of this ordinance, except that 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.

5) Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided; however, joint parking facilities for similar uses may not be reduced below the number required for all uses. Joint parking facilities for dissimilar uses which require parking at different times during the day may be reduced by not more than 25 percent of the required number of spaces where the Zoning Administrator finds that such a reduction will not result in any increased congestion in the public streets and will not otherwise violate the intent and purpose of this ordinance.

6) Control of Off-Site Facilities: When required, accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession as the property occupied by such principal use.

## SEC. 31-4-7: DESIGN AND MAINTENANCE---PARKING SPACES

1) Parking Space Description: A required off-street parking space for passenger vehicles shall be an area of not less than 171 square feet nor less than nine feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns or other obstruction, and accessible from streets or alleys or from private driveways or aisles leading to streets or alleys.

2) Aisle Width: Aisles between vehicular parking spaces shall be not less than 12 feet in width when serving passenger vehicles parked at a 45 degree angle in one direction, nor less than 25 feet in width when parking is

perpendicular to the aisles and accommodating two-way traffic.

3) Required Setbacks: No parking space nor portion thereof, established on the same lot with a building, shall be located within a required front yard except in the central business area. Open parking areas are permitted in

required side and rear yards.

4) Access: Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 25 feet in width.

5) Surfacing: All open off street parking areas for six or more vehicles shall be improved according to State Highway specifications: C-A-6, 8” compacted gravel, or Class 1, 2” thick asphaltic concrete.

6) Screening and Landscaping: Any property which is used for industrial or manufacturing purposes shall be screened from immediately adjacent

residential property by a solid fence, wall or dense compact hedge. Such screen shall be at least 4’6” high but not more than 6’6” in height and shall be maintained in good order at all times.

7) Any property which is used for business or commercial purposes shall be so

screened from immediately adjacent residential property provided the adjacent property owner(s) petition the City Council for such screening and

the Council approves that request.

8) If the City Council determines that such screening is needed along a street or alley on any property which is used for business, commercial, industrial or manufacturing purposes that property owner shall provide such screening upon direction to do so by the City Council.

9) Drainage: All off street parking areas for six or more vehicles which are

paved with a surface which is impervious to water shall be drained by the installation of a dry well and/or underground conduit to an existing storm drain or ditch. If the run-off is too great for the existing drain or ditch a retention basin shall be required.

## SEC. 31-4-8: DESIGN AND MAINTENANCE----LOADING SPACES

1) Loading Berth Description: An off-street loading berth shall be a hard-

surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers, so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than 10 feet in width, 45 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereafter.

2) Locations: No permitted or required loading berth entrance shall be located within 25 feet of the nearest point of intersection of any two streets. Loading berths open to the sky may be located in any required side or rear yards.

3) Measurement of Berth: When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction

up to and including one-half shall be disregarded and fractions over one-half shall be interpreted as one loading berth.

4) Surfacing: All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all weather material which is dustless.

## SEC. 31-4-9: REQUIRED NUMBER OF PARKING SPACES

Sec. 31-4-9; Table 3 (see page after next) shows the number of spaces required for various types of uses in the districts established by this ordinance. In calculating the total number of spaces, the following rules shall apply:

1) The number of spaces required for a particular use and

its accessory uses is cumulative;

2) “Per employee” shall mean the greatest number of employees on any shift or other division of the work-day;

3) “Per 100 square feet” shall mean each 100 square feet of

usable area exclusive of storage areas, mechanical equipment rooms and other areas not normally occupied by either employees or customers, and exclusive of other facilities for which separate parking requirements are established;

4) The design capacity of overnight accommodations shall be taken as the number of beds in the facility;

5) The design capacity of assembly facilities shall be taken as the total number of seats in all auditoriums, meeting rooms, stadiums, and similar places; and

6) The design capacity of eating facilities shall be taken as the total number of chairs in all dining rooms, taverns, cafeterias and similar rooms.

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|  |  |  |  | **SECTION 31-4-9; TABLE 3** | | |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  | **REQUIRED NUMBER OF PARKING SPACES** | | | | |  |  |  |
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|  |  |  |  |  |  | **REQUIRED SPACES** | |  |  |  |
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|  |  |  |  |  |  |  | **DESIGN CAPACITY** | |  |  |
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| **ZONE USE** |  |  |  |  |  |  |  |  |  |  |
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| Any R Zone | Residential uses | |  | 2.0 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  | All other uses | |  | 2.0 | 1.0 | 0.2 | 0.5 | 0.3 | 0.3 |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
| B | Residential use | |  | 1.0 |  |  |  |  |  |  |
|  | Retail uses | |  |  | 0.5 | 0.5 | 0.5 | 0.3 | 0.3 |  |
|  | All other uses | |  |  | 0.5 | 0.3 | 0.5 | 0.3 | 0.3 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| C.I.M. | All uses |  |  |  | 1.0 | 0.1 | 0.5 | 0.5 | 0.3 |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |

## SEC. 31-4-10: REQUIRED NUMBER OF LOADING SPACES

Sec. 31-4-10, Table 4 shows the number of loading spaces required for the various uses in the districts established by this ordinance. In calculating the total number of spaces required, those buildings with an area under 20,000 square feet, use column 3; under 50,000 square feet, use column 4; etc.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  | **SECTION 31-4-10; TABLE 4** | | |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  | **REQUIRED NUMBER OF LOADING SPACES** | | | | |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  | **REQUIRED SPACES** | |  |  |  |  | |  |  |  |  | **PER FIRST** |  | **PER FIRST** |  | **PER FIRST** |  | **PER ADDNL.** |  | |  |  |  |  | **20,000** |  | **50,000** |  | **100,000** |  | **100,000** |  | | **ZONE** | **USE** |  |  | **SQ. FT.** |  | **SQ. FT.** |  | **SQ. FT.** |  | **SQ FT.** |  | | **1** | **2** |  |  | **3** |  | **4** |  | **5** |  | **6** |  | |  |  |  |  |  |  |  |  |  |  |  |  | | Any R Zone | Residential Use | |  | - |  | - |  | - |  |  |  | |  | Heath Care uses | |  | 1.0 |  | 1.0 |  | 2.0 |  | 1.0 |  | |  | All other uses | |  | 1.0 |  | 1.0 |  | 1.0 |  | 1.0 |  | |  |  |  |  |  |  |  |  |  |  |  |  | | B | Automotive | |  | 1.0 |  | 2.0 |  | 3.0 |  | 1.0 |  | |  | Commercial recreation | | | - |  | 1.0 |  | 1.0 |  | 1.0 |  | |  | Commercial service | |  | 1.0 |  | 2.0 |  | 3.0 |  | 1.0 |  | |  | Financial |  |  | - |  | 1.0 |  | 1.0 |  | 0.5 |  | |  | Food service | |  | 1.0 |  | 2.0 |  | 3.0 |  | 1.0 |  | |  | Office |  |  | - |  | 1.0 |  | 1.0 |  | 0.5 |  | |  | Personal service | |  | - |  | 1.0 |  | 1.0 |  | 0.5 |  | |  | Retail |  |  | 1.0 |  | 1.0 |  | 2.0 |  | 1.0 |  | |  | All other uses | |  | - |  | 1.0 |  | 2.0 |  | 1.0 |  | |  |  |  |  |  |  |  |  |  |  |  |  | | C.I.M. | Agricultural Use | |  | 1.0 |  | 1.0 |  | 2.0 |  | 1.0 |  | |  | Business Uses | |  | 1.0 |  | 1.0 |  | 2.0 | ` | 1.0 |  | |  | Commercial service | |  | 1.0 |  | 2.0 |  | 2.0 |  | 1.0 |  | |  | Industrial Use | |  | 1.0 |  | 2.0 |  | 3.0 |  | 1.0 |  | |  | Public Uses | |  | 1.0 |  | 1.0 |  | 2.0 |  | 1.0 |  | |  | Transportation uses | |  | 1.0 |  | 2.0 |  | 3.0 |  | 1.0 |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |

## SEC. 31-4-11: ACCESSORY USES

The term accessory use includes, but is not limited to, the following:

1) For Residential Uses: Children’s playhouse, garden house, private

greenhouse, garage, shed or building for domestic storage.

