

CHAPTER 17
ZONING CODE

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General Provisions

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GENERAL PROVISIONS

§ 17.10 TITLE.

This chapter shall be known and may be cited as "The Zoning Code of the City of Eureka 2009."

§ 17.20 PURPOSE.

- A. Securing adequate light, pure air, and safety from fire and other dangers;
- B. Conserving the value of land, buildings, and structures throughout the city;
- C. Lessening and avoiding congestion in the public streets;
- D. Lessening and avoiding hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- E. Promoting the public health, safety, comfort, morals and general welfare;
- F. Regulating and limiting the height and bulk of buildings and structures hereafter to be erected;
- G. Establishing, regulating and limiting the building or setback lines on or along any street, traffic way, drive, parkway, or storm or flood water runoff channel or basin;
- H. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;
- I. Classifying, regulating and restricting the location of trades and industries and the location of buildings, structures and land designed for specified industrial, commercial, residential and other uses;
- J. Dividing the entire city into districts of such number, shape, area, and such different classes according to the use of land, buildings and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purposes of this title;
- K. Fixing regulations and standards to which buildings, structures or uses therein shall conform;
- L. Prohibiting uses, buildings, or structures incompatible with the character of such districts; and
- M. Preventing additions to and alteration or remodeling of existing buildings, structures or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this title.
- N. In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for promotion of the public health, morals, safety, and the general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.
- O. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

7.30 APPLICATION OF REGULATIONS.

- A. Except as hereinafter provided, no building or land shall after passage of this Zoning Code be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall after the passage of this Zoning Code be erected or altered:
 - 1. To accommodate or house a greater number of families;
 - 2. To occupy a greater percentage of lot area; or
 - 3. To have narrower or smaller rear yards, front yards, side yards, or inner or outer courts than is specified herein for the district in which such building is located.
- C. Control over bulk. All new buildings and structures shall conform to the bulk requirements established herein for the district in which each building or structure shall be located. Further, no existing building or structure shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict with, or if already in conflict with, in such a manner as to further conflict with, the bulk regulations of this chapter for the zoning district in which such building or structure shall be located.
- D. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
- E. All territory which may hereafter be annexed to the municipality shall be the subject of a public hearing by the Planning Commission after due notification in the manner appropriate to zoning amendments and within ninety (90) days of the date of such annexation. After such hearing and recommendation of the Planning Commission, the status of the new zoning district shall be determined by the City Council as an amendment to the zoning code. In the interim between annexation and such Council determination, if any, the territory annexed to the city shall be zoned as designated in the Annexation Agreement.
- F. Whenever any street, alley, or other public way is vacated by official action of the municipality, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation; and all such included in the vacation shall then henceforth be subject to all appropriate regulations of the extended districts.

17.40 SITE PLAN REQUIREMENTS

CHECK LIST FOR SITE PLAN SUBMITTAL TO THE EUREKA PLANNING COMMISSION FOR REVIEW OF PLANS.

If all documents required are not submitted with the site plan, they will **NOT** be reviewed by the Commission.

	Office Use only		
	Yes	N/A	Meets Code
<u>Commercial – Multi-Family Residential – Three units or more submitted.</u>			
Site Plan – (7) Seven plans must be submitted	___	___	___
1. Site plans must be ruled using black ink and have the Engineers Stamp on the drawings.	___	___	___
2. All lot line dimensions with total lot square feet with street address.	___	___	___
3. Adjoining streets and property	___	___	___
4. Zoning for property site plan and surrounding property	___	___	___
5. Location of proposed construction, show distance of construction from front, side and rear yard property lines.	___	___	___
6. Show all existing buildings, signs, etc on the property and distances as required in #7 plus distance from new construction with total square feet for all existing structures.	___	___	___
7. Show all entrances and exits and width of each	___	___	___
8. Corner lot – show distance from center line of highway or street.	___	___	___
9. State permit for entrance if required on State Highway	___	___	___
10. Landscaping	___	___	___
11. Water and sewer connection	___	___	___
12. Water retention plan as required, with calculations for lot drainage or showing no need for water retention.	___	___	___
13. Erosion control plan	___	___	___
14. Complete set of construction drawings with the Architect's stamp.	___	___	___
15. Parking spaces plus handicap - total required _____.	___	___	___
16. Show all current easements and if a new lot, a 10 foot easement must be provided for around the entire inside of the lot lines.	___	___	___

§ 17.50 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

The present tense includes the future tense.

The masculine gender includes the feminine and neuter.

The singular number includes the plural, and vice versa.

The word "shall" is always mandatory; the word "may" is always permissive.

The word "person" includes a partnership, association, firm, trust, club, company or corporation as well as the individual.

The word "used" or "occupied" or "located" as applied to any land, building, use, structure or premises shall be construed to include the words "intended, arranged or designed to be used or occupied or located"

The word "lot" shall include the words "plot" and "parcel".

The word "city" shall mean the City of Eureka, Illinois.

The word "board" shall mean the Eureka Zoning and Planning Commission of the City.

The word "planning commission" shall mean the Eureka Zoning and Planning Commission of the City.

The word "engineer" shall mean the person or firm retained as engineer by the City.

The word "governing body" shall mean the mayor and City Council of the City.

ACCESSORY STRUCTURE. Any building, property, or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises, the use of which is an accessory use to the main or principal use of the property, and which further is detached from the main or principal structure or building on the property.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

AGRICULTURAL USES. The growing of crops in the open and the raising and feeding of stock and poultry, including farming, truck gardening, flower gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, fur farm, including the necessary structures and farm dwellings for those owning or operating the premises or the immediate families thereof, or those directly employed thereon; and further including a roadside stand for the sale of products produced on the premises, and signs thereon.

ALLEY. A permanent service right-of-way which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.

ALTERATIONS. A change or rearrangement in the structural parts of an existing building, structure, facilities; or an enlargement whether by extending on a side or by increasing height; or the moving from one (1) location or position to another.

AUTOMOBILE SERVICE STATION. Any building or premise used for the dispensing, sale, or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

BANK COMPLEX. Bank; an institution for keeping, lending, exchanging, and issuing money; complex: made up of a number of parts.

BASEMENT. A story having part but not more than one-half (1/2) its height below grade.

BOARDING HOUSE. A building used for the lodging, with or without meals, of not more than five (5) individuals, and where compensation is paid in money, goods, or labor. A boarding house shall comply with all the requirements for a single-family dwelling. A boarding house shall be considered one (1) dwelling.

BUILDING. A structure designed, built, or occupied as a shelter or roofed enclosure for person(s), animals, or property, including tents, lunch wagons, dining cars, campers, cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purpose of this definition, roof shall include an awning or other similar covering whether or not permanent in nature.

BUILDING AREA. The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent canopies and planters.

BUILDING FLOOR AREA. The sum of the gross horizontal areas of several stories of a building including cellar and basement areas and the areas of roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING FLOOR AREA HABITABLE. The sum of the horizontal areas of all rooms in a building used for habitation such as living room, dining room, kitchen, bedroom, bathroom, or closet but not including hallways, stairways, service rooms or utility rooms. No unheated rooms such as enclosed porches, or rooms without at least one (1) window or skylight opening onto a yard or court, measured between the interior faces of walls.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated.

BULK. The size of buildings in terms of floor area and floor area ratio, the location of building walls in relation to lot lines and to the exterior walls of other buildings, and the yards, front, side, and rear, required under the terms of this chapter.

CELLAR. A story having less than one-half (1/2) of its height above grade.

COMMUNITY CENTER. Community; a group of people living together and having similar interests and works; center: a main point or place where there is much activity.

COUNTRY ESTATE. A zoning classification which requires single family detached dwellings with lots at least two and one-half (2 ½) acres in area and a lot width at the building setback line of one hundred twenty feet (120') or more.

COURT. An open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by, but is not enclosed by, the walls of such building.

COVERAGE. That percentage of the plot or lot area covered by the building area.

CURB LEVEL. The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established the curb level shall be the average elevation of the land surface along the street right-of-way line and the lot lines.

DAY CARE FACILITIES. Any person, group of persons, agency, association, entity, or organization, whether established for gain or otherwise, who or which receive or arrange for the care or placement of one (1) or more children or adults unrelated to the operator of the facilities, apart from the parents, established and maintained for the care of children or adults, which regularly provides day care for less than twenty four (24) hours per day for either:

1. More than eight (8) children or adults in a family home; or
2. More than three (3) children or adults in a structure other than a family home.

DORMITORY. A large room in which many persons sleep. A building providing sleeping and living accommodations.

DRIVE-WAY WIDTH. Regulating the maximum width of any residential driveway. No driveway of a single family residential property shall be wider than twenty-four (24) feet. No driveway for a multi-family residential property shall be allowed more than two curb cuts for driveway access and the total shall not exceed forty-eight (48) feet. Each multi-family residential property driveway curb cut shall be no more than twenty-four (24) feet with five (5) feet minimum distance between curb cuts.

DWELLING UNIT. A dwelling or portion thereof providing complete living facilities for one family.

DWELLING, SINGLE-FAMILY. A permanent building used as a residence exclusively by one family, not to include trailer coaches or mobile homes.

DWELLING, MULTIPLE. A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses; not to include trailer coaches or mobile homes.

DWELLING GROUP. A group of two (2) or more single family, two (2) family, or multi-family dwellings in whatever combination, occupying a lot or lots in one (1) ownership.

DUPLEX. A two-family dwelling having touching or nearly touching walls between the dwelling units and conforming to the following conditions:

1. Each dwelling unit in an R-1 district must have a floor area of not less than one thousand (1,000) square feet. Each dwelling unit in an R-2 district must have a floor area of not less than seven hundred (700) square feet on one level, if two levels there must be not less than one thousand (1,000) square feet. The areas of garages, porches, cellars and basements shall not be included.
2. Each dwelling unit in an R-1 district must have no less than thirty five percent (35%) of the width of the surface on the ground floor facing the street upon which the dwelling is addressed devoted primarily to dwelling purposes (and not to or for garage purposes). Each dwelling unit in an R-2 district must have no less than twenty five percent (25%) of the width of the surface on the ground floor facing the street upon which the dwelling is addressed devoted primarily to dwelling purposes (and not to or for garage purposes). The percentage of the width of the surface on the ground floor shall be determined by measuring the total surface facing the street upon which the dwelling is addressed at ground level and measuring the surface of that portion of the dwelling unit devoted primarily to dwelling purposes.
3. Each dwelling unit must have separate services including water and sewer services with individual shut offs for each unit and all other utilities with separate meters.
4. Each dwelling unit must otherwise meet the requirements of this Zoning Code, including, but not by way of limitation, lot areas, yard requirements, building heights, and accessory buildings.
5. Fire walls shall be required between each dwelling unit.

DUPLEX ZERO LOT LINE. A two family dwelling which has been not only designed for separate ownership of each of its two individual dwellings units, but also is approved in accordance with the procedures set within this title.

FAMILY. A group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel, as herein defined.

FENCE. A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon. All portions of the fence, including posts and materials used to set posts must be kept on or inside the property line. If there is a dispute over the location of the property line markers, the property owner constructing the fence must have a survey and show proof of property line before construction. The fence face without post must be faced out to the adjoining property.

FENCE ORNAMENTAL. A fence, the surface area of which is more than fifty percent (50%) open. Ornamental fences may not have pointed or dangerous projections.

FLAG LOT. A lot where the main or principal building area of the lot does not abut or adjoin a public street but is connected to such public street by a narrow strip of land which is part of the lot. Flag lots shall have a frontage on a public street of not less than thirty (30) feet.

1. Flag lots will not be permitted except where such flag lots satisfy all of the following requirements:
 - a. Such lots contain a minimum area of one acre, excluding the area of the narrow strip of land connecting the main or principal use area, or the building area, to the public street. Lots outside the corporate limits shall have at least two and one-half (2 ½) acres.
 - b. Such lots provide for a minimum width at the public street of thirty (30) feet, which minimum width shall be maintained from the public street to the main or principal use area, or building area, of such lot and shall not be a part of an easement, right-of-way or shared street access.

FLOOR AREA, GROSS.

1. For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, gross floor area shall include:
 - a. Basement space.
 - b. Elevator shafts and stairwells at each floor;
 - c. Attic floor space provided there is structural headroom of more than seven and one-half (7½) feet;
 - d. Interior balconies and mezzanines;
 - e. Porches, breezeways and decks, whether or not enclosed; and
 - f. Accessory structures.

2. GROSS FLOOR AREA for purposes of determining floor area ratio however, shall not include:
 - a. Basement space where more than one-half ($\frac{1}{2}$) the basement story is eight (8) feet or less below the average level of the finished grade; (crawl space)
 - b. Elevator and stair bulkheads, water tanks, and cooling towers;
 - c. Attic floor space where structural headroom is seven and one-half ($7\frac{1}{2}$) feet or less; and
 - d. Floor space used for mechanical equipment where structural headroom is seven and one-half ($7\frac{1}{2}$) feet or less.

FLOOR AREA RATIO (FAR). The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

GARAGE.

1. PRIVATE. An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half ($\frac{1}{2}$) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such commercial vehicle shall not exceed five (5) tons.
2. PUBLIC. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

HEIGHT. The vertical measurement from grade to a point midway between the highest and lowest points of the roof of a building or the vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the uppermost portions of such structure.

HOTEL ó SEE MOTEL

KENNEL. The keeping or housing of three or more dogs six (6) months or older, either as an accessory use or a principal use. Any kennel shall be within a completely enclosed building, or if outdoor runs are provided, they shall be completely enclosed by a woven wire fence, solid fence or fence wall. A kennel or any part thereof shall not be located in any front or side yard, nor within five (5) feet of any side or rear lot line in a rear yard.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory building, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street. The word lot shall also include the words plot or parcel.

1. If public sanitary sewers are not available and septic tank systems are to be used for sewage disposal, the minimum lot size shall be 20,000 square feet.
2. If neither a public sanitary sewer nor a public water system is available, the minimum lot size shall be one (1) acre, with a lot width at the setback line of one-hundred and twenty (120) feet or more.

LOT, CORNER: A lot located

1. At the junction of and abutting two (2) or more intersecting streets: or
2. At the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin: or
3. At the junction of and abutting two (2) or more storm or floodwater runoff channels or basins: or
4. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty five (135) degrees and the radius of the street is less than one hundred (100) feet.

LOT INTERIOR. A lot other than a corner lot.

LOT LINES. A line bounding a lot or parcel of property.

MASTER PLAN. The complete plan or any of its parts for the development of the city and adopted by the governing body as the official plan.