2) For Business or Commercial Uses: Storage building for merchandise or materials normally carried in stock as part of a principal use, off-street parking and loading facilities or garages.

3) For Industrial or Manufacturing Uses: Process, production or maintenance

facilities clearly subordinate to, and incidental to, the principal use: i.e., guardhouses, garages, off-street parking and loading facilities or storage buildings.

4) For All Uses: Signs as limited by Sec. 24-3-1, public utility equipment and supporting structures and other uses meeting the definition of an accessory

use in Sec. 31-2-2.

## SEC. 31-4-12: LOCATION OF ACCESSORY USES

1) No accessory building may be located in a required front yard in any zone.

2) No accessory building may be located in a required side yard in any zone, except that for a commercial, industrial or manufacturing use in order that a sub-accessory building may be located adjacent to a railroad siding or right-of-way for the purpose of providing a rail-loading dock.

3) No accessory building may be located in a required rear yard in any zone except:

a) In a residential zone, an accessory building or structure may

be located in a rear yard to within five feet of any lot line, provided that the wall of that building adjacent to such lot line shall contain no door; and

b) No accessory building roof overhang shall be located within six

feet of a principal building roof overhang. An attached accessory building shall be considered as a part of the principal building.

## SEC. 31-4-13: CONSTRUCTION OF ACCESSORY BUILDINGS

An accessory building shall not be erected prior to the establishment or construction of the main building to which it is accessory.

## SEC. 31-4-14: REGULATIONS FOR CUSTOMARY HOME OCCUPATIONS AND TENTS

Customary Home Occupations: Any occupation which is, in whole or in part, customarily conducted in a residence, may be located in a dwelling provided the following criteria are met:

1) The occupation use must be clearly incidental to the residential

use;

2) No person other than immediate family may be employed;

3) No merchandise may be displayed or sold in the residence except

the type of products used in providing the primary service;

4) No structural alterations which indicate a non-residential use is present shall be permitted;

5) One non-illuminated sign of not more than two square feet may be

placed on the building wall; and

6) None of the following shall be considered as customary home

occupations:

a) Animal hospital

b) Kennel

c) Auto repair

d) Machine shop

Tents: A tent shall not be used as a permanent living quarters. Tents

used for any other purpose(s) in any zone shall be temporary not to

exceed thirty(30) days.

## SEC. 31-4-15: TEMPORARY USES

The following regulations govern the operation of certain transitory or seasonal uses:

APPLICATION: Application for a temporary use permit shall be made to the Zoning Administrator for his/her approval and shall contain the following information:

1) A description of the property to be used, rented or leased for the

temporary use, including all information necessary to accurately

portray the property;

2) A description of the proposed use; and

3) Sufficient information to determine the yard requirements, sanitary facilities and availability of parking space to service the proposed use.

## SEC. 31-4-16: USES PERMITTED AS TEMPORARY USES

The following are temporary uses and are subject to the following specific regulations and time limits in addition to the regulations of any zone in which the use is located.

1) Carnival or Circus: In any zone, a temporary use permit may

be issued for a carnival or circus for a period not longer than

15 days;

2) Christmas Tree Sales; In any zone, a temporary use permit may

be issued for the display and open lot sales of Christmas trees for

a period not longer than 45 days;

3) Contractor’s Office and Equipment Sheds: In any zone, a temporary use permit may be issued for a contractor’s temporary office and equipment sheds incidental to a construction project;

4) Real Estate Sales Office: In any zone, a temporary use permit

may be issued for a temporary real estate sales office in any new

subdivision or planned unit development which has been approved by the City; and

5) Seasonal Sale of Farm Produce: In any R, B or C.I.M. zone,

a temporary use permit may be issued for the operation of a roadside stand for the sale of farm produce grown exclusively by the owner of the premises in a “R” zone. The permit shall be valid for not more than three months per year. No sales shall be made within 30 feet of any street right-of-way.

# ARTICLE 5: Special Use

## SEC. 31-5-1: PURPOSE

In addition to those uses permitted by right in each zone there are certain other uses which may be permitted by special use permit subject to the provisions of this article. These special uses require particular consideration as to their location and relationship to surrounding uses and zones.

A Special Use Permit is required for any use which is shown by an “S” in Section 31-3-29, Table 2. (The inclusion of the various Special Uses in Table 2 indicates the zones in which there uses may be permitted.)

The discontinuation of the use, for which a Special Use Permit was issued, for a period of one year or more shall make that permit null and void regardless of the reason for the discontinuation.

## SEC. 31-5-2: LIMITED CONSIDERATION

If an application for a change of zoning for a property(ies) which is currently

zoned “R”, is submitted for a use which is provided in Sec 31-3-29, Table 2

for some other zone, such application may be processed as a special use permit application provided:

1) The petitioner requests in writing that the application be

changed from rezoning to special use,

2) The Zoning Board of Appeals recommends that the specified use

be permitted and the City Council concludes that the proposed use is

desirable in the proposed location but that it would not be reasonable

to open that location to the full range of uses permitted under the

zoning classification requested, and

3) The proposed use meets the standards in SEC. 31-5-4.

**(SEC. 31-5-2 was revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-5-3: LOCATION

Special uses may be permitted in zones as shown in SEC 31-3-29., Table 2.

## SEC. 31-5-4: STANDARDS FOR ALL SPECIAL USES

The City Council may authorize by ordinance a special use as provided herein, after a public hearing before the Zoning Board of Appeals. Adequate notice of said public hearing shall be given as provided in Sec. 31-9-1. The Zoning Board of Appeals shall deliver its recommendation to the City Council. No special use may be authorized until the City Council has determined and found as a fact the following:

1) That the proposed use is necessary or desirable at

the location involved to provide a service or facility which will further the public convenience and contribute to the general welfare of the community;

2) That the proposed use will not be detrimental to the value of other properties or improvements;

3) That the proposed use will comply with the regulations of the

zone in which it is located and this ordinance with respect to all lot yard and bulk regulations, parking and loading regulations, sign control regulations and industrial performance standards, where applicable;

4) That the proposed use shall conform to any stipulations or

conditions made a part of a special use permit issued for such use; and

5) That the proposed use shall conform to any regulations established for specific special uses as provided in this ordinance.

**(SEC. 31-5-4 was revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-5-5: APPLICATION

Application for a special use permit shall be made to the Zoning Administrator in writing by the owner of the property in question and shall be accompanied by the following information plus any additional information required by this

article.

1) A survey of the property;

2) A site plan, drawn to scale, showing the location of all proposed

structures, driveways, parking areas, and other development features of the proposed use;

3) Additional information as required in this article; and

4) Additional information indicating compliance with the regulations

of this ordinance generally.

## SEC. 31-5-6: STANDARDS FOR SPECIFIC SPECIAL USES

In addition to the general standards for special uses established above, the following special uses shall comply with the specific standards herein established:

## SEC. 31-5-7: AIRPORTS AND HELIPORTS

1) Site requirements: The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration and the Illinois Department of Aeronautics for the class of airport proposed, in accordance with their published Rules and Regulations.

2) Building Location: Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.

3) Parking: There shall be an adequate number of off-street parking spaces at least equal to the number of spaces in the hangars plus tie-down spaces, plus spaces for accessory uses as established in Sec. 31-4-9, Table 3.

4) Zoning: If airport zoning is not in effect:

a) Any proposed runway or landing strip shall be free of any

flight obstructions such as towers, chimneys, other tall structures or natural obstructions outside the airport site; and

b) There shall be sufficient distance between the end of each usable

landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

## SEC. 31-5-8: AUTOMOBILE WRECKING YARD (SALVAGE YARD)

1) Performance standards: Any automobile wrecking yard, junk yard, scrap yard or salvage yard for which permission is granted under this article shall, at all times, be subject to the performance standards established for industrial/

manufacturing uses.

2) Screening: All outdoor storage areas shall be screened or fenced with a solid fence at least six feet, but no more than eight feet in height, or enclosed with a dense evergreen growth at least six feet in height. Storage between the street and such fence or screen is expressly prohibited. All stored materials shall be located out of view behind and below the required fence.

3) Parking: Any wrecking or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

## SEC. 31-5-9: CEMETERY

1) Site requirements: The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity. In addition, the site shall have direct access to a public thoroughfare. Any new

cemetery shall be located on a site containing at least 10 acres.

2) Building set-backs: All burial buildings shall be set back at least 80 feet from any street bounding the cemetery and at least 55 feet from all side and rear lot lines. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults, or columbaria.

3) Grave set-backs: All graves or burial lots shall be set back at least 30 feet from any street bounding the cemetery and at least 25 feet from all side and rear lot lines.

4) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently occupied. Any expansion to land not occupied must comply with the requirements of this Section subsequent to the issuance of a special use permit.

5) Parking: Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.

## SEC. 31-5-10: DRIVE-IN THEATER, SUMMER THEATER, AMPITHEATER

1) Site requirements: The site shall contain at least five acres. The site shall have direct access to a major street.

2) Set-backs: All structures, viewing area and seating areas shall be set back at least 100 feet from any street or boundary line.

3) Lighting: All parking areas and access ways shall be adequately lighted; and that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.

4) Parking: Off-street parking spaces shall be provided in accordance with the provisions of Sec. 31-4-9, Table 3. Off-street space for vehicles of patrons awaiting admission to the theater shall be equal to 30 percent of the capacity of

the viewing area. All entrances and exits shall be separated and internal circulation shall be laid out to provide one-way traffic.

5) Accessory Uses: The following accessory uses may be permitted as incidental to the principal use, and limited to patrons service:

a) Amusement park, kiddieland;

b) Refreshment stands or booths, and

c) Souvenir stands or booths.

6) Projection screen requirements: The theater screen shall not be visible from any collector or larger street within 2500 feet. The viewing (parking) area shall

be screened in such a manner that it cannot be observed from outside the property.

## SEC. 31-5-11: MOBILE OR MANUFACTURED HOMES AND PARKS

Only those mobile (manufactured) home parks which were established prior to the initial adoption of this zoning ordinance shall be permitted within the City unless and until a mobile (manufactured) home park ordinance is adopted by the City Council. No additional mobile (manufactured) home shall be located within the City outside the existing parks unless and until an ordinance providing for same shall be adopted.

# ARTICLE 6: Planned Unit Development

(Sometimes referred to as **PUD**)

## SEC. 31-6-1: PURPOSE

The regulations contained in this Article are established to encourage imaginative design of coordinated land uses, and to provide relief from the subdivision and zone requirements which are designed for conventional developments.

## SEC. 31-6-2: LOCATION

A Planned Unit Development may be located in any zone except

“R-1” subject to the procedures and standards set forth below and

subsequent to the issuing of a special use permit.

## SEC. 31-6-3: STANDARDS FOR PLANNED UNIT DEVELOPMENTS

For any Planned Unit Development, the regulations and standards established in this Article may be substituted for the general regulations set forth elsewhere in this ordinance.

## SEC. 31-6-4: REQUIRED SEWER AND WATER

A Planned Unit Development shall be served by a sanitary sewerage system and a public water supply system owned and operated by the City of

Knoxville.

## SEC. 31-6-5: PERMITTED USES

The following uses are principal uses permitted in a Planned Unit Development, subject to the regulations of this Article:

1. Single family detached dwelling;
2. Two-family dwelling;
3. Townhouse dwellings: In the RA and R-2 zones, the number of

townhouse dwellings shall not exceed 40 percent of the total number of dwellings in the planned unit development;

4) Apartment dwellings: In an RA zone the number of such units

shall not exceed 10 percent of the total number of units; and in the R-2 zone, the total number of such units shall not exceed 25 percent of the total number of units; or 50 percent of the units in any other zone;

5) Convenience shopping center;

6) Any retail use as an integral part of a shopping center;

7) Any office use;

8) Any public facility use;

9) Church or other place of worship; and

10) Facilities for the maintenance of the planned development.

## SEC. 31-6-6: ACREAGE STANDARDS

1) The initial acreage required for each type of dwelling unit permitted in a Planned Unit Development is shown in Sec 31-6-6; Table 5 (see next page). Where such a proposed development contains more than one type of dwelling unit, the basic acreage required, shall be calculated by adding the basic acreage for each type unit plus the additional acreage requirements.

2) Where a Planned Unit Development contains business or commercial areas, the acreage requirements shall be based upon those lands used for residential

purposes, including minor streets and courts but excluding major or collector streets, plus other uses.

3) Gross acreage: The gross acreage shall be the basic and additional residential acreage plus all land for other purposes and must equal or exceed the minimum site acreage.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  | **Sec. 31-6-6** | |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  | **Table 5** | |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  | **Acreage requirements for Planned Developments** | | | | | |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  | Basic |  |  |  |  |  |
|  |  |  |  | Acreage |  |  |  |  |  |
| Use |  |  |  | per Dwelling Unit | |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| Single family | |  |  | 0.33 |  |  |  |  |  |
| Two family | |  |  | 0.25 |  |  |  |  |  |
| Townhouse | |  |  | 0.20 |  |  |  |  |  |
| Multiple family | |  |  | 0.10 |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  | Additional |  |  |  |  |
|  |  |  |  |  | Acreage |  |  |  |  |
| Garage Parking: | |  |  |  | per Dwelling Unit | |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| 1 space/DU | |  |  |  | 0.01 |  |  |  |  |
| 1.5 space/DU | |  |  |  | 0.015 |  |  |  |  |
| 2 space/DU | |  |  |  | 0.02 |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| Private Recreation Open Space: | | |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| 10% of gross site | |  |  |  | Acreage |  |  |  |  |
| 20% of gross site | |  |  |  | of |  |  |  |  |
| 30% of gross site | |  |  |  | Designated | |  |  |  |
| 40% of gross site | |  |  |  | Area |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| Public Land Dedications of Open Space | | | |  |  |  |  |  |  |
| and School Sites: | |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| 10% of gross site | |  |  |  | Acreage |  |  |  |  |
| 20% of gross site | |  |  |  | of |  |  |  |  |
| 30% of gross site | |  |  |  | Designated | |  |  |  |
| 40% of gross site | |  |  |  | Area |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| Land Designated for Business or Commercial Use | | | | | Acreage |  |  |  |  |
|  |  |  |  |  | of |  |  |  |  |
| Including parking lots, access | | |  |  | Designated | |  |  |  |
| to individual establishments | | |  |  | Area |  |  |  |  |
| and open spaces | |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |

## SEC. 31-6-7: MINIMUM SITE AREA

The minimum land area to be included in a Planned Unit Development shall be forty (40) acres.

## SEC. 31-6-8: DESIGN STANDARDS

The development plan shall be prepared by professional persons: i.e., architects, city planners, engineers, landscape architects and surveyors.

The benefits of the Planned Unit Development and the design of the development must justify the intended variation from the normal requirements of this ordinance. In preparing the development plan, particular consideration shall be given to the following:

1. The provision of open spaces for recreational and other outdoor

benefits and activities. Recreational open space shall be landscaped and improved with recreational facilities;

2) The conservation of significant natural features of the site such

as flood plains, wetlands, forests, scenic areas and vistas;

3) Maximum separation of vehicular traffic from pedestrian ways

and play areas;

4) A unified design based upon significant architectural features,

compatible building materials and a distinctive arrangement of structures and open spaces;

5) The provision of adequate sites for retail shopping, service areas, schools, places of worship and other community services where the development is large enough to support these services;

6) The relationship of the development to surrounding uses and property;

7) Surface drainage and storm water detention facilities shall be designed in accordance with the Drainage and Storm Water Detention provisions of the Knoxville Subdivision Ordinance.

(See Section 25-5-8, et seq., Knoxville Municipal Code).

**(Revised 06-02-08)**

8) Required Parking: The off-street parking regulations found in this ordinance shall apply to all planned development.