MOTEL/HOTEL. A building or a group of detached, semi-detached, or attached buildings containing guest rooms or dwelling units each of which, or each pair of which, has a separate entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of motor vehicle transients. Motel/Hotel does not include boarding houses, or trailer courts.

NONCONFORMING STRUCTURE. A structure lawfully existing and which does not conform to the regulations of the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land prior to the passage of this Ordinance, and which does not conform with the regulations of the district in which it is located. For the purpose of this chapter, any use lawfully established prior to the passage of this Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities, as required hereafter for new uses, shall not be deemed a nonconforming use.

NURSING OR CONVALESCENT HOMES. A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

PARKING SPACE. An all-weather surfaced area within the lot lines, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is enclosed, comprising an area of not less than one hundred forty (140) square feet; if unenclosed, at least twenty (20) feet by ten

(10) feet, with an all-weather surface permitting satisfactory ingress and egress of an automobile.

PARKING LOT. A lot, court, yard, or portion thereof used for the parking of vehicles which may or may not contain parking spaces.

PERSON. Includes a corporation as well as an individual.

PLANNED DEVELOPMENT. A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more main or principal structures and is identified to its main or principal use by its functional definition prefix as dwelling group.

RESIDENTIAL DISTRICT OR ZONE. R-1 and R-2 districts.

RIGHT-OF-WAY. The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

RINGELMANN CHART. A smoke chart giving shades of gray to which the density of columns of smoke rising from stacks may be compared. Each such shade of gray is categorized according to a Ringelmann number.

SCREEN PLANTING. A vegetative material of sufficient height and density to filter adequately from view, in adjoining districts, structures and uses on the premises upon which the screen planting is located.

SETBACK LINE. The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way or center line or the nearest shoreline or high water line of a storm or floodwater runoff channel or basin.

SERVICE. A helpful act, aid, or conduct that is useful to others.

SIGN. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address.

SPECIAL USE. A use permitted in a district pursuant to, and in compliance with, procedures specified herein.

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, then the space between any floor and the ceiling next above.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property. A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.

STRUCTURE. A combination of materials, other than a building, to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, garbage receptacles, dumpsters and display signs.

STRUCTURE, MAIN OR PRINCIPAL The structure in or on which is conducted the main or principal use of the lot on which it is located.

TRAILER CAMP OR MOBILE HOME PARK: A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Health:

1. Where two (2) or more inhabited trailer coaches are parked, or
2. Which is used by the public as parking space for two (2) or more inhabited trailer coaches.

TRAILER COACH, MOBILE HOME. Any enclosure or vehicle used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which has been or reasonably may be equipped with wheels or other devices for transporting it from place to place.

TRAILER COURT. The premise upon which one (1) or more occupied trailer coaches are located.

USED or OCCUPIED. As applied to any land or buildings shall be construed to include the words intended, arranged, or designed to be used or occupied.

YARD. An open space, other than a court, of uniform width or depth on the same lot with a structure lying between the structure and the nearest lot line and occupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

YARD, FRONT. An open space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front property line. If the front property line is located at the street centerline or section line, then the front yard shall be measured from the front line of the building to the edge of the nearest street use. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard or any closer to the street than any structure in line with the property along a street. For purposes of this Chapter, corner lots at two intersecting streets shall have a front yard adjacent each street. Reverse frontage lots shall only have one front yard adjacent the street to which the building is numbered or addressed.

YARD, REAR. An open space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the building or any protruding structure and the rear property line.

YARD, SIDE. An open space and/or distance in feet between the farthest extension of the main or accessory building on the lot to the side lot line, and extending from the front line of the building to the rear line of the building. If a corner lot, the side yard shall be the longest lot line of the inside property lines.

ZERO LOT. A duplex of which both dwelling units may be sold separately if:

1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to insure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this section shall be interpreted as permitting the construction of any adjacent buildings using only one (1) wall for both buildings; each building shall have its own wall.
2. A subdivision plat dividing the lot has been approved by the Planning Commission prior to recording. A formal subdivision procedure shall not be required.
3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time.
 - a. A single lot of records;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record and portions of lots of record or of portions of lots of record;
 - d. A parcel of land described by metes and bounds description;

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Zoning Map

- 17.60 Establishment of districts
- 17.70 Map of zoning districts
- 17.80 Rules for interpretation of district boundaries
- 17.90 Transition zones

DISTRICTS; ZONING MAP

§ 17.60 ESTABLISHMENT OF DISTRICTS.

The municipality is divided into the following types of districts:

A	Agricultural
R-1	Single ó Family Residential only
R-2	Duplex and Single-Family residential
P-R	Planned Residential
B-1	Central Business District
B-2	General Retail District
I-1	Light Industrial District (FAR 2.0)
I-2	Heavy Industrial District (FAR 5.0)
CE	Country Estates

New or Annexed Land: Any land which may be annexed to the city shall be classified in accordance with the following schedule:

COUNTY CLASSIFICATIONS

1. NOTE: FAR Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
5. In areas not subdivided into lots and blocks, the district boundary lines shall be determined by scale to the nearest ten (10) feet.
6. Special uses existing when land is annexed to the city shall continue including all conditions or restrictions imposed when the special use was authorized.
7. All streets, alleys, public ways, and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, when not otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances are

not covered by the subsections (a) through (f) above, the Planning Commission shall interpret the district boundaries.

FLOOR AREA RATIO (FAR). The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

§ 17.70 MAP OF ZONING DISTRICTS.

These districts are bounded and defined as shown on the maps entitled Zoning Districts, Eureka, Illinois which accompany, and which with all explanatory matter thereon, are made a part of this chapter as if fully set out herein.

Zoning ClassificationCity Classification in County upon annexation

Conservation A	Agriculture
Conservation B	Agriculture
Agriculture.....	Agriculture
Residential ARR-	1 Residential
Residential ASR-	1 Residential
Residential CS	R-2 Residential
Commercial	B-2 General Retail Business
Industrial.....	1-1 Industrial

§ 17.80 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

- A. All property within the corporate limits of the municipality is under the jurisdiction of this chapter.
- B. All properties within one and one-half (1 ½) mile of the corporate limits of the municipality is under the jurisdiction of this chapter.
- C. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

§ 17.90 TRANSITION ZONES.

- A. Where a lot in a business or industrial district abuts a lot in a residential district there shall be provided along such abutting side or rear lot lines a yard equal in width or depth to that required in the residential district.
- B. Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the building setback in the business district or the industrial district shall be equal to the required front depth of the residential district.
- C. Where a zoning district boundary line parallel or approximately parallel to a street divides a lot having street frontage in the less or more restricted zoning district, the provisions of this chapter covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than twenty five (25) feet of such zoning district boundary line.

- D. Where a zoning district boundary line divides a lot and such line is perpendicular or approximately perpendicular to the street upon which the lot fronts, the provisions covering the less or the more restricted portion of such lot may be extended to the entire lot, but in no case for a distance of more than twenty five (25) feet from such zoning district boundary lines.

Agricultural Districts

- 17.100 Purpose
- 17.110 Permitted uses; A -
Districts
- 17.120 Special uses
- 17.130 Floor area ratio
- 17.140 Height requirements
- 17.150 Required lot area
- 17.160 Yards required
- 17.170 Automobile storage or
parking space

§ 17.100 - AGRICULTURAL DISTRICTS

§ 17.100 PURPOSE.

The purpose of the agricultural district regulations is to provide for certain lands in the outlying areas of the city prior to development of those areas into subdivisions. The agricultural district is intended to regulate those areas within the city predominantly devoted to agricultural uses and which it is desired to maintain and encourage such open use of land.

- A. If public water is available within one hundred and fifty (150) feet of the property and/or the property is contiguous to the city, the property must be annexed and required to connect to the public water supply before any new construction.
- B. If public sewer is available within three hundred (300) feet of the property and/or the property is contiguous to the city the property must be annexed and required to connect to the public water supply and sanitary sewer system before any new construction.

§ 17.110 PERMITTED USES; § 17.110 AGRICULTURAL DISTRICTS.

No building premises or land shall be used and no building shall be hereafter erected or altered on § 17.110 agricultural district, unless otherwise provided for in this title.

The following uses are permitted in the Agricultural District subject to the following conditions:

- A. Agriculture.
- B. Community buildings (churches, grange halls, and the like)
- C. Dwellings, single-family.
- D. Forest preserves.
- E. The raising or growing of livestock or poultry provided that any building housing such animals or poultry or any feed lot shall be located at least three hundred (300) feet from any residential district boundary and any sewage lagoon, manure pit or storage area shall be so located, designed, constructed and operated that no odor there from is noticeable at any residential district boundary.
- F. Churches, temples, other places of public worship.
- G. Public or private schools offering general instruction between kindergarten and twelfth grade levels, public or private colleges offering courses leading toward an associate, bachelor or advanced degree in arts and science or comparable recognized degree.
- H. Kennels for the keeping or housing of three or more dogs, six months old or older, either as an accessory use or principal use. Any kennel shall be within a completely enclosed building, or, if outdoors, shall be completely enclosed by a woven wire fence, solid fence, or a wall. A kennel shall be located in the rear yard and at least three hundred (300) feet from any boundary of a residential zone.
- I. Grain storage, commercial, if not nearer than three hundred (300) feet to any residence other than that of the owner or lesser of the site.
- J. Businesses conducted in a home, provided that not more than one (1) sign with a maximum of six (6) square feet may be displayed setting forth such occupation and that a gravel, crushed rock, or improved access road shall be provided off the public right-of-way.
- K. Lakes (artificial).

- L. The raising or growing of crops and other vegetative products including ornamental plants in the open;
- M. Parks or recreation areas operated by a unit of government or homeowners association;
- N. Customary accessory uses to any of the above.

§ 17.120 SPECIAL USES.

The following uses are permitted as special uses when authorized by the Planning and Zoning Commission and recommended to the City Council for approval after a public hearing.

- A. Cemeteries, mausoleums, crematories, in cemeteries of not less than fifty (50) acres.
- B. Municipal sewage treatment plants.
- C. Veterinary office, animal hospitals, animal boarding and kennels. (See also I-1 Districts.) Not within three hundred (300) feet of a residential district and animals must be in an enclosed building.
- D. Nurseries, including the raising of plants, shrubs, and trees and the retail sale thereof; further that buildings may be erected and used for the purpose of selling said plants, shrubs, and trees, and other products related to home gardening.
- E. Public utility substations, but not including power generation or gas manufacturing plants.
- F. Any special use not specified within this code for an Agricultural District shall be determined on a case by case basis by the Planning Commission.

§ 17.130 FLOOR AREA RATIO.

The floor area ratio on a lot shall not exceed fifty percent (50%). Any building in the ðAö district used as a residence shall contain on the ground floor at least seven hundred (700) square feet of livable floor space. i.e. one acre lot you cannot have total construction to exceed fifty percent (50%) of the total lot area.

§ 17.140 HEIGHT REQUIREMENTS.

Each dwelling structure shall have a minimum ceiling height of eight feet (8) over a majority of the area of the ground floor. No building shall be over three (3) stories or a maximum of thirty five (35) feet.

§ 17.150 REQUIRED LOT AREA.

Each dwelling shall be located on a lot having an area of not less than two and one half (2 ½) acres and lot width of not less than two hundred (200) feet. The following exceptions are deemed to conform with the regulations of this District:

- A. Any existing residential or auxiliary structure or building which may have been or may be transferred as residential or auxiliary dwellings (non-farm) prior to the approval of the Eureka Municipal Zoning Code.

§ 17.160 YARDS REQUIRED.

Yards of the following minimum depths shall be provided:

- A. Front yard: not less than eighty (80) feet from the center of the road or fifty (50) feet from the right-of-way line, whichever is greater. Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of the lot. No accessory building shall project beyond the front yard line on either street.
- B. Side yards: each not less than thirty (30) feet wide on each side.
- C. Rear yard: each not less than thirty (30) feet.
- D. Thirty (30) feet of street frontage.

§ 17.170 AUTOMOBILE STORAGE OR PARKING SPACE.

Adequate off-street parking in accordance with the provisions of this ordinance is required.

Residential Districts

17.180	Purpose
17.190	Permitted uses
17.200	R-1 Districts
17.210	R-2 Districts
17.230	R-P Planned Residential
17.240	Storage of flammable liquids in Residential Districts

RESIDENTIAL DISTRICTS

§ 17.180 PURPOSE.

The purpose of the residential regulations is to provide for a range of sound residential environments and housing opportunities compatible with the Comprehensive Plan of the community, and appropriately related to the present street, highway, school, park, utility, police, fire, and other similar supporting facilities.

§ 17.190 PERMITTED USES.