9) Street improvements: All streets and street improvements shall be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures shall be based upon their intended use and shall be related to the overall design of the planned development. Any street dedicated to the

public shall be designed and constructed to the standards of the Subdivision Regulations of the City of Knoxville;

10) Required setbacks: All structures located on the perimeter of a planned development shall be set back from the property line or street right-of-way a distance equal to the required setback in the adjacent zone. Interior yards and setbacks shall be in conformity with good site planning practices and shall be equal to, or greater

than, the interior yards and setbacks shown on the approved development plan; and

11) Height restriction: Any structure within a PUD may be 35 feet in height. Further, any structure may exceed 35 feet in height provided it does not exceed a height determined by a plane extending inward from the perimeter of the planned development at an angle 30 degrees above the horizontal and, provided further, that no structure shall exceed a height of 55 feet.

## SEC. 31-6-9: APPLICATION FOR PLANNED UNIT DEVELOPMENT

Before submitting an application for a Planned Unit Development, the developer is encouraged to present sketch plans to the Knoxville City Council. The purpose of this presentation shall be to inform the City Council of the proposed development and the manner in which it is being planned to take advantage of the regulations of this Article. **(Revised 11/19/2018,**

**Ordinance 2018-18)**

Application shall be made in writing and shall be accompanied by a general development plan which shall include the following:

1) A plat of the site prepared by a registered land surveyor;

2) A topographic map of the site with a contour interval of not more than two feet;

3) A map drawn to scale showing streets, lots, parcels, and sites for all uses included in the planned development;

4) Area to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar uses, or for common areas for the use of the residents;

5) A site plan drawn to scale showing the approximate location of all buildings, structures and improvements, and indicating the open spaces around buildings and structures; and

6) A development schedule indicating:

a) The approximate date when construction of the project can be expected to begin;

b) The stages in which the project will be built and the

approximate date when construction of each stage can be expected to begin:

c) The anticipated rate of development:

d) The approximate date when the development of each of the stages will be completed: and

e) The area and location of common open space that will be

provided at each stage of development.

## SEC. 31-6-10: SUPPORTING INFORMATION

The application and development plan shall be accompanied by the following supporting information:

1) Elevation and perspective drawings in sketch form of all proposed structures and improvements, except single family residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail;

2) An inventory and evaluation of all significant environmental features of the site including, but not limited to, lakes, streams, ponds, marshes, soil conditions, mineral deposits (including sand and gravel), flood plains and wooded areas. The evaluation shall indicate any limitation resulting from natural conditions on the site which would restrict the development of the site for the proposed project as permitted under this ordinance generally, or this Article specifically;

3) A written statement containing a detailed explanation of the size and character of the planned development and the manner in which it has been planned to:

a) Take advantage of the provisions of this Article;

b) Conserve the significant natural features of the site;

c) Avoid, or otherwise overcome, any natural limitations of the site; and

d) Agreements, by-laws, provisions or covenants

which govern the use, maintenance and continued protection of the planned development and any of its common open

areas, streets, parking facilities, or other facilities and improvements.

## SEC. 31-6-11: ENGINEERING REVIEW

When an application for a Planned Unit Development is received by the Knoxville Zoning Administrator it shall be submitted to the City Engineer for review against all applicable ordinances. This engineering review shall be done for both a preliminary plan, and any and all subsequent plans including the final plan.

## SEC. 31-6-12: APPROVAL OF THE DEVELOPMENT PLAN

1) The City Engineer shall review the development plan and the supporting information, and report to the Zoning Board of Appeals and City Council, either

recommending approval, approval subject to specific modifications, or disapproval of the Planned Unit Development, indicating its findings in writing. No public hearing shall be held prior to a recommendation by the Plan Commission provided the Plan Commission shall act within 30 days from the receipt of all required information including the engineering review; otherwise, a hearing may then be scheduled as provided by law.

2) The Zoning Board of Appeals shall then conduct a public hearing on the proposed Planned Unit Development as provided by law and after payment of the required fees. A copy of the development plan and required supporting information shall be available at City Hall subsequent to the publication of the hearing notice and at the public hearing. The Zoning Board of Appeals shall recommend to the City Council approval, or disapproval of the development plan, or in response to testimony or objections voiced at the public hearing, approval of the development plan with modifications.

3) The City Council shall, by ordinance, approve the development plan with or without modifications or additional specific standards, or disapprove the plan. Any ordinance approving a Planned Unit Development plan shall authorize the development in conformance with the plan as approved and attached to

the ordinance as “Exhibit A.”

4) It shall be the duty of the Zoning Board of Appeals to review all final plans and plats for general conformity with the approved plan. No plat shall be recorded and no building permit issued except in accordance with final plats and plans as approved and signed by the chairman by the Zoning Administrator.

**(SEC. 31-6-12 was revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-6-13: MINOR MODIFICATION OF FINAL PLAN

The Zoning Administrator may, from time to time, approve minor changes

within the project, but such changes shall not be of a nature that would affect

the character and standards of the approved plan.

## SEC. 31-6-14: FAILURE TO BEGIN PLANNED UNIT DEVELOPMENT

If no substantial construction has begun or no use established within two years of the starting date established in the approved development schedule, the special use permit for the Planned Unit Development shall lapse upon written notice to the applicant from the City Council and shall be of no further effect.

Upon receipt of an application for an extension, at its discretion and for good cause, the City Council may extend, for one additional year, the period for the beginning of construction of the first principal building in the Planned Unit Development. If the special use permit lapses after one extension under the provisions of this section, the City Council shall remove the Planned Unit Development from the zoning map, and the zoning regulations applicable prior to the issuance of the special use permit shall continue in effect.

# ARTICLE 7: Non-Conforming Use Regulations

## SEC. 31-7-1: PURPOSE

Any lawful use of land or structures, or any structures existing at

the date of passage of this ordinance, which are located in a zone in which it would not be permitted as a new use or structure under the terms of this ordinance, is declared to be a legal non-conformance. It is the intent of this ordinance to permit these non-conformances to continue until terminated either by voluntary act or by catastrophic event; or as otherwise provided herein, and to encourage their conversion to conformance where possible.

## SEC. 31-7-2: RESIDENTIAL DISTRICT

Regulations of non-conforming recorded lots: A non-conforming recorded lot shall be subject to the following provisions:

1) Permitted Uses. A non-conforming recorded lot may be used for a single family dwelling and accessory uses;

2) Side Yard. There shall be two side yards, one of which shall be not less than nine feet. The other side yard shall be 10 percent of the lot width or a minimum of four feet, whichever provides the greater yard width;

3) Rear Yard and Front Yard. The rear yard and front yard shall not be less than required by Sec. 31-3-17, Table 1;

4) Lot Abutting a Street. A non-conforming recorded corner lot shall

have a yard abutting the side street of not less than required in the zone in which the lot is located (see Table 1); and

5) Buildable Width on Corner Lots. On a non-conforming recorded corner lot, the buildable width shall be at least equal to 22 feet.

## SEC. 31-7-3: ALL OTHER DISTRICTS

Regulations of non-conforming recorded lots are listed below:

1. Permitted Uses. A non-conforming recorded lot may be used

for any principal use and accessory uses permitted in the zone in which it is located;

2) Side Yard. Each side yard required for a non-conforming recorded lot shall be not less than the yard width required in the zone in which the lot is located; (see Sec. 31-3-17, Table 1).

3) Front Yard. The front yard shall not be less than required in the

zone in which the lot is located; (see Table 1) and

4) Rear yard, Height Restrictions, Coverage and Floor Area Ratio.

A non-conforming recorded lot shall comply with the same rear yard, height restrictions, coverage and floor area ratio, as specified for the zone in which it is located. (see Table 1).

## SEC. 31-7-4: CONSTRUCTION, REPAIR AND ALTERATION

Construction of new buildings or repair of existing buildings that are being used for permitted uses, but are located on non-conforming recorded lots shall be permitted. If any building is damaged or destroyed, it can be rebuilt for its original permitted use to the extent of its original development, or a new building can be constructed for any permitted use to the extent permitted

under this ordinance.

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## SEC. 31-7-5: NON-CONFORMING USE AND STRUCTURE REGULATIONS

Any building or structure containing a non-conforming use, or any non-conforming structure, shall be subject to the following regulations:

1. If any building or structure is destroyed by any means

to an extent of more than 50 percent such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the current regulations for the zone in which it is located,

1. Damage to an extent less than that of Paragraph (1) above

shall be repaired in a manner as nearly conforming as possible,

1. Normal maintenance and repairs shall be permitted,

4) Enlargements or alterations of an existing non-conforming

structure shall be permitted, provided that the enlargement for alteration does not increase the non-conformance,

5) Discontinuation of a non-conforming use of land or of a structure for any reason for a period of more than one year shall be considered abandonment of that use. Such use shall not be re-

established, and any subsequent use of the land or structure shall conform to the regulations of the zone in which it is located, and

6) Industrial/manufacturing uses which are non-conforming by virtue of being located outside a C-I-M zone shall be subject to the industrial/manufacturing performance standards.

# ARTICLE 8: Variance

## SEC. 31-8-1: GENERAL APPLICATION

Any property owner of a single lot in the City of Knoxville may apply to the

Zoning Administrator for a variation from the strict interpretation of this ordinance as it applies to the property. Such application shall be accompanied

by an accurate description of the property, a description of the particular circumstance which necessitates a variation and the relief sought.

## SEC. 31-8-2: SPECIAL APPLICATION FOR ZONING LOT

Application for combining two or more lots for the purpose of erecting a building which is an accessory use to a residence shall be processed under the provisions of this article. The lots must be owned by the same person(s).

The fee for a variance shall apply. Each lot must be of sufficient size to accommodate a residence plus an accessory use building in order to be eligible for consideration. Any smaller lot must be combined with another lot by a survey and new combined lot legal description. The construction of an accessory use building on the lot without the residence shall meet all the requirements of this ordinance using the residence on the adjoining lot to define the front, side and rear yards.

The following forms to implement this Section are in Appendix “B” (forms) of the Knoxville, Illinois Municipal Code:

1) Application for zoning lot variance,

2) Procedure for accepting Quit Claim Deed for Zoning Lot, and

3) Quit Claim Deed form.

## SEC. 31-8-3: PUBLIC HEARING

Upon receipt of an application for a variation, including a zoning lot variance, the Zoning Administrator shall schedule a public hearing before the Zoning Board of Appeals, allowing adequate time for proper notice.

## SEC. 31-8-4: NOTICE

Notice shall be given as provided in Sec. 31-9-1.

## SEC. 31-8-5: STANDARDS

When evidence in a specific case shows that literal enforcement of any

provision of the zoning ordinance would result in a particular hardship because of unusual conditions or by reason of exceptional narrowness, shallowness or

shape of the lot, or because of unique topography, soil conditions or other unusual circumstances, the Zoning Board of Appeals may recommend, and the City Council may grant, by ordinance, a variance to permit just enough relief from literal enforcement as will allow a reasonable use of the property involved for a use which is permitted in the zone in which it is located.

Before recommending any variation, the Zoning Board of Appeals shall first determine and record its finding that the evidence justifies the proposed variation:

1. Will not impair an adequate supply of light and air to adjacent

property;

1. Will not unreasonably diminish the values of adjacent property;
2. Will not unreasonably increase congestion in the public streets

or otherwise endanger public safety; and

4) Is in harmony with the general purpose and intent of this ordinance.

Where the evidence is not found to justify such conclusions, that fact shall be

reported to the City Council with a recommendation that the variation be denied.

## SEC. 31-8-6: RECOMMENDATION

Within 30 days following the public hearing, including any continuation of such hearing, the Zoning Board of Appeals shall forward, in writing, its recommendations to the City Council.

Said recommendation shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed variation, which shall remain a part of the permanent records of the Zoning Board of Appeals. The findings of fact shall specify the reason or reasons for recommending approval, modification or denial of the variation.

## SEC. 31-8-7: ACTION BY THE COUNCIL

Upon receipt of the Zoning Board of Appeals report, the City Council may accept, reject or modify its recommendation. If the Council approves any variance, it shall do so by ordinance and specify the conditions of the variance in said ordinance.

# ARTICLE 9: Notice

## SEC. 31-9-1: NOTICE

Within a reasonable time following receipt of all papers and documents relating to a variation, application for special use, application for a planned unit

development, or petition for amendment of the regulations or zoning district

boundaries established by this ordinance, there shall be published in a

newspaper generally circulated in Knoxville a notice of the time and place of a public hearing thereon. Such notice shall be published not less than 15 days nor more than 30 days before the hearing and shall contain the address or location of the property for which the variation, ruling or approval is being sought and a brief description of the nature of the matter to be heard.

In addition to the above, 10 days or more prior to the public hearing date, a

notice of the public hearing shall be sent by regular mail to the owner of each

property adjoining the property in question, including the property directly

opposite and across a public street or alley. For the purposes of this notice

the “owner” shall be the person to whom the most recent statement for real

property taxes was sent. As evidence of mailing, a copy of the mailed notice

with a list of names and addresses to which sent and the date of mailing shall

filed with the application.

# ARTICLE 10: Permits

## SEC. 31-10-1: GENERAL

No application for a building permit, other permit, license or a certificate of occupancy shall be approved, and no permit or license shall be issued, which would authorize the use, or change in use of any land or building; or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of the Knoxville Municipal Code.

## SEC. 31-10-2: BUILDING PERMIT

No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Building Commissioner. No permit shall be issued unless the building or structure and use of land comply with the regulations of Knoxville Municipal Code.

All applications for building permits shall be submitted under the provisions of, and conform to the requirements of Sec. 7-2-1

## SEC. 31-10-3: OCCUPANCY PERMIT

No building or structure hereafter erected or structurally altered shall be occupied and used until an occupancy permit has been issued by the Building Administrator. The permit shall be issued only after the Building Administrator makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of the building permit. A record of all certificates shall be kept on file in the office of the Building Administrator and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected. Any fee or form adopted by the City Council shall be included in the appropriate appendix. **(Revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-10-4: TEMPORARY USE PERMITS

Application for a temporary use permit shall be made to the Zoning Administrator for his/her approval or denial and shall contain the following information:

1) A survey or legal description of the property to be used,

rented or leased for the temporary use, including all information

necessary to accurately portray the property;

2) A description of the proposed use; and

3) Sufficient information to determine the yard requirements,

sanitary facilities, and availability of parking space to service

the proposed use.

## SEC. 31-10-5: PERMIT FEES

The fee for all applications, permits, and appeals which are provided for in

this ordinance shall be established by City Council resolutions and set forth in Sec. 31-10-5-A; Appendix “A” of the Municipal Code.

# ARTICLE 11: Penalties and Responsibilities

## SEC. 31-11-1: RESPONSIBILITY

It shall be the duty and responsibility of the property owners to meet the appropriate provisions of this ordinance as they apply to the various land uses, lots, tracts, or parcels in the City of Knoxville.

## SEC. 31-11-2: PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this ordinance shall be fined in accordance with the range of fines established by City Council Resolution for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Such

fines shall be set forth in Sec. 31-11-2-4; Appendix A.

# Article 12: Administration

**(Revised 11/19/2018, Ordinance 2018-18)**

## SEC. 31-12-1 GENERAL

The Zoning Board of Appeals shall review each application for a variance, special use permit, Planned Unit Development or modification of this Zoning Ordinance and, after conducting any public hearing required by statute or this Zoning Ordinance, it thereafter send its findings and recommendation to the City Council. The Zoning Board of Appeals shall also perform such advisory functions as assigned to it, from time to time, by the Mayor or City Council.

## SEC. 31-12-2 MEMBERS OF THE ZONING BOARD OF APPEALS

There is established a Zoning Board of Appeals consisting of seven citizens of the City of Knoxville, appointed by the Mayor and confirmed by the City Council. The members of each commission/board shall serve respectively for the following terms: One for 1 year, one for 2 years, one for 3 years, one for 4 years, one for 5 years, one for 6 years, and one for 7 years. Successors to each member so appointed shall serve five-year terms, except that a vacancy shall be filled for the unexpired term of the membership vacated.