The following uses are permitted in all residential zones subject to the following conditions:

- A. Churches or similar places of worship, parish houses, convents, where the principal building is located at least fifty (50) feet from any other lot in any residence district.
- B. Public, parochial, and private schools, where the principal building is located at least fifty (50) feet from any other lot in any residence district.
- C. Public libraries, public museums, and public art galleries, where the principal building is located at least fifty (50) feet from any other lot in any residence district.
- D. Public parks, playgrounds, swimming pools, and community centers, provided that any building shall be located at least fifty (50) feet from any other lot in any residence district.
- E. Existing railroad rights-of-way, providing that there is no switching, storage, freight yards, or sidings.
- F. Nurseries, truck gardening, and the raising of farm crops, but not the raising of poultry or livestock; and provided further that no building shall be erected or maintained on the property which is used for the purpose of selling the products grown or raised.
- G. Home occupations as defined and permitted in the Home Occupation Code.
- H. The taking of boarders, renting or leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) in any one-family or two-family dwelling, or one (1) per dwelling unit in any multiple dwelling.
- I. Garage sales or yard sales as an accessory use, providing that each sale lasts no more than three (3) consecutive days and nor more than three (3) sales are conducted on the same lot during any calendar year.
- J. Guest houses or living quarters within a detached accessory structure located on the same lot with a principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.
- K. Other customary accessory uses and accessory structures provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Furthermore, any accessory structure shall comply with the following additional requirements:
 1. In any A- Agricultural or R-1 District, no accessory structure shall be constructed, placed, or made upon the property unless it shall comply with the following additional requirements:

- a. The aggregate ground floor area of all accessory structures on any single lot up to one-half (1/2) acre in size shall not exceed the lesser of:
 - i. One thousand two hundred (1,200) square feet; or
 - ii. The ground floor area of the principal structure on the property.
 - b. The aggregate ground floor area of all accessory structures on any single lot greater than one-half (1/2) acre in size shall not exceed the following limitations:
 - i. Lot size up to one (1) acre = 1,600 square feet.
 - ii. Lot size larger than one (1) acre up to two (2) acres = 2,000 square feet.
 - iii. Lot size larger than two (2) acres = no limit
 - c. An accessory structure shall not be constructed before the principal building. The accessory structure shall not be located any closer than ten (10) feet from any other structure or building (whether an accessory structure or the main or principal structure or building) on the property or on immediately adjacent and adjoining property.
 - d. The accessory structure shall not be located in, or project upon, the minimum required front yard, nor shall the accessory structure be located any closer than five (5) feet from the rear lot line and five (5) feet from the side lot lines of the property.
 - e. The accessory structure shall not exceed in height the lesser of:
 - i. Twenty two (22) feet in height; or
 - ii. The height of the main or principal structure or building on the property.
 - f. Coverage shall not exceed forty percent (40%) of the lot. For purposes of this code (f), the term coverage shall mean that percentage of the plot or lot area covered by building area, inclusive of the main or principal building or structure and all accessory structures, calculated from an aerial or plan view of the lot or plot. For purposes of calculating coverage, decks, porches, and breezeways shall also be included.
 - g. The FLOOR AREA RATIO (FAR) shall not exceed fifty percent (50%) of the lot area. For purposes of this Code (g) in determining the floor area ratio, the gross floor area shall include the gross floor area of the main or principal structure or building and the gross floor area of all accessory structures on the property.
2. In R-2 Districts, no accessory structure shall be constructed, placed, or made upon the property unless it shall comply with the following additional requirements:
- a. Where the principal use of the property is for single-family residence or two-family residences, the requirements and restrictions hereinabove contained in this Section (1) above shall apply.
 - b. Where the principal use of the property is multi-family dwellings in excess of two-family residences, the following restrictions and requirements shall apply:

- i. The sum of the square feet of all private garages shall not exceed three hundred (300) square feet multiplied by the number of dwelling units located upon the property; provided, however, there shall be permitted one (1) additional accessory structure, not to exceed five hundred seventy six (576) square feet. Notwithstanding any other provision of this Zoning Code, no business, service or industry may be carried on or conducted in any private garage or other accessory structure.
 - ii. An accessory structure shall not be constructed before the principal building. The accessory structure shall not be located any closer than ten (10) feet from any other structure or building (whether an accessory structure or the main or principal structure or building) on the property or on immediately adjacent and adjoining property.
 - iii. No accessory structure shall be located in or project upon the minimum required front yard, nor shall any accessory structure be located and closer than five (5) feet from the rear lot line or five (5) feet from the side lot lines.
 - iv. Coverage shall not exceed sixty percent (60%). For purposes of this Chapter 17.710 the term coverage shall mean that percentage of the plot or lot area covered by building area, inclusive of the main or principal building or structure and all accessory structures, calculated from an aerial or plan view of the lot or plot. For purposes of calculating coverage, decks, porches, and breezeways shall also be included.
 - v. No accessory structure shall exceed in height the lesser of: twenty two (22) feet in height; or the height of the shortest main or principal structure or building located upon the property.
 - vi. The floor area ratio (FAR) shall not exceed one hundred forty percent (140%) of the total lot area. For purposes of this Chapter., in determining the floor area ratio, the gross floor area shall include the gross floor area of all main or principal structures or buildings and the gross floor area of all accessory structures located upon the property.
- L. Cemeteries, provided the location thereof is approved by resolution of the City Council after a public hearing is held and recommendation is made by the Planning Commission.
- M. Special uses. The following uses are permitted as special uses after a public hearing and recommendation by the Planning Commission when approved by the City Council.
- 1. Real estate offices, so long as the structure to be used for a real estate office is an existing building and that adequate parking is available.
 - 2. Accessory commercial uses may be established in the R-1 Residential District subject to the following general requirements, restrictions and limitations, and such other restrictions, requirements and limitations as the Planning Commission and City Council shall deem proper under the particular circumstances:

- a. The use to which the property may be put shall be limited exclusively to B-1 or B-2 Business District: assembly, storage, or the provision of service to goods or products.
- b. The one (1) or more of the following uses accessory to a use permitted in a property shall be located within two hundred (200) feet of the primary B-1 or B-2 zoned property for which the property's use shall be accessory.
- c. The property shall not have been occupied as a residence or otherwise used for residential purposes for a period of one hundred twenty (120) days immediately preceding the filing of the special use application.
- d. In order to preserve the residential character of the neighborhood and the property, the following restrictions on the accessory commercial use shall apply to the property:
 - i. Interior window dressings, residential in character, shall be maintained on all windows, such that the accessory commercial use of the property shall not be visible from the exterior of the premises.
 - ii. No signs of any kind or character shall be posted, erected, or constructed upon the property.
 - iii. No exterior display of the accessory commercial use shall be made or permitted.
 - iv. No more than four (4) vehicles shall be parked on the property at any one (1) time, and said vehicles shall be parked in the driveway thereof.
 - v. No deliveries by vendors, contractors, agents, or any supplier shall be made to or upon the property, directly or through a freight carrier, unless sufficient off-street delivery facilities are available such that any delivery vehicle shall be entirely outside of all driving lanes on city streets or highways.
 - vi. The accessory commercial use shall not be operated on any day after the hour of 8:00 p.m. nor before the hour of 8:00 a.m., Central Time.
 - vii. No bulk storage of flammable materials, or inflammable, explosive, or hazardous material shall be allowed or permitted upon the property except in such quantities as are necessary for such accessory commercial use and as shall be consumed and completely used during the standard business day. Any such unused or unconsumed materials at the end of each day shall be completely removed from the property.
 - viii. No noxious, offensive, or nauseous fumes, odors, or noises shall be permitted or allowed to permeate from the property, and be audible from adjacent property.
 - ix. No sales of any goods, products, or services shall be made from or upon the property.
 - x. Certified public accounting, and other general accounting, offices so long as the structure is an existing building and that adequate off street parking is available.

- xi. Tutoring facilities and classrooms so long as the structure is an existing building and that adequate off street parking is available.
 - xii. Child day care facilities may be established in the R-2 Residential District, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.
- N. Community centers.
- O. Any use not so designated shall be determined by the Planning Commission on a case by case basis under the section Special Use.

§ 17.200 R-1 DISTRICTS.

R-1 residential district is intended to include those portions of the city developed predominantly with one-family dwellings or individual lots where it is deemed desirable to maintain and encourage this pattern of development or those undeveloped portions of the city in which it is deemed desirable to encourage this pattern of predominant land usage and density of populations.

- A. Uses permitted in R-1 Districts.
- B. Required lot area. Each lot shall be no less than seven thousand two hundred (7,200) square feet and have a lot width at the setback line no less than sixty (60) feet.
- C. Other regulations. All other regulations concerning single-family dwellings in R-1 Districts shall be applicable including, but not by way of limitation, floor area ratios, required lot area, yard requirements, building height, automobile storage or parking space, accessory buildings, and lot coverage.
- D. Required street frontage shall be sixty feet (60).

Uses Permitted

- A. Uses permitted. Uses permitted in R-1 districts shall be as permitted in single-family dwellings as defined in this chapter.
 - 1. One-family dwellings (this does not include mobile homes);
 - 2. Libraries, public museums, fire stations, police stations;
 - 3. Churches, temples other places of public worship;
 - 4. Public or private schools offering general instruction between kindergarten and twelfth grade levels; public or private colleges offering courses leading toward an associate, baccalaureate or advanced degree in arts or science or comparable recognized degree;
 - 5. Parks, recreation areas, recreation buildings operated by a unit of government; government buildings but not including storage yards or buildings for the housing of materials or similar materials, neighborhood centers, approved by the Planning Commission, not for profit;
 - 6. Farming, truck gardening, horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl or livestock;
 - 7. Temporary buildings, structures and uses incidental to construction on the site, for a period not to exceed one (1) year;
 - 8. Home occupations which are of a hand-craft or service character, customarily conducted within a dwelling incidental and secondary to the use of the dwelling for living purposes and which does not have any exterior evidence of such secondary use other than a sign as provided in the chapter under signs. The occupation must conform to the following additional conditions;

- a. hundred square feet,
 - b. No articles shall be sold or offered for sale except those produced on the premises,
 - c. No equipment shall be used except of a type that is similar in character to that normally used for domestic or household purposes,
 - d. No more than one (1) person outside the family shall be employed in the home occupations.
 - e. Millinery, dressmaking and tailoring provided the material has been furnished by the customer, the teaching of violin, piano or other individual musical instrument limited to a single pupil at a time, shall be deemed to be a home occupation. Dancing instructions, band instrument instruction in groups, tea rooms and tourist homes do not qualify as home occupations.
- B. Floor area ratio.
1. Any building used as a residence shall have a minimum height of nine (9) feet above front grade level, and shall contain on the ground floor at least seven hundred (700) square feet of livable floor space. The floor area ratio on a lot shall not exceed five-tenths (50%) for a single-family dwelling, and five-tenths (50%) for a two-family dwelling. Designates floor area ratio as defined in §17.50 Definitions ó Floor Area Ratio (FAR).
- C. Required lot area.
1. Single-family dwellings shall be constructed on a lot no less than seven thousand two hundred (7,200) square feet and have a lot width at the setback line no less than sixty (60) feet.
- D. Yards required. Yards of the following minimum depths shall be provided:
1. Front yard: not less than twenty (20) feet unless the dwelling unit is constructed in an established area on one side of the street between two (2) intersecting streets which is improved with buildings that have observed a front yard depth of less than twenty (20) feet. In such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building structure. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot, except that the buildable width of such lot shall not be reduced to less than thirty two (32) feet. No accessory building shall project beyond the front yard line on either street.
 2. Side yards for Residential - R-1 and R-2: each lot shall have not less than six feet (6) from the fascia (overhang) of the building to the lot line, and the sum of the two (2) side yards shall not be less than twelve (12) feet.
 3. Side Yard required for zero lot line duplexes in R-2 Districts, only one (1) side yard of six (6) feet need be provided for each dwelling unit, and on a corner lot, there shall be two (2) front yards of not less than twenty five (25) feet facing each of the streets. For zero lot line duplexes in R-2 Districts, each side yard shall have not less than six (6) feet from the fascia (overhang) of the building to the lot line, and the sum of the two (2) side yards shall not be less than twelve (12) feet.
 4. Rear yard: each not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is greater, but in no event shall exceed fifty (50) feet.

- E. Maximum building height. Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum of thirty five (35) feet above ground level, whichever is less.
- F. Automobile storage or parking space. Adequate off-street parking is required in accordance with the provisions of §17.320.
- G. Coverage of any lot shall not exceed forty percent (40%).
- H. Fences.
 - 1. Front yard fences:
 - a. Front yard fences on interior lots must be ornamental fences, not more than forty eight (48) inches in height above grade. Any fence other than an ornamental fence is not permitted in front yards on interior lots.
 - b. Front yard fences on corner lots must be ornamental fences, not more than forty eight (48) inches in height above grade; provided, however, any other fence including an ornamental fence, not more than six (6) feet in height above grade is permitted in that front yard which the principal building or structure does not face, and provided that such fence is set back from the street line no less than ten (10) feet or one-half (½) the distance of that front yard, whichever is greater.
 - 2. Side and rear yard fences. Side yard and rear yard fences may be either ornamental fences or any other fence, but may not exceed six (6) feet in height above grade.
 - 3. All fences must comply with the visibility requirements contained in § 17.710 (C) of this Code.
 - 4. The applicant shall locate their property lines. The applicant shall be required to have a certified survey of his property if the property line is in dispute before construction can begin.
 - 5. The face of the fence with post exposed shall be turned toward and directed into the applicant's property with the straight line of the fence without post facing turned out.
 - 6. The applicant shall be required to keep all portions of the fence and post on their property.
- I. With the Construction of any new residence, single family, multifamily or any other new residential construction the building permit application site plan must include a yard light. Builder shall be required to install a yard light which shall operate automatically from sunset to sunrise and be located in the front yard ten (10) feet from the front lot line and within three (3) feet of the driveway. All wiring for any yard light shall be buried under ground a minimum depth of twenty-four (24) inches in accordance with the National Electrical Code. No occupancy permit shall be issued without the required yard light installation.

§ 17.210 R-2 DISTRICTS.

The R-2 Multiple-family residential district is intended to include those portions of the city developed or to be developed with apartments, one-family dwellings, nursing homes, sheltered care homes and group residential facilities.

A. Uses permitted:

1. Any use permitted in an R-1 District.
2. Two-family dwellings;
3. Multifamily residences; sheltered care homes, nursing homes; hospitals for humans; homes for mentally retarded; subject to the restrictions herein set forth for such uses. Upon approval of the Planning Commission one or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home; restaurant, office of a doctor, dental or similar practitioner in the healing arts. Other incidental uses may be approved by the Planning Commission. Such incidental use shall be allowed only if the primary use and benefit is for the occupants of the principal use;
4. Multiple-family dwelling. Floor area requirement for one (1) bedroom units shall be a minimum of seven hundred (700) square feet per unit, two story multiple family dwelling units shall be one thousand one hundred (1,100) square feet subject to the approval of the Planning Commission and the City Council.
5. Rooming and boarding houses where lodging is provided for compensation to three (3) or more but not more than twenty (20) persons.
6. Funeral homes and undertaking parlors;
7. Private or fraternal clubs, lodges, fraternities and sororities, except those whose chief activity is primarily a business in nature.
8. Mobil Home parks subject to special use regulation.
9. Townhouses subject to special use regulations.
10. Tourist homes.
11. Dormitories.
12. Day care homes which receive more than three (3) up to a maximum of twelve (12) children for less than twenty-four (24) hours per day, as defined in the Illinois Child Care Act of 1969, as a special use.
13. Group day care homes which receive more than three (3) up to a maximum of sixteen (16) children for less than twenty-four (24) hours per day, as defined in the Illinois Child Care Act of 1969, as a special use as defined in this Title.
14. Adoption-only homes which receive only children whose parents' parental rights have been terminated or surrendered, as defined in the Illinois Child Care Act of 1969, as a special use as defined in this Title.
15. Day Care Centers which regularly provide day care for less than 24 hours per day for more than eight (8) children in a family home as defined in the Illinois Child Care Act of 1969, and as a special use as defined in this Title.
16. Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge a dining room may be operated provided it is incidental to the activities of said club or lodge, and is

conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

- B. Floor area ratio. The floor area ratio on a lot shall not exceed one and four-tenths (140%).
- C. Required area and width.
 - 1. Single-family dwellings: Each single-family dwelling shall be erected on a lot having an area of not less than seven thousand two hundred (7,200) square feet and having a lot width of not less than sixty five (65) feet.
 - 2. Two-family dwellings: Each two-family dwelling having common ownership shall be erected on a lot area of not less than seven thousand two hundred (7,200) square feet and a width of not less than seventy five (75) feet.
 - 3. Zero lot line duplexes may be severed so long as each resulting lot contains an area of not less than five thousand (5,000) square feet and a lot width of not less than forty-nine (49) feet six (6) inches and otherwise complies with this Zoning Code.
 - 4. Multi-family dwellings:
 - a. Each multi-family (more than two families) dwelling containing units of seven hundred (700) square feet or less shall be erected on a lot having an area of not less than two thousand five hundred (2,500) square feet per unit and a lot width of not less than seventy five (75) feet.
 - b. Each multi-family (more than two families) dwelling containing units having more than seven hundred (700) square feet shall be erected on a lot having an area of not less than three thousand (3,000) square feet per unit and a lot width of not less than seventy five (75) feet.
 - c. Two-family dwellings shall be constructed on a lot no less than seven thousand two hundred (7,200) square feet with a lot width at the setback line no less than one hundred (100) feet.
 - d. Ownership of zero lot line duplexes may be severed so long as each resulting lot shall contain no fewer than five thousand (5,000) square feet with a lot width of not less than forty-nine (49) feet six (6) inches.
 - 4. Zero Lot Line Duplex subject to special use regulations as defined in this Title.
 - a. Yards required. Yards of the following minimum depths shall be provided:
 - i. Front yard: same as those required in R-1 Districts.
 - ii. Side yards: same as those required in R-1 Districts.
 - iii. Rear yard: same as those required in R-1 Districts
 - b. Maximum building height. Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is less.
 - c. Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 17.730.
 - d. Coverage of any lot shall not exceed sixty percent (60%).
 - e. Fences and any part of the underground support shall remain on the builder's property.

5. Front yard fences:
 - a. Front yard fences on interior lots must be ornamental fences, not more than forty eight (48) inches in height above grade. Any fence other than an ornamental fence is not permitted in front yards on interior lots.
 - b. Front yard fences on corner lots must be ornamental fences, not more than forty eight (48) inches in height above grade; provided, however, any other fence, including an ornamental fence, not more than six (6) feet in height above grade, is permitted in that front yard which the principal building or structure does not face, and provided that such fence is set back from the street line no less than ten (10) feet or one-half (½) of the distance of that front yard, whichever is greater.
 - c. All regulations for a fence in R-1 for shall apply.
6. Side and rear yard fences. Side yard and rear yard fences may be ornamental fences or any other fence, but may not exceed six (6) feet in height above grade.
7. All fences must comply with the visibility requirements contained in § 17.710 (C) of this Code.
8. Two-family dwellings shall be constructed on a lot no less than seven thousand two hundred (7,200) square feet with a lot width at the setback line no less than one hundred (100) feet.
9. Ownership of zero lot line duplexes may be severed so long as each resulting lot shall contain no fewer than five thousand (5,000) square feet with a lot width of not less than forty-nine (49) feet six (6) inches.
10. The applicant shall locate their property lines. The applicant if the property line is undefined and if any dispute over the location of said property line arises the applicant shall be required to have a certified survey done before construction.
11. The face of the fence with post exposed shall be turned toward and directed into the applicant's property with the straight line of the fence without post facing turned out.
12. The applicant shall be required to keep all portions of the fence and post on their property.

17.230 R-P PLANNED RESIDENTIAL DISTRICT

- A. Purpose: It is the intent and purpose of the R-P Planned Residential District to encourage the total planning of large un-subdivided or undeveloped tracts, rather than lot-by-lot development. Established uses within the district, such as farming, golf course, parks, large estates or institutional uses would be permitted to continue and to be improved and expanded, it being the intent of these district regulations to provide a framework within which the conversion of such land to residential uses may be accomplished.
- B. Use: No building or premises shall be used and no building shall be hereafter erected or altered within any R-P Planned Residential District unless otherwise provided for in this ordinance except for the following uses:
1. Farming, truck gardening, horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl or livestock within three-hundred (300) feet of a lot line.
 2. Parks, recreation areas, recreation buildings or operation by a unit of government; nature preserves.
 3. Country clubs, golf courses not conducted as a business or for profit.
 4. Planned unit development, which may consist of individual building sites for one (1) or more of the following; One-family dwellings, two-family dwellings, row or town houses, garden apartments, high rise apartments; sheltered care facilities nursing homes, residential hotels; together with common property such as a park, recreation area, recreation building or facility, off-street parking areas or facilities.
 5. Signs subject to approval by the Planning and Zoning Commission.
- C. Standards for Planned Unit Development:
1. A planned unit development shall be located on a tract having a gross area of at least ten (10) acres.
 2. Floor Area Ratio: The total area of all floors in all buildings on the tract shall not exceed eighty percent (80%) of the gross area of the tract. Open Space: The total area of the open space, including streets, drives, open parking areas, open recreation areas and landscaped areas, shall be at least eighty-five percent (85%) times the total floor area.
 3. The total area of the open space exclusive of that in streets, drives, and open parking areas shall be at least one-half the total floor area.
 4. Building Height: No building shall hereafter be erected or altered to exceed thirty-five (35) feet in height.
- D. Yards and Courts: Yards and courts shall be provided to assure adequate privacy, essential uses. Yard depth shall assure adequate distances between building walls on the property and on abutting off-site properties. The size, number, and location of courts shall be determined in accordance with the procedures and standards set forth.
1. SPACE BETWEEN BUILDINGS - The minimum horizontal distance between the buildings shall be:
 - a. - Fifteen (15) feet between clustered or "zero lot line" single-family detached buildings.
 - b. - Twenty (20) feet between single-family detached dwellings.
 - c. - Thirty (30) feet between buildings, other than single family-detached dwellings, of one (1), or two and one-half (2 1/2) stories in elevation.

- d. - Equal to the height of the taller building in the case of free-standing buildings greater than two and one-half (2 1/2) stories in elevation.
- 2. YARDS - The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district.
 - a. - Buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.
- E. Notwithstanding, yards along the external boundary of the Planned Unit Development shall be provided as specified in Single Family Residential and Multi-Family Sections of this ordinance.
- F. Off-Street Parking; Off-Street parking shall be provided at the rate of two (2) spaces for each dwelling unit.
- G. Site Plan Approval; Site plan approval of a planned unit development shall first be obtained from the Planning and Zoning Commission. Site plans therefore shall be submitted to the commission for its approval, modification or disapproval. Such plans shall show; lot lines; building placement and type; width of bounding streets; the location and size of all interior streets, drives, parking areas, height of buildings; landscaping; and distance between buildings; parking and such other details as deemed necessary by the Planning and Zoning Commission to show the complete planned development.

In its deliberation, the Planning and Zoning Commission shall give due consideration to the probable effect the proposal would have on surrounding land uses; the adequacy of existing water and sewer utilities serving the site; the relation of the building height and mass to surrounding structures; the effect the project will have as a traffic generator on streets giving access to the site, and desirable outlook, adequate natural light and ventilation, convenient access to and around the building and may request any additional information they require to make their decision.

The Planning and Zoning Commission may approve the plans as submitted, may approve the plans subject to modification or may disapprove the plan. The Planning Commission decision in each case shall be in writing, spread upon the minutes of the commission, with copies to the applicant and the city council.

§ 17.240 STORAGE OF FLAMMABLE LIQUIDS IN RESIDENTIAL DISTRICTS.

The storage of gasoline in bulk quantities in underground storage tanks in residential zoning districts is prohibited. However, the use of propane tanks for heating in above ground tanks not to exceed one-hundred pounds (100 lb) capacity is allowed in residential districts.

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Country Estates Districts

17.250	Purpose
17.260	Classification
17.270	Permitted uses
17.280	Floor area ratio
17.290	Required lot area
17.300	Yards required
17.310	Maximum building height
17.320	Off-street parking

COUNTRY ESTATES DISTRICTS

§ 17.250 PURPOSE.

The purpose of the Country Estates District regulations is to provide for certain lands in the outlying areas of the city and within one and one-half (1.5) miles of any corporate limit line to permit the development of low density residential subdivisions with large lots.

§ 17.260 CLASSIFICATION.

CE-1 Districts (country estates districts). Where the topography of the land does not lend itself to conventional subdividing, it may, with the approval of the Planning Commission and the City Council, be developed under the CE-1 classification. CE-1 Districts can be established to permit the development of acreage plots within the municipality and within one and one-half (1.5). This will permit the development of an attractive, low density type of subdivision that would be highly beneficial to the municipality. All Lots must be two and one-half acres plus (2.5 +) in size.

§ 17.270 PERMITTED USES.

The following uses are permitted in the Country Estates District subject to the following conditions:

- A. Single-family dwellings as defined in this chapter.
- B. Churches or similar places of worship.
- C. Schools.
- D. Libraries, museums.
- E. Public parks and playgrounds.
- F. Existing railroad and right-of-ways.
- G. Nurseries, truck gardening, and raising of farm crops but not raising of poultry, pets, or livestock; and provided, that no building shall be erected or maintained on the property for purpose of selling products grown and raised. Horses and ponies are permitted in this District only as an accessory use on an individual one-family dwelling lot and for the pleasure of the occupants of the dwelling and their bona fide guests, and not for hire. A stable, as a principal use, for the housing of horses or ponies only of the occupants of the country estate subdivision of which it is a part, may be approved as part of the subdivision if such community facility is deemed appropriate, in which case, individual accessory stables on one-family dwelling lots shall not be permitted.
- H. Lakes.
- I. Other customary accessory uses and buildings, provided such uses are additional to the principal use and do not include any activity commonly conducted as a business. An accessory building shall not be constructed before the principal building, and shall be located on the same lot with the principal building and no nearer than ten (10) feet to any part thereof; provided, that no part of any accessory building may be used for residential purposes, except that domestic employees of the owners, lessee, or occupants of the principal building, and the family of such employee may have quarters in such accessory building. No accessory building shall exceed twenty-two (22) feet in height. There shall be no occupancy of this premises until the permanent residence is built.

- J. Unlighted golf courses.
- K. Boats, campers, trucks, and other recreational vehicles shall be housed in a building.

17.280 FLOOR AREA RATIO.

Any building used as a residence shall have a minimum height of nine (9) feet above the front grade level and shall contain at least seven hundred (700) square feet if on one level and one thousand (1,000) square feet if on two levels of livable area, excluding the basement. Floor area shall not exceed five percent (5%) of the lot area for the residence.

§ 17.290 REQUIRED LOT AREA.

Each dwelling shall be located on a lot having an area of not less than two and one half (2 ½) acres and width of not less than two hundred twenty (220) feet at setback line.

- A. All lots as defined in this chapter as a flag lot shall have a minimum of thirty (30) feet of street frontage.
 - 1. A Flag lot is defined as a lot where the main or principal building area of the lot does not abut or adjoin a public street but is connected to such public street by a narrow strip of land which is part of the lot.
 - 2. Such lots contain a minimum area of at least two and one-half (2 ½) acres excluding the area of the narrow strip of land connecting the main or principal use area, or the building area, to the public street.
 - 3. Such lots provide for a minimum width at the public street of 30 feet, which minimum width shall be maintained from the public street to the main or principal use area, or building area, of such lot and shall not be a part of an easement, right-a-way or shared street access.
 - 4. All residential lots as defined in this chapter other than lots defined as a flag lot shall have a minimum of one hundred and twenty (120') feet of street frontage.

§ 17.300 YARDS REQUIRED.

Yards of the following minimum depths shall be provided:

- A. Front yard shall be not less than eighty (80) feet from the right-of-way line or one hundred ten (110) feet from the street centerline, when no right-of-way line exists. Where the lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of the lot. No accessory building shall project beyond the front line of either street.
- B. Side yards shall each be not less than twenty-five (25) feet.
- C. Rear yards shall each be not less than fifty (50) feet.
- D. No chain, link, or wire front yard fences will be permitted. No fences will be permitted in side yards or rear yards over six (6) feet in height.

§ 17.310 MAXIMUM BUILDING HEIGHT.

Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is lesser.

§ 17.320 OFF-STREET PARKING.

Adequate off-street parking shall be provided for all vehicles owned or used.

All Country Estates shall be required to meet the regulations for construction of Country Estates as defined in the City of Eureka Subdivision Code. Any definition or specification in conflict with this Section shall be superseded by this section effective with the passage and approval of this code.

Commercial Districts

17.330	Purpose
17.340	B-1 District
17.350	B-2 District
17.360	Special Use

COMMERCIAL DISTRICTS

§ 17.330 PURPOSE.

The purpose of the Commercial Districts is to accommodate businesses by the grouping of compatible businesses in areas well located to serve the needs of the individual businesses and those of the community; and also to create convenience to the public, by minimizing traffic congestion, discouraging unsightly and inefficient business development, and promoting business prosperity and shopping convenience.

§ 17.340 B-1 DISTRICTS.

Local retail districts are designed for the convenience shopping of those people residing in the adjacent neighborhood residential areas; and to permit only such uses as are necessary to satisfy these limited basic shopping needs which occur daily or frequently, thus requiring shopping facilities close to residences.

A. Uses permitted:

1. Dwelling units and lodging rooms provided that they are not located on the ground floor of buildings, nor on the same floor as a business use.
2. Additional uses as follows:
 - Apartments, when ancillary to a business use.
 - Bakeries
 - Banks
 - Barber shops.
 - Beauty parlors.
 - Battery stations, tire repair shops and gasoline service stations;
 - Bus Stations
 - Dairies;
 - Home, regional, district, and branch offices of manufacturing, commercial, service, and industrial companies and corporations where only executive, administrative, and clerical functions are performed.
 - Hotels and Motels;
 - Stores for the collection and distribution of laundry and dry cleaning articles, but not for treatment, cleaning or processing of such articles, unless with nonflammable liquids;
 - Libraries and reading rooms.
 - Medical and dental clinics, excluding hospitals and animal clinics.
 - Municipal, state, or federal administrative or service buildings.
 - Museums.
 - Offices of doctors, dentists, optometrists, lawyers, architects, engineers, and similar professions.
 - Offices for educational, fraternal, professional, and religious organizations.
 - Photograph and art studios
 - Printing and publishing establishments;
 - Public buildings, libraries, fire stations, police stations and post offices but no schools.
 - Public Garages
 - Recreation establishments
 - Real estate and insurance company offices.

Restaurants;

Shops for electrical work, plumbing, steam fitting, tinsmiths, lock smiting, painting, decorating and upholstering

Stores, shops, showrooms and salesrooms for the conduct of retail business;

Tailor, millinery and dressmaking shops;

Theaters,

Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

Professional offices.