The members of the Zoning Board of Appeals shall reside within the City or within one and on-half miles thereof but outside any other municipality, and shall be appointed on the basis of their interest in and/or particular fitness for duty on said Commission or Board.

## SEC. 31-12-3 VACANCIES

Any vacancy occurring in the membership of the Zoning Board of Appeals shall be filled for the balance of the unexpired term under the same appointment procedure as for a full term.

## SEC. 31-12-4 COMPENSATION

All members of the Zoning Board of Appeals shall serve without compensation.

## SEC. 31-12-5 MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or Secretary. The presence of four members shall be necessary for a quorum. All meetings shall be open to the public. The Chairperson, or Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall keep written records of its proceedings open to public inspection. The Zoning Board of Appeals shall also be the custodian of the records of the disbanded Plan Commission of the City of Knoxville.

## SEC. 31-12-6 EMPLOYMENT OF PERSONNEL

The Zoning Board of Appeals, at the discretion of the City Council, may employ a paid secretarial assistant whose wages and other necessary expenses shall be provided for by the City Council from the public funds. If the Zoning Board of Appeals shall deem it advisable to secure technical advice or services, it may be done upon authority from Mayor or the City Council with payment from appropriations by the Council.

## SEC. 31-12-7 OFFICERS, RULES, ETC.

One of the members shall be designated by the Mayor, with the consent of the City Council, as Chairperson of the Zoning Board of Appeals to hold office until his/her successor is appointed and qualified. The Mayor shall have the power to remove any member for cause after written charges have been filed, and a public hearing held if requested by the member charged. The Zoning Board of Appeals shall operate under Robert’s Rules of Order and consistent with requirements of State law and City ordinances, and may adopt rules for its procedures consistent with the laws and ordinances.

The Chairperson of the Zoning Board of Appeals shall also the Zoning Administrator by virtue of his or her appointment as Chairperson.

The members of the Zoning Board of Appeals may select one of its members to serve as Secretary.

In the absence of the Chairperson, the Secretary of the Zoning Board of Appeals shall be the Zoning Administrator. If no Chairperson or Secretary has been appointed or selected, or if the Chairperson or Secretary is absent or otherwise unavailable to perform his or her duties, the most senior available member of the Zoning Board of Appeals shall be the acting Zoning Administrator.

## SEC. 31-12-8 JURISDICTION for ZONING BOARD of APPEALS

The Zoning Board of Appeals shall have the powers and duties prescribed herein:

1) An application for a variance or special use goes directly to the Zoning Board of Appeals. After holding a public hearing on an application for a variation from the strict enforcement of any provision(s) of this ordinance, or for a special use permit, the Board shall report its findings and recommendations to the City Council.

2) After an application for Planned Unit Development has first been reviewed by the City Engineer, and after it holds a public hearing on such an application, the Zoning Board shall report its findings and recommendations to the City Council.

3) After holding a public hearing on any application or petition for an amendment to the provisions of this ordinance, including the boundary lines of a zoning district, the Zoning Board shall report its findings and recommendations to the City Council. Nothing herein contained shall be construed to authorize the Zoning Board of Appeals to change any of the provisions of this ordinance or district boundary lines established hereby.

4) The Zoning Board of Appeals shall perform its responsibilities (or those responsibilities formerly exercised by a separately-comprised Plan Commission) under the Subdivision Ordinance, Chapter 25 Knoxville Municipal Code. When performing these duties, under Chapter 25 of the Knoxville Municipal Code, the Zoning Board Appeals shall be known as, and constitute, the Plan Commission of the City of Knoxville.

5) The Zoning Board of Appeals shall perform any other duty assigned by the Mayor or City Council.

**SEC. 31-12-9 [Repealed.]**

## SEC. 31-12-10 CITY COUNCIL ACTION

Following the receipt of findings and recommendations from the Zoning Board of Appeals, the City Council shall act upon all applications. The City Council shall give full consideration of the Zoning Board of Appeals’ findings and recommendations, but it shall not be bound by them. Action by the City Council shall be by the type of action specified below:

1) By ordinance, amend this ordinance, including the zoning map; or

2) By ordinance, issue a Special Use Permit including any conditions

found to be necessary to accomplish the purposes of this ordinance; or

3) By ordinance, approve a variance from the specific regulations of this ordinance; or

4) By ordinance, approve any plat or subdivision including a planned unit development or commercial development; or

5) By a motion for a subdivision, including a planned unit development or commercial development, “To tentatively approve the plat for \_\_\_\_\_\_\_ pending completion and approval of the construction/installation of the streets and publicly owned utilities within eighteen months from the date of such tentative approval” or “To extend the tentative approval of the plat for \_\_\_\_\_\_\_\_\_\_\_until \_\_\_\_(Date) \_\_\_\_\_\_\_\_ approval”: or

6) By motion, deny any application; or

7) By motion, remand any application to the Zoning Board of Appeals to develop or correct the record; or

8) By motion or ordinance, take any such action authorized by statute or this Zoning Ordinance.

## SEC. 31-12-11 ZONING ADMINISTRATOR

The Zoning Administrator shall have the following powers and duties:

1) Receive and process all requests for amendments, special uses, subdivisions, variances, and appeals pursuant to this Municipal Code;

2) Be responsible for the interpretation of the provisions and regulations

of the applicable ordinances;

3) Maintain records of actions taken by the Zoning Board of Appeals;

4) Following any amendment thereof, cause to be published an up-to-date copy of the Zoning Map.

5) Issue all zoning certificates and make and maintain a record thereof;

6) Issue all occupancy certificates and make and maintain a record thereof;

7) Notify the applicant(s) regarding City Council action for all Special Use

Permits, Variances and Subdivisions, and make and maintain a record thereof;

8) Issue Temporary Use Permits and make and maintain a record thereof;

9) Maintain for public inspection, at all times during the hours that his office

is normally open to the public, a copy of this ordinance along with the

Zoning Map together with all amendments thereto;

10) Make a determination from public records or inspection of non- conforming recorded lots, uses, and structures to properly enforce this Zoning Ordinance; and

11) Perform such other duties as are delegated to him by the Mayor or City Council or the provisions of this ordinance generally.

# Article 13: ADULT USES

**(added November 21, 2011**)

**TABLE OF CONTENTS**:

31-13-1 Definitions

31-13-2 Adult Uses enumerated

31-13-3 Limitations on Adult Uses

31-13-4 Measurement of distance

31-13-5 License required; filing of application; filing fee

31-13-6 Contents of application for license

31-13-7 Issuance of Adult Use license

31-13-8 Suspension or revocation of license for Adult Use

31-13-9 Prompt Judicial Review

31-13-10 Display of license and permit

31-13-11 Exterior display

31-13-12 Employment of persons under age of 18 prohibited

31-13-13 Notice

31-13-14 Illegal activities on premises

31-13-15 Severability clause

31-13-16 Violation and penalty

## SEC. 31-13-1: DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the meanings respectively prescribed to them by this section:

*Adult bookstore.* An establishment having as a substantial portion of its stock in trade, books, magazines, films, records, recording tapes, video tapes, or other periodicals, for sale or for viewing either on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or “specified anatomical areas."

*Adult device store.* An establishment having as a substantial portion of its stock in trade any device, appliance, instrument or object which is represented either by the operator of the establishment or by its packaging, advertising or other literature furnished therewith as enhancing, assisting, representing, depicting or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

*Adult entertainment cabaret.* A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features entertainers, dancers, waitresses, waiters or any other employees acting in such a way as to display, depict, describe or relate to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

*Adult mini motion picture theater.* An enclosed building or drive-in theater with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

*Adult motion picture theater.* An enclosed building or a drive-in theater with a capacity of fifty (50) or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “special anatomical areas” for observation by patrons therein.

*Body shop* or *model studio.* Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” are provided for observation by or communication to persons paying such consideration or gratuity.

*Building structure.* Any structure or group of structures housing two (2) or more businesses which share a common entry, exit, wall or frontage wall, including, but not limited to shopping centers, shopping plazas, or shopping squares.