Any use not so specified shall be determined on a case by case basis by the Planning Commission.

- B. Special uses. The following use is permitted as a special use when recommended by the Planning Commission after a public hearing and authorized by the City Council.
1. Electric or telephone substations and other governmental and utility service uses.
 2. Day Care Centers which regularly provide day care for less than twenty-four (24) hours per day for more than three (3) children in a facility other than a family home, as defined in the Illinois Child Care Act of 1969.
 3. Churches and other religious organizations.
- C. Floor area ratio. The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located. The floor area ratio shall not exceed eight-tenths (80%).
- D. Required lot area: The net land area for each business establishment shall not be less than five thousand (5,000) square feet.
- E. Yards required:
1. Front yard: there shall be no front yard required.
 2. Side yard: there is no side yards required, but if provided, a side yard shall be no less than three (3) feet in width. There shall be provided a side yard along any lot line which adjoins a residential district; it shall be not less than ten (10) feet in width.
 3. Rear yard: there shall be a rear yard not less than ten (10) feet in depth but the rear yard need not exceed the ten (10) feet in depth; however, when a rear lot line abuts an alley, one-half (½) the width of such alley may be counted toward satisfaction of the rear yard requirement.
- F. Maximum building height. No building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is lesser. Ground level shall be determined by street grade/elevation.
- G. Automobile storage or parking space. Adequate off-street parking and loading in accordance with the provisions of § 17.730.
- H. Required conditions:
1. All bank complexes, business, service, repair or processing, storage, or merchandise display shall be conducted wholly within an enclosed building except for off-street automobile parking and off-street loading. Off Street staging/loading area shall allow for five (5) cars within the property boundaries.

2. Not more than six (6) persons including owners or manager shall be engaged at any time in fabricating, repairing, or other processing of goods in any establishment.
- I. Tables, chairs, benches and umbrellas or other forms of permanent seating shall be permitted upon sidewalks and within municipal rights-of-way within any B-1 Central Business District or any B-2 General Retail Business District upon compliance with the following list of requirements and upon the approval of an application for a building permit by the City. Such temporary fixtures shall be permitted between May 1st and November 1st upon approval by the City with the following requirements.
 1. Applicant shall file an Application for a Building Permit with the City and receive approval by the Eureka Zoning Administrator prior to such use.
 2. Applicant shall provide upon approval of said Permit, and annually thereafter, a Certificate of Insurance listing the City of Eureka as Additional Insured on the applicant's liability insurance policy in the minimum amount of \$1,000,000 per occurrence.
 3. No permitted device or fixture shall extend farther than four feet (4') from an existing building, except umbrellas that comply with number four (4) of this section below.
 4. Umbrellas, if the subject of this permit, shall maintain a minimum height above the ground surface of 6'8".
 5. Owner shall maintain all fixtures or devices in good condition and shall be responsible at all times for any fixture or related device placed on said sidewalk or right-of-way.
 6. The minimum width remaining for pedestrian walkway after installation of such devices or fixtures shall be five feet (5')
 7. The violation of any of the above provisions shall be reason for revocation of said Permit by the Zoning Administrator.
 8. Any person or business in violation of any of the above provisions shall be subject to a penalty of fifty dollars (\$50.00) per violation per day and an additional penalty of twenty five (\$25.00) per violation per each day or portion thereof shall be assessed until the violation is abated.

§ 17.340 B-2 DISTRICTS.

General retail districts are designed to cater to the needs of a larger consumer population than served by the local retail district and so are mapped typically in major shopping center locations characterized by large establishments generating larger volumes of vehicular and pedestrian traffic.

A. Uses permitted.

1. Any use permitted in B-1 Districts.
2. Business uses may be conducted above the ground floor, but not on the same floor as residential uses.
3. Additional uses are as follows:
 - Antique shops.
 - Apparel shops.
 - Appliance stores, sales and repair.
 - Arcades and video game rooms.
 - Art and school supply stores.
 - Art galleries.
 - Automobile detailing and customizing shops, provided there is no body repair or painting performed on the premises.
 - Automobile parts and accessories stores.
 - Automobile service stations.
 - Banks and financial institutions.
 - Bicycle sales, rental and repairs.
 - Blue printing and photocopying establishments.
 - Book and stationery stores.
 - Bowling alleys and structures accommodating recreational activities.
 - Cab stands.
 - Camera and photographic supply stores.
 - Candy and ice cream stores or shops selling similar commodities where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores or other means owned and operated by the producing company.
 - Carpet and rug stores.
 - Car washes.
 - Catering establishments.
 - China and glassware stores.
 - Clothing and equipment rentals.
 - Coffee houses.
 - Coin and philatelic stores.
 - Convenience stores.
 - Currency exchanges.
 - Day care centers which regularly provide day care for less than twenty-four (24) hours per day for more than three (3) children in a facility other than a family home, as defined in the Illinois Child Care Act of 1969.
 - Department stores.
 - Drive-in type food and beverage sales.
 - Drug stores.

Dry cleaning and laundry receiving stations; processing to be done elsewhere.

Electronics and communications stores.

Employment agencies.

Florists.

Food stores, grocery stores, meat markets, bakeries, delicatessens, and package liquor stores.

Funeral homes and mortuaries.

Furniture stores, including upholstery.

Furrier shops, including the incidental storage and conditioning of furs.

Garden supply and feed stores.

Gas stations.

Gift shops.

Hardware and houseware stores.

Health and exercise clubs, gymnasiums, physical culture and health service reducing and tanning salons and masseurs.

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Hobby shops.

Hotels and motels.

Hospitals, monasteries, nunneries, religious retreats, homes for aged, orphanages, and institutions of an educational, charitable, or philanthropic nature.

Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles.

Jewelry store, including repair.

Laundries, automatic self-serve.

Leather goods and luggage stores.

Live bait.

Loan offices.

Locksmith shops.

Monument sales.

Musical instruments, sales and repairs.

Newspaper offices.

Office supply stores.

Oil change and lubrication facilities.

Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

Paint and wallpaper stores.

Pawn shops.

Pet shops.

Photography studios, including the developing of film and pictures.

Post offices.

Public meeting halls.

Restaurants.

Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only, jewelry from precious metals; watches, dentures, and optical lenses.

Sales and display rooms.

Schools: music, dance, or business.

Service: cleaning or repair shops for personal, household, or garden equipment.

Sewing machine sales and service.

Shoe and hat repair.

Shoe stores.

Skating rinks, indoor.

Sporting goods stores.

Tailor or dressmaking shops.

Tea rooms.

Temporary building for construction purposes for a period not to exceed the duration of such construction.

Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.

Temporary outdoor food vending and produce markets.

Theaters (not outdoor).

Tobacco shops.

Toy shops.

Travel bureaus and transportation ticket offices.

Typewriter and business machines sales and service.

Upholstery shops.

Variety stores.

Video and equipment sales and rental.

Any use not specified will require a special use permit.

4. All uses permitted in the B-2 District, including storage, must be conducted within an enclosed structure, with the exception of accessory outside sales or display of retail merchandise, provided that such accessory use does not violate parking, lot coverage, or other code regulations, and does not occupy a corner sight triangle (as defined in §17.67 of this chapter) or in any way create a public safety hazard.
- B. Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning Commission.
1. Those special uses permitted in a B-1 District.
 2. Bus depots.
 3. Clubs and lodges: private, fraternal, or religious.
 4. Golf courses, miniature golf courses, and driving ranges.
 5. Inside mini-warehousing and storage.
 6. Machinery, equipment and vehicle rental.
 7. Skating rinks and parks, outdoor.
- C. Floor area ratio. The numerical value obtained by dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located. Floor area ratio shall not exceed ninety (90%) percent.
- D. Required area. Regulations governing lot area in B-1 Districts shall apply.

E. Required yards:

1. Front yard: there shall be provided on every lot a front yard not less than twenty (20) feet in depth.
2. Side yard: Side yard of at least six (6) feet is required and there shall be provided a side yard along any lot line which adjoins a residence district; it shall be not less than ten (10) feet in width.
3. Rear yard: there shall be a rear yard not less than ten (10) feet in depth; however, when a rear lot line abuts an alley, one-half (½) the width of such alley may be counted toward satisfaction of the rear yard requirement.

F. Signs. The regulations for signs shall be the same as required for B-2 Districts.

G. Maximum Building Height. No building shall exceed a height of thirty-five (35) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding from those exceptions contained in §17.880.

1. The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed sixty (60) feet.
2. Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.
3. Automobile storage or parking space. There shall be adequate off-street parking and loading provisions in accordance with § 17.730.

§ 17.360 SPECIAL USE - ADDITIONAL USES BY APPROVAL.

Special use is designed primarily to furnish areas served by general retail districts with necessary services and goods not allowed in general retail districts because they are incompatible with the uses permitted in the general retail districts.

A. Uses permitted.

1. Any use permitted in B-1 and B-2 Districts.
2. Additional uses shall be the following:
 - Artisans in ceramics and nonferrous metals.
 - Animal hospitals and veterinary clinics without outside kennels.
 - Auction rooms.
 - Boat sales.
 - Building material establishments, dimension lumber, millwork, cabinets and other building materials; provided that no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.
 - Bus depots.
 - Cartage and express facilities providing storage of goods, motor trucks, and other equipment, if in enclosed structures.

Caskets and casket supplies.
Clubs and lodges: private, fraternal or religious.
Contractors or construction offices and shops such as building, concrete, electrical, masonry, painting, plumbing, refrigeration, and roofing.
Dry cleaning and laundry establishments, commercial.
Exterminating shops.
Garages, public, for storage, repair, and servicing of automobiles, and trucks, including body repair and painting, but not including auto wrecking yards.
Greenhouses or nurseries.
Garden supply and feed stores.
Ice storage.
Laboratories, medical and dental research and testing.
Machinery sales, including farm machinery sales.
Machinery, equipment, and vehicle rental.
Mail order houses.
Meat markets, including the sale of meats and meat products to restaurants, hotels, clubs, or other similar establishments.
Meat processing without slaughtering and food lockers.
Miniature golf courses.
Motorcycle sales and service.
Motor vehicle and equipment sales and service.
Open sales lots.
Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
Packaging and crating.
Printing and publishing establishments.
Public garages, including new and used car sales rooms.
Recording studios and radio stations.
Research laboratories.
Sheet metal shops.
Storage and warehousing, and wholesale establishments.
Trailer sales.
Any use not listed will require a special use permit.

B. Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning Commission.

1. Those special uses permitted in B-1 and B-2 districts.
2. Drive-in theaters.
3. Electric and telephone substations and other governmental and utility service uses.
4. Light assembling and packaging of materials, goods and products provided entirely within enclosed buildings.
5. Mobile homes and trailer courts provided that the water and sanitary facilities furnished conform to the requirements of the State Health Department.
6. Outdoor recreation and amusement establishments, including shooting ranges, motorized racing tracks, and mechanical rides.

- C. Floor area ratio. Floor area ratios shall not exceed ninety percent (90%).
- D. Required area. Regulations governing lot area in B-1 Districts shall apply.
- E. Required yards:
 - 1. Front yards: None.
 - 2. Side yards: there shall be provided a side yard along any side lot line which adjoins a residence district; its width shall not be less than ten (10) feet and it shall not contain off-street parking and loading facilities.
 - 3. Rear yards: regulations governing rear yard requirements in B-1 Districts shall apply, except that where the rear yard adjoins another business property and where loading and unloading space is located elsewhere on the property, and where the building is not more than one (1) story in height the rear yard may be reduced five (5) feet.
- F. Off-street parking and loading. There shall be adequate off-street parking and loading provisions in accordance with § 17.86.
- G. Maximum Building Height. No building shall exceed a height of thirty five feet (35) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluded from those exceptions contained in §17.730.
 - 1. The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.
 - 2. Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

Industrial District

17.370 Purpose

17.380 Performance Standards

17.390 I-1 Districts

17.400 I-A Districts

17.410 Permitted Uses

INDUSTRIAL DISTRICTS

§ 17.370 PURPOSE.

The manufacturing districts set forth in this chapter are established to protect public health, safety, comfort, convenience, and the general welfare and to protect the economic base of the city, as well as the value of real estate, by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

- A. To protect established residential areas and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences to those areas which are appropriate therefore.
- B. To provide adequate space in appropriate locations for most types of manufacturing and related activities so that the economic structure of the community may be strengthened; and that employment opportunities may be found in the interest of public prosperity and welfare.
- C. To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum of danger to public life and property.
- D. To establish proper standards of performance which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which have adopted facilities for the processing of finished products without adversely affecting the health, happiness, safety, convenience, and welfare of the people living and working in nearby areas.
- E. To protect manufacturing districts from incompatible uses of land by prohibiting the use of such space for nonresidential development, thereby preserving the land for a more appropriate use in accordance with the plans for city improvement and development.
- F. To promote the most desirable use of land in accordance with the Comprehensive Plan of the city, to conserve the use of property, to promote stability of manufacturing activities and related development, and to protect the character and established development in each area of the community; to enhance and stabilize the value of land and to protect the tax base of the city.
- G. Any restriction not covered under this section shall meet the requirements governed by the State of Illinois regulatory code.

§ 17.380 PERFORMANCE STANDARDS.

- A. Noise.
 1. Application of noise performance standards. Any use established in an Industrial District shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this section shall be so altered or modified as to conflict with or further conflict with the performance standards governing noise established hereinafter for the district in which such use is located. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to

adjacent use. All uses, existing or proposed, shall be operated in conformance with the applicable requirements embodied in the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle H - Noise Pollution, as amended from time to time. Complaints to sound/noise shall be referred to as noise defined under the State of Illinois regulatory code.

2. Method of measurements of noise level. Sound measured with a sound level meter and associated octave band filter, manufactured in compliance with standards described by the American Standards Association. Measurement shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
3. Limitations on noise levels: Noise in I District. At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in Table 1 set forth hereinafter for districts indicated:

<u>Octave Band</u> <u>Cycles Per Second</u>	<u>All Residential</u> <u>Districts</u>	<u>Sound Level In</u> <u>Decibels B1, B2</u>
37.5 to 75	58	73
75.5 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	48
2400 to 4800	26	41
Over 4800	20	35

4. Method of measurement. Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

B. Smoke and particulate matter.

1. In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such a manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful. All uses, existing or proposed, shall be operated in conformance with the applicable requirements embodied in the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle B - Air Pollution, Section 212 and/or most current and applicable code.