*Massage.* Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

*Massage establishment.* An establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of massage of this section, provided, however, that the term massage establishment shall not apply to Hospitals, physical rehabilitation centers, nursing homes or sanitaria. Massage establishment shall also not apply to a spa, salon, barber shop or other establishment focused on grooming wherein a massage is given by a cosmetologist, barber, or masseuse licensed by the State of Illinois, in accordance with such license, and provided that such establishment does not permit anyone or thing to display or depict “specified anatomical areas” and does not permit anyone or thing to engage in, display, or depict “specified sexual activities.”

*Nudity.* The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

*Specified anatomical areas.* Any of the following conditions:

a. Less than completely and opaquely covered:

1. Human genitals, pubic region or pubic hair; or

2. Buttock; or

3. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely covered.

*Specified sexual activities.* are any of the following conditions:

a. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, in addition to any sexual acts which are prohibited by law.

b. The actual or simulated sexual touching, caressing or fondling of the breast, buttocks, anus or genitals.

c. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva or genitals.

d. Excretory functions as part of or in connection with any activities otherwise set forth in this subsection.

## SEC. 31-13-2: ADULT USES ENUMERATED

The following shall be considered Adult Uses for the purpose of this Article:

a. Adult book store;

b. Adult motion picture theater;

c. Adult mini motion picture theater;

d. Adult entertainment cabaret;

e. Massage establishment;

f. Body shop or model studio;

g. Adult device store; or,

h. An establishment that conducts a substantial portion of its business through some combination of any of the foregoing Adult Uses.

## SEC. 31-13-3: LIMITATIONS ON ADULT USES

Adult Uses shall be permitted subject to the following restrictions:

a. Notwithstanding any provision of this Article to the contrary, an Adult Use shall not feature or allow a person who knowingly or intentionally, in the view of or in close proximity to any person:

1. Engages in sexual intercourse;

2. Engages in deviate sexual conduct;

3. Appears in a state of nudity; or

4. Fondles the genitals of himself or another person.

b. All Adult Uses shall be located only in C-I-M Commercial/Industrial/Manufacturing districts, and within such districts, an Adult Use shall not be located within one thousand (1,000) feet of another pre-existing Adult Use.

c. An Adult Use shall not be located within one thousand (1000) feet of a pre-existing residence, public park, school, day care center, or place of worship.

d. An Adult Use shall not be located in a building structure in which alcoholic beverages are sold or dispensed.

e. Any Adult Use doing business at the time this Article takes effect shall have one year from the effective date hereof to comply with the provisions of subsections a. through d., inclusive of this section.

f. Any Adult Use doing business at the time this Article takes effect shall have thirty (30) days from the effective date hereof for the issuance of an Adult Use license.

g. An Adult Use shall not be located in a building structure that contains another business that is operated as a bottle club nor shall such Adult Use otherwise permit patrons to bring their own alcoholic beverages into the establishment or to consume alcoholic beverages while on the premises.

h. Any Adult Use providing private/semi-private booths for viewing “specified sexual activities” or “specified anatomical areas” shall not have doors on said booths, nor shall such areas have openings between adjacent booths that could allow for the pass-through of items or parts of the body between the partitions that divide such booths.

1. A Zoning Use Permit and Zoning Compliance Certificate shall be obtained when and as required by this Zoning Ordinance.
2. Any Adult Uses shall not operate during the following hours:
   1. 2:00 a.m. until 8:00 a.m. Monday through Friday;
   2. 2:30 a.m. until 8:00 a.m. on Saturday; and,
   3. 2:30 a.m. until 12:00 p.m. on Sunday.

## SEC. 31-13-4: MEASUREMENT OF DISTANCE

For the purposes of this Article, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the Adult Use to the property line of the lot or parcel containing the nearest Adult Use, public park, school, day care center, place of worship or district zoned for residential use.

## SEC. 31-13-5: LICENSE REQUIRED; FILING OF APPLICATION; FILING FEE

It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an Adult Use as herein defined without first having obtained a separate license for such Adult Use from the Mayor.

Every applicant for a license to maintain, operate or conduct an Adult Use shall file an application in duplicate under oath with the Mayor upon a form provided by the Mayor and pay a non refundable filing fee of two hundred fifty dollars ($250.00) to the Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

Within thirty (30) days after receiving the application, the Mayor shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Mayor shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

Failure or refusal of the applicant to give any information relevant to the investigation of the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any inspection or investigation required by this Article, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

## SEC. 31-13-6: CONTENTS OF APPLICATION FOR LICENSE

1.) Application.

The term applicant as used in this Article shall include any owner, partner, or limited partner of a partnership applicant and any officer or director of a corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business. An applicant for a license shall furnish the following information under oath:

a. Name and address of the applicant in the case of an individual; in the case of a co-partnership or association, names and addresses of the persons entitled to share in the profits thereof; and in the case of a corporation for profits, the date and state of incorporation, the date of qualification to do business in Illinois (if not an Illinois corporation), the object for which it was organized, the names and addresses of the officers, directors and managers, and also the names and addresses of every stockholder owning in the aggregate more than five (5) percent of the stock of the corporation; and

b. Written proof that the individual is at least eighteen (18) years of age; and

c. Location of where the Adult Use is to be operated; and

d. A statement that the applicant either owns the premises for which the license is sought or that he has a lease thereon for the full period for which the license is to be issued. In the case of a lease a copy of same shall be submitted with the application; and

e. A description of the specific Adult Use the applicant seeks a license for; and

f. A statement by the applicant that he or she, the owner(s), manager(s), and people in control of the day-to-day operations of the proposed Adult Use have not been convicted of a felony or any other crime or ordinance violation related to drugs, theft, obscenity, violence, prostitution, sexual assault; or a crime involving deceit, fraud, or dishonesty; and

g. A statement demonstrating that the proposed Adult Use would be in compliance with:

i. All zoning and licensing restrictions imposed by this Article;

ii. Any applicable health department regulations; and,

iii. Any applicable fire and building codes; and

h. An agreement not to violate any laws of the State or of the United States, or any Ordinance of the City in the conduct of the Adult Use.

2.) Renewal.

A licensee intending to continue an Adult Use beyond the license’s expiration date shall apply for a subsequent license no more than forty-five (45) days and no less than thirty (30) days prior to the expiration of the current license to avoid a temporary shut-down of operations during the review of such application.

## SEC. 31-13-7: ISSUANCE OF AN ADULT USE LICENSE

The Mayor shall issue or renew a license to maintain, operate, or conduct an Adult Use unless he finds:

a. That the applicant is under the age of eighteen (18) years or under any legal disability.

b. That the location where the adult business is proposed to be operated does not comply with the limitations set forth in this Article.

c. That the applicant, owner(s), manager(s), or people in control of the day-to-day operations of the proposed Adult Use has been convicted of a felony or any other crime or ordinance violation related to drugs, theft, obscenity, violence, prostitution, sexual assault, or a crime involving deceit, fraud, or dishonesty.

Every Adult Use license issued pursuant to this Article will terminate at the expiration of one year from the date of its issuance, unless sooner revoked.

## SEC. 31-13-8: SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE

Any license issued for an Adult Use may be revoked or suspended by the Mayor if he shall find:

a. That the licensee has violated any of the provisions of this Article regulating Adult Uses.

b. That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Article or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.

The licensee shall be responsible for the acts of his agents, servants, and employees; provided, however, that in the case of a first offense by a licensee where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Mayor shall find that the licensee had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

The Mayor, before revoking or suspending any license, shall give the licensee at least ten (10) days' written notice of the charges against him or her. The licensee may, within five (5) days of receipt of said notice, file notice of a request for a public hearing before the Mayor at which time the licensee may present evidence bearing upon the question.

## SEC. 31-13-9: PROMPT JUDICIAL REVIEW

If an application for license is denied, or such license is suspended or revoked, the effect of such action shall automatically be stayed and the *status quo* shall be maintained pending prompt judicial review. The automatic stay shall remain in effect for ten (10) days after the Mayor gives notice of the denial, suspension, or revocation. The licensee or applicant must notify the Mayor during this ten (10) days’ time if it intends to seek judicial review of the action denying, suspending, or revoking the license in order to extend the automatic stay beyond the initial ten (10) days.