2. The emission from all sources within any lot area during any one (1) hour period of particulate matter containing more than ten percent (10%) by weight of particles having a particle size larger than forty four (44) microns is prohibited.
3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, streets, and so forth within lot lines shall be kept to a minimum by appropriate landscaping, or other acceptable means.
4. For the purpose of grading the density of smoke, the Ringlemann Chart currently published and used by the United States Bureau of Mines shall be employed. The emission of smoke particulate matter of density equal to or greater than #3 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.
5. The location within lot lines of smoke stacks shall be determined as follows:
 - a. Where total emission per use, the number of stacks being optional is up to fifteen (15) smoke units per hour, the following standards apply:
 - i. Smoke stack setback from lot lines on all sides.
 - ii. Where the lot abuts a highway as designated on the zoning map the setback line shall be at least one hundred (100) feet from the nearest right-of-way.
 - b. Where the lot abuts a major street as designated on the zoning map, the setback line shall be at least sixty (60) feet from the nearest right-of-way line; except as provided in Chapter (B) (5) (d) of this section.
 - c. Where the lot abuts a minor street as designated on the zoning map, the setback line shall be at least fifty (50) feet from the nearest right-of-way line; except as provided in Section (B) (5) (d) of this section.
 - d. Where the lot abuts a street with a right-of-way width of less than seventy (70) feet the setback line shall be at least eighty five (85) feet from the centerline of such right-of-way.
 - e. Where the lot abuts a storm or floodwater channel or basin, the setback line shall be at least fifty (50) feet from the nearest shoreline or floodwater line.
6. During one (1) hour period in each twenty four (24) hour period, each stack may emit up to thirty (30) smoke units when blowing soot or cleaning fires with no more than eight (8) minutes of smoke density of Ringelmann #2. Only during such fire cleaning periods shall smoke of a density of Ringelmann #3 be permitted, and then not for a period in excess of four (4) minutes. Where total smoke emission per use, the number of stacks being optional is sixteen (16) to thirty (30) smoke units per hour, the following standards apply:
 - a. Smoke stack setback from lot lines on all sides two hundred fifty (250) feet.
 - b. During one (1) hour period in each twenty four (24) hour period each stack may emit up to forty five (45) smoke units when blowing soot or cleaning fires with no more than eight (8) minutes of smoke of density of Ringelmann #2. Only during such fire cleaning periods

shall smoke of a density of Ringlemann #3 be permitted and then not for a period in excess of four (4) minutes.

- C. Toxic or noxious matter. Any use established in an industrial district shall be so operated as to comply with the performance standards governing emission of toxic or noxious matter set forth hereinafter. No use shall for any period of time discharge across the boundaries of the lot to the surface water, soil groundwater, or air of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, welfare, or cause injury or damage to property or business.
- D. Odors.
 - 1. Any use established in an industrial district shall be operated as to comply with the performance standards governing odorous materials set forth hereinafter. No use already established on the effective date of this section shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing odorous materials established hereinafter.
 - 2. In all industrial districts, the emission of odorous matter in such quantities as to produce nuisance or hazard beyond lot lines is prohibited. In determining such offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual (copyright 1951) by Manufacturing Chemists Assoc., Inc. Washington, D.C., shall serve as a guide and/or most current and applicable codes. All uses shall be operated in conformance with the applicable requirements embodied in the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle B - Air Pollution, Section 245.
- E. Fire and explosion hazards.
 - 1. The storage, use, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
 - 2. The storage, use, or manufacture of solid materials or products ranging from free to active burning, to intense burning is permitted; provided the said materials shall be stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls, and protected throughout by an effective automatic fire extinguishing system; or said materials may be stored outdoors with at least fifty (50) feet clearance from all lot lines.
 - 3. The storage, use, or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with the regulations of the State Fire Marshal.
- F. Vibration limitations. Notwithstanding any other provisions of this chapter, any use permitted in this District creating intense earth-shaking vibrations such as are created by heavy drop forges, shall be set back at least five hundred (500) feet from the lot lines of such use on all sides.
- G. Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence or wall, in such a manner as to be undetectable without instruments from any point along lot lines.

§ 17.390 I-1 DISTRICTS.

- A. Uses permitted:
 - 1. Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of material, goods and products provided entirely within enclosed buildings.
 - 2. Animal hospitals, veterinary clinics, and pounds with outside kennels.
 - 3. Bottling works, steam laundries, dry cleaning plants, blacksmith shops.
 - 4. Dog kennels.
 - 5. Lumber, wood, feed, or other similar storage yards.
- B. Special use. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning Commission:
 - 1. Any use not listed above which is permitted in B-1 and B-2 Districts.
 - 2. Bulk storage, sale, and distribution of flammable liquids, fats, or oils in tanks.
 - 3. Bus or truck garage, yards, docks, terminals and transfer points.
 - 4. Day care facilities, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.
- C. Floor area ratio. The floor area ratio on a lot shall not exceed ninety percent (90%).
- D. Yards required. Yards of the following minimum depths shall be provided:
 - 1. Front yards shall be not less than twenty five (25) feet.
 - 2. Side yards shall be not less than ten (10) feet.
 - 3. Rear yard shall be not less than twenty five (25) feet.
 - 4. When adjoining a residence district any side or rear yard shall not be less than twenty five (25) feet and a solid wall or solid fence shall be provided along the property line. Such fences or wall shall be uniformly painted, and in no case shall be less than six (6) feet high or more than seven (7) feet high.
- E. Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluded from those exceptions contained in §17.740.
 - 1. The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.
 - 2. Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.
- F. Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 17.730.

G. Accessory uses permitted:

1. Outside storage of raw materials, work in process inventory, finished goods inventory, and supplies is a permitted use accessory to the main use of the property; provided, however, that such outside storage shall be limited and conditioned as follows:
 - a. Such outside storage must be limited to an area no greater in size than the floor area of the first floor of the enclosed buildings on the parcel.

§ 17.400 I-2 DISTRICTS.

- A. Uses permitted. The following uses shall be permitted in I-2 districts; provided, however, that no outside storage of any kind or nature shall be permitted or allowed in such I-2 district in connection with any of the permitted uses:
 1. Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of material, goods, and products provided entirely within enclosed buildings.
- B. Floor area ratio. The floor area ratio on a lot shall not exceed ninety percent (90%) of the floor area.
- C. Yards required. Yards of the following minimum depths shall be provided:
 1. Front yards shall be not less than twenty five (25) feet.
 2. Side yards shall be not less than six (6) feet.
 3. Rear yards shall be not less than twenty five (25) feet.
 4. When adjoining a residence district any side or rear yard shall not be less than twenty five (25) feet and a solid wall or solid fence shall be provided along the property line. Such fences or wall shall be uniformly painted, and in no case shall be less than six (6) feet high or more than seven (7) feet high.
- D. Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding there from those exceptions contained in §17.740.
 1. The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.
 2. Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.
- E. Off-street parking. Adequate off-street parking in accordance with the provisions of § 17.730

§ 17.410 PERMITTED USES.

A. Permitted uses.

1. Any use which may be allowed The uses permitted in this District generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable or obnoxious to the occupants of adjoining properties and for that reason must be grouped in areas where similar industrial uses are located, or where permitted uses will be best located in accordance with the Comprehensive Plan of the city, which is designed to protect the welfare of the community. Therefore, the following uses are hereby permitted; provided, that full compliance with the performance standards hereinafter set forth shall be established and constantly maintained, and provided further that all such uses shall be on a minimum lot size of one (1) acre.
2. Manufacturing, fabricating, assembly, and processing of materials, articles, and products which are prohibited in I-1 District but which are not prohibited by the performance standards herein established for I-2 District, and which are not otherwise prohibited or restricted.
 - a. All uses in I-1 District as a special use, except no residential use shall be permitted in I-2 District.
 - b. Any manufacturing, processing, and treatment of materials and goods and products which require the use of large quantities of water, produce large quantities of waste material of which involve the disposal, into public sewers or otherwise of any quantities of toxic, noxious, corrosive, or explosive.
 - c. Incinerators for household waste disposal.
 - d. Manufacturing, processing, and bulk storage of noxious, toxic, corrosive, and explosive solid, liquid, or gaseous chemicals, including fireworks manufacturing.
 - e. Extraction and processing of mineral products including ore, stone, sand, gravel, clay, topsoil, cement, lime, plaster, asbestos, fertilizer, and abrasives.
 - f. Lumber mills, sawmills, plain mills, and flour or grain mills.
 - g. Manufacturing and processing of coal, petroleum, tar and asphalt products, including coke, illuminating gas, linoleum oilcloth, roofing material, and asphalt tile.
 - h. Ore smelters, foundries, blast and open hearth furnaces, Bessemer converters, metal ingot, plate, tube, and wire and strip mills.
 - i. Processing of animal and vegetable products such as tanneries, distilleries, breweries, slaughterhouses, rendering plants, glue, soap, paint and varnish manufacturers, wool and textile scouring, sizing, bleaching, and dyeing.
 - j. Salvage yards, coal yards, or junk yards.
 - k. Seed processing establishments.

- B. Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning Commission:
1. Ammonia, bleaching powder, or chlorine manufacture.
 2. Carbon manufacture.
 3. Celluloid manufacture.
 4. Coal distillation.
 5. Coke ovens.
 6. Distillation of tar.
 7. Explosives, fireworks, and gunpowder manufacture or storage.
 8. Fat rendering.
 9. Grease, lard, or tallow manufactured or refined from animals.
 10. Hair manufacture.
 11. Incineration, reduction, storage, or dumping of slaughter-house refuse, rancid fats, dead animals, or offal.
 12. Petroleum manufacture.
 13. Ethanol manufacture.
- C. Floor area ratio. The floor area ratio on a lot shall not exceed fifty percent (50%).
- D. Yards required. Yards of the following minimum depths shall be provided:
1. Front yards shall be the same as required in I-1 Districts.
 2. Side yards shall be the same as required in I-1 Districts.
 3. Rear yards shall be the same as required in I-1 Districts.
- E. Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 17.730.
- F. Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding there from those exceptions contained in §17.740.
1. The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.
 2. Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.
- G. Performance standards shall be the same as those required in I-1, I-2 Districts; standards are stated in §17.380.
- H. Accessory uses permitted;
1. Outside storage of goods and materials.

SPECIAL USES

- 17.420 Purpose
- 17.430 Initiation of special use
- 17.440 Application for special use
- 17.450 Procedure for consideration of a special use.
- 17.460 Public Notice
- 17.470 Hearing on applicant
- 17.480 Authorization
- 17.490 Standards
- 17.500 Termination of special uses

SPECIAL USES

§ 17.420 PURPOSE.

The development and execution of this chapter is based upon the division of the city into districts, within which districts the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into three (3) categories:

- A. Uses publicly operated or traditionally affected with a public interest; and
- B. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- C. A "special use" is a use which is requested by the public welfare, but which is incompatible with the uses normally permitted in the zoning districts established herein. It shall be deemed and determined by the Planning Commission and as further defined in Section Special Use 17.420 through 17.500. It is declared the policy and purpose of this title to employ the special use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

§ 17.430 INITIATION OF SPECIAL USE.

Any person having a freehold interest in land, or a possessors interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or exclusive possessors interest which is specifically enforceable, may file an application to use land for one or more of the special uses provided in this chapter in the zoning district in which the land is located. Any person who has a mere possessors interest and is entitled to exclusive possession for a period of less than five (5) years must have the person or persons having a freehold interest in the property join in the application.

§ 17.440 APPLICATION FOR SPECIAL USE.

An application for a special use permit, except a planned development special use permit, shall be filed with the City of Eureka on a form prescribed by the Planning Commission. The application shall be accompanied by such plans or data prescribed by the Commission. The application shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this chapter. To partially defray the cost of this procedure, the applicant shall pay the sum of one-hundred (\$100) to the City of Eureka at the time of filing of the application.

17.450 PROCEDURE FOR CONSIDERATION OF A SPECIAL USE.

- A. A written application shall be filed with the City of Eureka stating the name and address of the applicant and of the owner of record; the location of the property; the specific special use sought; facts to demonstrate hardship or inability to meet the zoning code, reasons for request for special use in general and for the specific special use sought. A detailed site plan shall accompany the application.
- B. The Planning and Zoning Commission shall conduct a public hearing thereon, after publication of hearing notice in a newspaper of local circulation at least fifteen (15) days but not more than thirty (30) days prior to the date of hearing.
- C. The applicant shall cause a copy of the notice to be delivered to the owner(s) of record of all property within three hundred (300) feet thereof and to the occupants within said three hundred feet, and shall so certify at the hearing. Evidence of mailing notice to the person responsible for the last tax bill shall be deemed meeting the owner of record notification requirements.
- D. Anyone wishing to do so may speak for or against said application..
- E. The hearing may be adjourned from time to time to afford everyone an opportunity to be heard. A written record shall be kept and shall constitute a public record.
- F. Upon completion of the hearing the Planning and Zoning Commission may grant in whole or in part, or deny the petition for special use. In granting a special use it may impose such additional conditions as deemed necessary in the particular case to further the zoning plan and protect surrounding uses.
- G. The Planning and Zoning Commission shall notify the applicant and the city council of its decision in writing and shall submit their recommendation at a regularly scheduled council meeting for approval by the corporate authorities.

17.460 PUBLIC NOTICE. It shall be the intent of the Eureka Planning and Zoning Commission to have the public advised of any request for a variance, special use, zoning change or any other request not specified or authorized for a Zoning District or the Eureka Municipal Zoning Code and Subdivision Code as included in the Eureka Municipal Code. The following procedure must be followed for any application requiring a public Hearing review by the Planning and Zoning Commission for approval.

- A. Applicant must have completed the procedures for application as specified in 17.61, and 17.61.10 for any request requiring a Public Hearing by the Eureka Planning & Zoning Commission.
- B. Applicant shall pay an application fee of \$25.00 for any request requiring a public hearing, review and approval by the Planning and Zoning Commission and this shall be submitted with the application. Each request shall constitute a separate application and a separate fee shall apply.
- C. Applicant shall pay the cost to publish the notice of the Public Hearing.
- D. Posting Requirements:
 - 1. A PUBLIC NOTICE sign must be posted for any request requiring a Public Hearing by the Eureka Planning & Zoning Commission.
 - 2. Applicant shall use the signs provided by the City of Eureka for "PUBLIC NOTICE" a 24" by 36" sign shall be purchased from the City of Eureka at a cost of twenty (\$20.00) per sign. There shall be a minimum of one (1) sign posted on each property included in and for which an application has

been submitted for consideration by the Eureka Planning and Zoning Commission at a public hearing.

3. Signs shall be erected not more than 10 feet from each boundary of the property that abuts a public road/street unless greater distances are required to enhance visibility. The Zoning Administrator shall determine the number of signs to be posted on the property to meet this requirement. If the property does not abut a public road, the signs shall be posted where they can be readily seen by the public. Signs shall be posted at the two nearest intersecting streets. The Zoning Administrator shall have final approval of sign site location.
4. All information listed on the PUBLIC NOTICE sign must be complete. Applicant shall print clearly all information so it is easily readable by the public. The Zoning Administrator shall have final approval on whether adequate information has been provided and to determine legibility of sign information. The applicant is responsible for maintaining the sign and legibility of information contained therein.
5. The sign(s) for PUBLIC NOTICE for any public hearing shall be posted not less than 14 days prior to the date of the hearing. The sign(s) must remain posted until the date of the public hearing. Failure to post and maintain the sign(s) will postpone your hearing.

§ 17.470 HEARING ON APPLICANT.

Upon receipt in proper form of the application and statement referred to in this section, the Planning Commission shall hold at least one public hearing on the proposed special use. Not more than thirty (30) days or less than fifteen (15) days in advance of such hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city, as prescribed by applicable state statutes. Supplemental or additional notices may be published or distributed as the Commission may, by rule, prescribe from time to time.

§ 17.480 AUTHORIZATION.

For each application for a special use permit, the Planning Commission shall recommend approved with any stipulations, additional conditions, and guarantees, that they feel are necessary for the protection of the public interest. The City Council may grant or deny any application for a special use.

§ 17.490 STANDARDS.

No special use shall be recommended by the Planning Commission unless such Commission shall find:

- A. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That adequate utilities, access roads, drainage, or necessary facilities have been or are being provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- F. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Planning Commission; and
- G. That where it is found a use not otherwise acceptable to the neighborhood in which located would be acceptable with certain conditions of use operation and improvement, the Planning Commission may recommend requiring the granting of such nonconforming special use subject to specified conditions. Such conditions may include:
 1. Landscape screening or fencing.
 2. Hours of operation.
 3. Night lighting (including parking areas) so as not to be annoying to surrounding properties.
 4. Requirements for access lanes and parking areas to protect pedestrian safety.
 5. Restraint on signage so as to be compatible with surrounding properties.
 6. Limitation on outdoor storage.
 7. Any other such requirements which, in the opinion of the Planning Commission or City Council, would render the use compatible with surrounding properties.
- H. That when dealing with radio, television, telephone and similar communication towers/antennae and wind generating power device(s), which exceed the height limitations of the zoning district in which it would be located, and their associated structures, the following additional special conditions must be met:
 1. All applicable setback requirements and other requirements of a particular zoning district in which the tower is to be located, inclusive of all guy lines and other associated structures, must be met, except for height restrictions;
 2. The tower will be constructed to the minimum height necessary to serve its purpose;
 3. That the tower's proposed location, height and configuration has received prior Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approval;

4. That said tower is designed, approved and attested to by a qualified structural engineer, verifying the safety and viability of the tower;
 5. The electronics and other operational apparatus to be attached to the tower must be certified by a qualified electronics engineer that said electronics and other operational apparatus will not interfere with other radio and television signals or other electronic devices or apparatus;
 6. All towers must meet the minimum lighting requirements by the FAA and FCC and such lighting must be shielded, to the extent possible, to prevent illumination of the ground below.
 7. Antenna support structures must be constructed from one of the following materials: aluminum, galvanized steel, or equally weather resistant materials.
 8. All ground mounted antenna support structures exceeding thirty five (35) feet in height shall be mounted in concrete and erected in such a manner so as to conform with ANSI/EIA-222-E for minimum basic wind speed for the locale, with one-half (1/2) inch radial ice load.
 9. All antenna support structures, whether ground or roof mounted, shall be properly grounded to adequately protect against a direct strike of lightning, in conformance with ANSI/EIA standards. 9.
 10. The Planning Commission and City Council shall consider the following factors in determining whether or not a special use for a tower/antenna should be granted:
 - a. Existing uses and zoning of nearby property;
 - b. The extent to which property values are diminished by the tower/antenna in question;
 - c. The relative gain to the public as compared to the hardships imposed on the individual property owners;
 - d. The suitability of the property for the tower/antenna;
 - e. The public need for the tower/antenna; and cultural patterns of nearby property.
 - f. Those aesthetic considerations which bear substantially on the economic, social aspects of the Community.
- I. Zero Lot Line. Individual dwelling units in any two family dwelling shall not be sold separately, unless such two family dwelling has been properly designated as a zero lot line duplex in accordance with the following standards and procedures. No dwelling unit in a two family dwelling shall be designated or sold as a zero lot line duplex unless each of the following conditions have been met:
1. Each dwelling unit has a floor area of not less than one (1) One thousand (1,000) square feet for a single story unit, and one thousand two hundred fifty (1,250) square feet for a unit having more than one story. The areas of garages, open porches, cellars and basements shall not be included for the purpose of determining the area of a dwelling unit.
 2. The owner has obtained a plat of survey prepared by an Illinois licensed land surveyor, which plat of survey divides the lot upon which the two-family dwelling is located into a separate sub-lot for each dwelling unit. The survey may be prepared after construction of improvements on the lot, but must in any event be recorded in the office of the Woodford County Recorder of Deeds before title to any portion of the property is transferred

- by the owner to any third person. The survey shall include not only a scaled and dimensioned outline of the exterior of each dwelling unit, but also a scaled and dimensioned drawing of all other exterior improvements on each sub-lot, including, but not limited to, sidewalks, driveways and patios.
3. Each sub-lot created by the aforesaid plat of survey shall have an area of not less than five thousand (5,000) square feet, and a lot width at the right-of-way line of the street at which the unit is properly addressed of not less than forty-nine (49) feet six (6) inches.
 4. Each dwelling unit has separate utility services with separate meters for each service.
 5. The owner of the two-family dwelling prior to its conversion to a zero lot line duplex has prepared covenants which bind all owners of either dwelling unit or their successors in interest. Such covenants shall be of form and content satisfactory to the Planning Commission and suitable for recording, and shall address and/or require, at a minimum, the following:
 - a. The proper maintenance of the common wall between the individual dwelling units.
 - b. The proper maintenance of the dwelling units.
 - c. A consistent design and color scheme for the exterior of the dwelling units.
 - d. Additions to the dwelling units.
 - e. Repair of the dwelling units in the event of damage or destruction.
 - f. Regulations concerning the construction, design and location of accessory structures, including, without limitation, garages, storage sheds and fences.
 - g. Firewalls shall have been constructed according to the latest edition of the International Boca building code for zero lot line approval.
 6. The two-family dwelling meets all other applicable requirements of this Zoning Code, including but not limited to those pertaining to lot areas, yard requirements, and height of buildings.
 7. The two-family dwelling meets all other applicable requirements of the City of Eureka Code, including but not limited to, its Building Code.
 - a. Zero lot line development will require each unit to have a side yard, front yard and a rear yard.
- J. Procedure. Any person seeking the designation of an existing or proposed two-family dwelling as a zero lot line duplex, shall submit an application to the Zoning Administrator on a form prescribed by such Administrator, which application shall be accompanied by the following:
1. Building plans for the two-family dwelling unit.
 2. Proposed covenants which meet the standards hereinabove set forth.
- K. Upon receipt of the aforesaid information, the Zoning Administrator shall refer the matter first for consideration as a special use under the procedures established in the Zoning Code for consideration of proposed special uses. Within a reasonable time after submission the Planning Commission, shall either approve the application and designate the two-family dwelling unit as a zero lot line duplex, or deny the application and provide a written explanation of the reasons for the denial. Upon approval of an application for designation of a two family dwelling unit as a

zero lot line duplex, the Zoning Administrator shall, on behalf of the City, sign the plat of survey submitted by the owner. Dwelling units in a zero lot line duplex shall not be sold separately until both the plat of survey and covenants in the forms approved by the Zoning Administrator have been recorded in the office of the Woodford County Recorder of Deeds with a copy of the recorded plat provided to the Zoning Administrator.

- L. Special finding for special use required. No such special use for a zero lot line duplex shall be approved without a conclusion by the Planning Commission, in addition to those criteria required pursuant to Section 17.420 of this Chapter, that the proposed zero lot line duplex is consistent in style with other structures in the adjoining neighborhood and that the proposed zero lot line duplex will not detract from the appearance of the neighborhood.
- M. Prior consultation encouraged. Any person who intends to seek the designation of a two-family dwelling as a zero lot line duplex is encouraged to engage in informal consultations with the Zoning Administrator prior to the preparation of a formal plat or survey.

§ 17.500 TERMINATION OF SPECIAL USES.

The discontinuation, abandonment, or enlargement of any special use, or any violation of the conditions, stipulations, or guarantees applicable to any special use shall cause the special use to terminate instantly and without notice. In the event of said termination, the only uses allowed on the land previously subject to the special use shall be the uses permitted in the applicable zoning classification.

Signs

17.510	Purpose
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SIGNS

§ 17.510 PURPOSE.

There is a significant relationship between the manner in which signs are displayed and public safety, and the stability of the economic value of adjoining property. The reasonable display of signs is necessary as a public service and to the conduct of competitive commerce and industry. The regulations in this chapter establish minimum standards for the display of signs in direct relationship to the functional use of property as permitted within the zoning districts which are provided in this subsection. It is at the City's discretion as to whether any application for a permit will be approved.

§17.520 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

SIGN DEFINED. A sign is any structure or device or visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or ensign of any governmental agency of any state or of any civic, charitable, religious, or patriotic, fraternal or similar organization.

AREA OF SIGN. The area of a sign shall include the background material on which the sign is painted or mounted. If the sign is of individual letters attached to a building, the area shall be considered as within the perimeter of a line drawn around all the letters. If a projected or freestanding sign has two sides, its area shall be based on only one side.

AWNING OR CANOPY SIGN. A sign painted, stamped, stitched or otherwise applied on the valance of an awning.

BANNER. A long, narrow sign made from canvas, paper or other lightweight material secured or mounted on a wall on at least two sides or attached to a permanent existing structure. Said structure shall include, but shall not be limited to, fences, buildings, light poles and sign poles.

BILLBOARD. A sign which advertises goods, products, or services not sold on the premises on which the sign is located.

COPY. Any display or message on a sign surface containing wording, numbers, symbols, or graphics and intended for visual communication.

ELECTRONIC MESSAGE BOARD. Any sign or portion of a sign whose display information can be systematically changed or altered on a panel composed of electrically illuminated segments. An electronic message board shall not be considered a flashing sign.

FLAG. A sign made from canvas, paper or other lightweight material secured or mounted on one side as to allow movement by the wind.

FLASHING SIGN. Any sign directly or indirectly illuminated where the source of illumination flashes on or off, winks or blinks with varying light intensity or color, shows motion or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

FOR SALE OR FOR RENT SIGNS. For sale or for rent signs stating that the property on which the sign is displayed is for sale or rent and may include the name of the owner or agent with address and telephone number.

FRONTAGE. All sides of a lot abutting a street right-of-way shall be considered frontage.

FREE STANDING OR GROUND SIGN. Any sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

IDENTIFICATION SIGN(S). Which include the street address and the name of the owner or occupant or the name of the building if it has several occupations if any are conducted on the premises.

ILLUMINATED SIGN. Any sign which has characters, letters, figures designs or outline illuminated by electric lights, tubes or other means of illumination.

INFLATABLE SIGN. Any inflated balloon or lighter than air object greater than sixty four (64) cubic feet in volume and displayed more than six (6) feet above the ground.

MONUMENT SIGN. Any freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features where the base of the sign structure is on the ground or a maximum of twelve (12) inches above ground.

MOVING SIGN. Any sign or portion of a sign which structurally rotates, revolves, extends, retracts or otherwise is in motion in any manner.

NONCONFORMING SIGN. Any sign which was lawfully erected and maintained prior to such time as it came within the purview of this subsection and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this subsection; provided, however, such term shall not include any sign or other advertising structure which was erected or maintained in violation of any law or this subsection.

OBSOLETE SIGN OR OFF-PREMISE SIGN. Any sign which advertises a business which is not being conducted on or immediately adjacent to the premises on which the sign is located.

PERMANENT SIGN. Any wall sign, free standing or ground sign, roof sign, awning or canopy sign designed and constructed to be a fixed in place sign for the specific purpose intended. Temporary sign(s) shall not be converted to permanent signs.

POLITICAL SIGN. Signs or posters announcing candidates seeking public political office in any local, state, or national election.

PORTABLE SIGN. Any sign not permanently affixed to the ground or a building including but not limited to sandwich board signs, chalkboard signs, message boards and any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service or entertainment, when the vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

PROJECTING SIGN. Any sign attached to a building that projects from the wall or face of the building more than fifteen (15) inches.

PROMOTIONAL SIGNS. Promotional signs are for the purpose of bringing to the attention of the public the goods or services offered on the premises. This includes but not limited to wall signs, projecting signs and freestanding signs

TRAFFIC SIGNS on private property. Signs for traffic directions, parking restrictions or notices of hazards are permitted on private property in any zoning district.

ROOF SIGN. Any sign erected upon, against, or directly above a roof, or on top or above the parapet or on a functional architectural appendage above the roof.

SHOPPING CENTER SIGN An integrated shopping center freestanding sign with the name and street address of the shopping center.

SIGHT TRIANGLE. The imaginary triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty (20) feet from the point of intersecting lot lines.

SIGN. Any structure or device located outside a building designed for visual communication intended to convey information to the public in written or pictorial form.

TEMPORARY SIGN. Any sign constructed of cardboard, cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display including but not limited to flags, balloons, banners, pennants, and portable signs.

WALL SIGN. Any sign painted or attached to the outside of a building, erected parallel to the wall to which it is attached.

17.530 SIGN PERMIT REQUIRED; EXEMPTION.

- A. No sign may be constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with the following sections in this chapter.

No sign permit shall be issued for any sign unless the sign is accessory to a permitted use and the sign is permitted by, and complies with the regulations of this chapter. However, the following types of signs are exempt from the permit requirements and from the regulations of this chapter.

1. Flags or emblems of a government or of a political, civic, philanthropic, educational, or religious organization, displayed on private property;
 2. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, and warnings at railroad crossings;
 3. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation; provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation;
 4. Small signs, not exceeding two (2) square feet in area, displayed on private property for the convenience of the public, including signs to identify restrooms, freight entrances, and the like;
 5. Flags, streamers, placards, pennants not exceeding six (6) square feet in area, and small balloons not exceeding five (5) cubic feet in volume.
 6. Temporary signs, banners, and displays for special church, school, institutional, civic, or community events that are erected outside public right-of-way for a period no more than sixty (60) days prior and three (3) days after the scheduled event.
 7. Welcome signs erected outside public right-of-way near major community entrances that contain no advertising other than participating groups or organizations. Such signs shall be subject to the review and approval of the City Council prior to construction.
- B. The following types of signs are exempt from the permit requirement, but must comply with all of the other regulations of this chapter:
1. Signs permitted by 17.52.