An applicant or licensee shall initiate judicial review within thirty (30) days of the notice of denial, suspension, or revocation.

A licensee or applicant who fails to notify the Mayor within the ten (10) days as provided by this section, or who does so but fails thereafter to initiate judicial review within thirty (30) days as provided by this section, is deemed to have waived the right to judicial review and the automatic stay shall be lifted and the denial, suspension, or revocation shall then have immediate and final effect.

## SEC. 31-13-10: DISPLAY OF LICENSE AND PERMIT

Every licensee shall display a valid license in a conspicuous place within the premises where the Adult Use is operated so that same may be readily seen by persons entering the premises.

## SEC. 31-13-11: EXTERIOR DISPLAY

No Adult Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from any public way or from any property not registered in the license as the location where the Adult Use is to be operated.

## SEC. 31-13-12: EMPLOYMENT OF PERSONS UNDER AGE OF 18 PROHIBITED

It shall be unlawful for any Adult Use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

## SEC. 31-13-13: NOTICE

Any notice by the Mayor pursuant to this Article may be delivered personally to the licensee, by posting on the premises where the Adult Use is located, or by United States Postal Service certified mail, return receipt requested; notice by these methods shall be effective upon such personal delivery, posting, or as shown by the return-receipt. The Mayor may also give notice by mailing through the United States Postal Service with First-class postage paid, such mailing is deemed effective three (3) days after mailing.

Notice by an applicant or licensee as provided for in this Article shall be to the Mayor at:

Mayor

City Hall

33 N. Public Square

Knoxville, Illinois 61448

Notice delivered personally is effective upon delivery. Notice may also be given via mailing through the United States Postal Service with First-class postage paid, such mailing is deemed effective 3 days after mailing. Notice may also be given via the United States Postal Service as certified mail, return-receipt requested, in which case the notice shall be deemed effective when it is received at City Hall and as shown by the return-receipt.

## SEC. 31-13-14: ILLEGAL ACTIVITES ON PREMISES

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by an ordinance of the city or laws of the State of Illinois or of the United States.

## SEC. 31-13-15: SEVERABILITY CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or any part thereof, or application thereof to any person, firm, corporation, public agency or circumstance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such section is severable from this Article, and such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. It is hereby declared to be the legislative intent of the city council that this Article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof have not then been included.

## SEC. 31-13-16: VIOLATION AND PENALTY

Any person who shall violate any of the provisions of this Article shall be guilty of an ordinance violation. A person who is convicted shall be punished by a fine of not less than two hundred and fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00). This Section shall supersede all other penalties provided by the Zoning Ordinance for a violation of this Article regarding Adult Uses.

# ARTICLE 14: Solar Energy Systems

**(Added 11/19/2018, Ordinance 2018-17)**

## SEC. 31-14-1: SCOPE

This Article applies to all solar energy installations in the City of Knoxville, Illinois.

## SEC. 31-14-2: PURPOSE

The purpose of this Article is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in the City of Knoxville, while ensuring protection of the health, safety and welfare of the City’s residents. The Purpose of this Article is also to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of any state or federal law.

## SEC. 31-14-3: DEFINITIONS

Terms used in this Article shall have the meaning set forth in Article 2 (Definitions), Chapter 31 (Zoning) of the Knoxville City Code. In addition, the following terms, listed in this Section, shall have the meanings set forth herein:

**Ground Mount:** A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Roof Mount:** A solar energy system that is mounted on a rack that is fastened onto a building roof.

**Solar Collector:** An assembly, structure, or design used for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System (SES):** All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

**Solar Farm:** A commercial facility, located on a parcel of 1 or more acres in size, that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity or for the primary purpose of serving the needs of a commercial or industrial facility. A solar farm is the principal land use for the parcel on which it is located.

**Solar Garden:** A commercial solar-electric array, of no more than 1 acre in size that provides retail electric power to multiple households or businesses residing in or located off-site from the location of the solar energy system.

## SEC. 31-14-4: BUILDING PERMIT REQUIREMENTS AND FEES

All Solar Energy Systems (SES) will be required to have a City Building Permit before any work can be started. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the City as follows:

0- 10 kilowatts (kW) $ 100.00

11- 50 kilowatts (kW) $ 250.00

51- 100 kilowatts (kW) $ 500.00

101- 500 kilowatts (kW) $ 1,000.00

501- 1,000 kilowatts (kW) $ 2,500.00

1,001 – 2,000 kilowatts (kW) $ 5,000.00

Over 2,000 kilowatts (kW) $ 100.00 for each additional 0–100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

## SEC. 31-14-5: PERMITTED AND SPECIAL USES

(a) A single solar energy ground mount or roof mount system for residential or business use are permitted as an Accessory Use in all Zoning Districts where there is a principal structure, except within the Historic District. Within the Historic District solar energy ground mount systems are not permitted, while solar energy roof mount systems require a special use permit. No special use permit will be granted to a solar energy roof mount system unless said system is reasonably invisible to foot and vehicle traffic.

(b) Solar Gardens and Solar Farms are not permitted in any Zoning Districts, except that Solar Gardens and Solar Farms may be allowed, as a Special Use, in the “RA” Rural Agricultural and in the “C-I-M” Commercial/Industrial/Manufacturing Zoning Districts.

## SEC. 31-14-6: SET BACK REQUIREMENTS

(a) Set back requirements for all Solar Energy Systems (SES) shall meet the structure set back requirements, (when the SES is oriented at any & all positions), in all Zoning Districts as stated in Article 3 of this Chapter.

(b) In addition to all other set back requirements, all solar panels in a Solar Farm shall be kept at least five hundred (500) feet from any residence.

(c) In addition to all other set back requirements, all solar panels in a Solar Garden shall be kept at least fifty (50) feet from a residence that is not part of the specific solar energy system permit/plan.

(d) No solar energy system shall be allowed to be placed in the front yard of any residential property.

(e) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

## SEC. 31-14-7: HEIGHT REQUIREMENTS

(a) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Article 3 of this Chapter.

(b) Notwithstanding any contrary provisions in this Chapter, ground or pole mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

## SEC. 31-14-8: OTHER SOLAR ENERGY SYSTEM REQUIREMENTS

(a) Solar Gardens must follow the minimum acreage requirement for the Zoning District they will be in and, in addition to said requirements, must be 1 acres or less.

(b) Solar Farms must follow the minimum acreage requirement for the Zoning District they will be in and, in addition to said requirements, must be at least 1 acre or more.

(c) Solar Gardens and Solar Farms must follow all rules regarding the splitting off of land on previous split land in regards to sub-dividing.

(d) In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Department’s online EcoCat Program. The cost of this consultation shall be at the developer’s expense. The final certificate from EcoCat shall be provided to the City before a building permit or Special Use Permit will be issued.

(e) All Solar Farms located on “RA” Rural Agricultural Zones will be subject to a site assessment/soil identification standard, (LESA) that is intended to protect agricultural soils.

(f) Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of all Solar Farms, as well as all Solar Gardens serving a commercial or industrial facility. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

(g) Any lighting for Solar Farms shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

(h) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(i) Solar Farms and Solar Gardens shall be located in a manner to reasonably minimize the view of the system from surrounding properties. Measures to decrease visibility shall include, but shall not be limited to, landscaping on the side or sides of the parcel adjoining or facing a public street, road or highway to obscure or hide the solar energy system from view from said public street, road or highway.

(j) Solar Energy Systems must be in compliance with all Building, Electric, Plumbing and Energy Codes adopted by the City, along with all codes made applicable to Solar Energy Systems by the State of Illinois.

## SEC. 31-14-9: DECOMISSIONING OF SOLAR FARMS

A decommissioning plan shall be required to be submitted when applying for the building permit for any Solar Farm, to ensure that facilities are properly removed after their useful life. In addition, the City Council may require a decommissioning plan for a Solar Garden as a condition precedent to the granting of a Special Use permit. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. In the event that the State of Illinois enacts a law with regarding to the decommissioning of a Solar Farm or Solar Garden, the strictest requirements shall prevail.