17.540 APPLICATION FOR PERMIT.

Application for a sign permit shall be filed by the owner of the sign or his agent with the Building Inspector. The application shall contain the following information:

- A. Name, address, and telephone number of the owner of the sign, and agent, if any;
- B. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
- C. Position of the sign in relation to nearby buildings or structures;
- D. Two (2) prints or drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground except for banner, inflatable, and temporary sign permits;
- E. Name of person, firm, corporation, or association erecting sign;
- F. Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and
- G. Such other information as the Building Inspector shall require showing full compliance with this and all other laws and ordinances of the city.

17.550 PERMITS.

A permit shall be issued for each sign by the Building Inspector relative to the provisions of this chapter.

- A. Sign permits granted under the terms of this chapter are not transferable.
- B. If the work authorized under a sign permit to build has not been substantially completed within six (6) months after the date of issuance, the permit shall become void and a new permit is required.
- C. The changing of the advertising copy or message on an approved painted sign or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy and painting, repainting, cleaning and other normal maintenance and repair of a sign structure shall not be considered as creating a sign and shall not require a sign permit.
- D. The Building Inspector is authorized and empowered to revoke any permit issued by him if the holder of the permit fails to comply with any provision of this chapter.

17.560 FEES.

For each sign requiring a permit under this chapter, a fee shall be paid at the time of the issuance of a permit. The fee charged for all types of signs shall be as follows:

- A. The fee charged for all signs requiring a permit shall be twenty five dollars (\$25.00) and then an additional two dollars and fifty cents (\$2.50) per one thousand dollars (\$1,000.00) or fraction thereof for the actual cost of the sign and installation.

17.570 INSPECTION UPON COMPLETION.

The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign, shall upon completion of the work, notify the city administrative office, who shall notify the building inspector to inspect the condition of the sign with respect to its safety and location.

17.580 APPEALS.

Any person aggrieved by a decision of the Building Inspector relative to the provisions of this chapter may appeal such decision to the Planning and Zoning Commission Board of Appeals.

17.590 GENERAL STANDARDS.

All signs hereafter painted, constructed, erected, remodeled, relocated, or expanded shall comply with the following standards:

- A. No sign shall be constructed on or project into the public right-of-way except signs installed by public governmental agencies and those signs specifically permitted in this Chapter;
- B. All signs and their supporting structures must be properly maintained and must be kept in good repair, and must, where applicable, be easily readable from the nearest public right of way;
- C. Illuminated signs. Illuminated signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any

public street or park. Illuminated signs shall not be lighted in an obtrusive manner or create a nuisance. All illuminated signs shall first be approved by the Planning and Zoning Commission;

- D. Flashing or moving signs: No flashing or moving signs shall be permitted unless specifically allowed in this chapter. No sign shall flash or move in an obtrusive manner or create a nuisance. No rotating beam, beacon, strobe, or similar types of illumination devices shall be allowed;
- E. Sidewalk signs. Sandwich board signs, A-frame signs, easel signs, and similar sidewalk signs may be temporarily placed near the public right-of-way without a permit. Where a storefront meets the sidewalk, such signs may be placed on the sidewalk immediately adjacent to the main entrance. All sidewalk signs must satisfy the following requirements:
 - 1. The sign is accessory to an existing business, commercial, or industrial use;
 - 2. The sign shall not exceed six (6) square feet in size and four (4) feet above ground level;
 - 3. The sign is displayed during business hours only;
 - 4. The sign does not impede pedestrian movement or vehicular visibility.
- F. Signs in access ways. No sign shall block any required access way;
- G. Signs on vacant property. No sign shall be located on vacant property except a sign advertising the premises for sale or lease which meets the standards of this chapter.
- H. Signs on trees or utility poles. No sign shall be attached to a tree or utility pole whether on public or private property;
- I. Building and electrical codes applicable. All signs must conform to the regulations and design standards of the applicable building codes. Wiring of all electrical signs must also conform to the applicable electrical codes;
- J. Traffic safety. No sign shall be maintained at any location whereby reason of its position, size, shape, or color it may obstruct, impair, obscure, interfere with the view of traffic, or be confused with any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic. Signs erected or constructed on a corner must observe the sight triangle requirements;
- K. Obsolete and off-premise signs, except as otherwise provided in this chapter, no sign shall be permitted which advertises a business which is not being conducted on or immediately adjacent to premises on which the sign is located.
- L. Portable signs. Portable signs except banners and flags will only be permitted or allowed if such portable sign satisfies all of the following requirements:
 - 1. The business must have a permanent sign in order to permit or allow a portable sign;
 - 2. The area of a portable sign may not exceed eighteen (18) square feet;
 - 3. No flashing lights will be permitted or allowed on or in connection with the portable signs but said portable sign may be backlit;
 - 4. There must be a message displayed on the portable sign;
 - 5. No more than one (1) portable sign may be displayed on a single lot or parcel with a frontage of five hundred (500) feet or less. Lots or parcels with frontage over five hundred (500) feet that have multiple businesses on the same lot or parcel may have a total of two (2) portable signs; and

- M. Banners. Banners will only be permitted or allowed if such banners satisfy all of the following requirements,
1. Banners displayed on the ground are not permitted;
 2. Banners attached to poles, fences, buildings, light poles, sign poles, or any combination thereof, shall meet the following requirements:
 - a. The business or shopping center maintains a permanent sign that complies with the provisions of the City's Sign Ordinance;
 - b. No more than one (1) banner may be displayed on a single lot or parcel with a frontage of five hundred (500) feet or less. Lots or parcels with frontage over five hundred (500) feet that have multiple businesses on the same lot or parcel may have a total of two (2) banners; and
 - c. The area of the banner may not exceed sixty (60) square feet.
 3. Banners displayed on the walls or roof of the business or shopping center are not permitted unless all of the following requirements are met:
 - a. The business or shopping center has a permanent sign that complies with all of the provisions of the Sign Ordinance of the city;
 - b. The area of the banners may not exceed sixteen percent (16%) of the wall or roof surface to which such banners are attached, and the total combined area of the banners and all other permanent signs on that wall or roof surface may not exceed twenty five percent (25%) of the area of the wall or roof surface to which the banners are attached.
 - c. Where a single building is devoted to two (2) or more businesses, commercial, or industrial uses, the operator of each such use may install such a banner; provided, however, the maximum area of each such banner shall be determined by determining the proportionate share of the building face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area permitted on the wall of the building according to subparagraph (3) (b) of paragraph (M) of this section.
 4. With regard to all permissible banners, each banner may be temporarily removed or replaced with a banner with a new message thereon from time to time without the necessity of obtaining a new sign permit therefore, provided that the area of the banner may not exceed the area of the banner for which the original sign permit was obtained and issued.
- N. Flags. Flags do not require a permit, however will only be permitted or allowed if such flags satisfy all of the following requirements:
1. Flags are not permitted, unless all of the following conditions are met:
 - a. The business or shopping center maintains a permanent sign that complies with the provisions of the City's Sign Ordinance;
 - b. No more than two (2) such flags may be displayed on a single lot or parcel with a frontage of two hundred (200) feet or less. Lots or parcels with frontage between two hundred one (201) and five hundred (500) feet may have a total of four (4) flags. Lots or parcels with frontage between five hundred one (501) and one thousand (1,000) feet may have a total of six (6) flags. Lots or parcels with

frontage over one thousand (1,000) feet may have a total of eight (8) flags; and

- c. The area of each flag may not exceed thirty (30) square feet.
 2. With regard to all permissible flags, each flag may be temporarily removed or replaced with a flag with a new message thereon from time to time, provided that the flags meet the above requirements.
- O. Inflatable. Inflatable shall only be allowed to remain on the site for no more than thirty (30) calendar days per year.
- P. Political signs. Temporary political signs shall not exceed twelve (12) square feet in residential districts and fifty (50) square feet in agricultural, commercial and industrial districts. Political signs may be placed only on private property with permission of the landowner or person in control of said property and do not require a permit. All political signs must be removed within fourteen (14) days after the election.

17.600 SIGNS ACCESSORY TO RESIDENTIAL USES.

Each sign accessory to residential uses shall be set back from the street right of way line a distance at least half of the required minimum setback specified in the district regulations, except for street number identification sign: and signs permitted under Sections (B) and (C) of this section. No sign accessory to any residential use shall be permitted except in compliance with the following regulations:

- A. Name plate and identification signs shall be permitted subject to the following regulations;
1. For each single-family dwelling there shall be permitted one (1) name plate not exceeding one (1) square foot in area (excluding the area of the house number) indicating the name or address of the occupant and, where applicable, a professional status, but not to indicate a product or business;
 2. For each multiple-family dwelling there shall be permitted one (1) non-illuminated identification sign not exceeding five (5) square feet in area located near the main entrance to the building and indicating only the name and address of the building and name of the owner or manager thereof; and
 3. In connection with the construction or remodeling of a building there shall be permitted no more than two (2) non-illuminated signs, each such sign not exceeding thirty two (32) square feet in area, indicating the names of any or all of the architects, engineers, and contractors engaged in the construction thereof, on corner lots four (4) such signs, two (2) facing each street, shall be permitted. No such sign may be placed or located within five (5) feet of the lot line or property line of the lot, block, or parcel of property upon which such sign is located. Any signs permitted under this paragraph (A) (3) shall be removed by the person erecting the same within fourteen (14) days after the completion of the structure indicated.
- B. For Sale and For Rent signs shall be permitted subject to the following regulations:
1. For the sale or rental of real property, there may be no more than one (1) For Sale or For Rent sign per lot, except that on a corner lot two (2) such signs will be permitted, one (1) facing each street. No such For Sale or For Rent sign may exceed twelve (12) square feet in area, and no such sign shall be illuminated. Each such sign must be devoted solely to the sale

or rental of the property being offered and must be removed within seven days following the sale or rental of the property.

2. In addition to one (1) "For Sale" or "For Rent" sign, there may be no more than one (1) "Open House" sign per lot, except that on a corner lot, two (2) such signs will be permitted, one (1) facing each street. Each such "Open House" sign may not exceed twelve (12) square feet in area and no such sign may be illuminated. Each such "Open House" sign must be devoted solely to the property being offered for sale and must be removed immediately upon the conclusion of the open house for that property.
 3. In addition to one (1) "Open House" sign being permitted per lot, additional "Open House" signs may be placed at intersections leading to the subject house for up to four (4) days prior to the open house. All such "Open House" signs shall be placed on private property after the consent and permission of the owner thereof has been obtained, and no such sign shall be placed in city right-of-way. Such sign shall be removed immediately upon the conclusion of the open house; and
 4. Where more than six (6) dwelling units (or lots for dwelling purposes) are offered for sale or rental by the same party there shall be permitted one (1) sign facing each public street providing access to the property being offered. Each such sign shall not exceed one hundred (100) square feet in area and must be devoted solely to the sale or rental of the property being offered, and must be removed within (7) seven days following the sale or rental of the last property offered at that location.
- C. Garage sale and yard sale signs shall be permitted subject to the following regulations:
1. For temporary sales of merchandise on private property, there may be no more than one (1) "Garage Sale" or "Yard Sale" sign per lot or household, except that on a corner lot two (2) such signs will be permitted, one (1) facing each street. No such sign may exceed three (3) square feet in area, and no such sign may be illuminated.
 2. Additional "Garage Sale" or "Yard Sale" signs may be placed at street intersections leading to the subject house. All such signs shall be placed on private property after the consent and permission of the owner has been obtained, and no such sign shall be placed in public right-of-way.
 3. All such "Garage Sale" or "Yard Sale" signs may be displayed no more than one (1) day prior to the scheduled sale and must be removed immediately upon the conclusion of the sale.
- D. Subdivision or development identification signs shall be permitted subject to the following regulations:
1. For developing subdivisions, there may be no more than one (1) off premise sign directing vehicles to the subdivision from a major arterial road or street within the city. Such sign must not exceed twelve (12) square feet in area and no such sign may be illuminated. Signs shall be placed on private property after the consent and permission of the owner thereof has been obtained. Each such sign must be devoted solely to directing persons and traffic to the subdivision being developed.
 2. For subdivisions where a Preliminary Plat has been approved for ten (10) or more residential lots or dwelling units, there may be no more than one (1) permanent subdivision or development identification sign on each corner of

each entry street not exceeding fifty (50) square feet in size each. Said sign must be placed on private property outside the public right-of-way and must comply with all other standards contained in this Chapter.

3. Signs must be removed within fourteen (14) days after the last residential lot is sold.

17.610 SIGNS ACCESSORY TO BUSINESS, COMMERCIAL, OR INDUSTRIAL USES.

No sign accessory to any business, commercial, or industrial use shall be permitted, except in compliance with the following:

- A. Wall signs. Wall signs shall be permitted subject to the following regulations:
 1. Front wall signs are permitted on the front wall of any principal building. The total area of such sign or signs shall not exceed twenty five percent (25%) of the area of the front face (including doors and windows) of the principal building;
 2. Side wall signs shall not exceed more than ten percent (10%) of the side of the principal building, including doors and windows and shall not be painted directly on the side of any building;
 3. Rear wall signs shall be permitted on the rear wall of any principal building. The total area of such sign or signs shall not exceed twenty five percent (25%) of the area of the rear face (including doors and windows) of the principal building;
 4. Where a single principal building is devoted to two (2) or more business, commercial, or industrial uses, the operator of each such use may install a wall sign. The maximum area of each sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area, permitted for the front wall of the building;
 5. Wall signs shall not be projecting signs;
 6. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine (9) feet to the ground. In the event that a metal sign structure or accessory fixture herein described as grounded by the use of a grounding conductor run with the circuit conductors and said structure of fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory;
 7. Wall signs may be gaseous type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property; and
 8. Illuminated wall signs shall have shielded silhouette lighting or shielded spot lighting but shall not have any lighting where the light source itself is visible or exposed on the face or sides of the characters.
- B. Ground signs. No more than one (1) ground sign may be displayed on a single lot or parcel with a frontage up to two hundred (200) feet. Lots or parcels with

frontage between two hundred one (201) and five hundred (500) feet may have a total of two (2) ground signs. Lots or parcels with frontage between five hundred one (501) and one thousand (1,000) feet may have a total of three (3) ground signs. Lots or parcels with frontage over one thousand (1,000) feet may have a total of four (4) ground signs. All ground signs are subject to the following conditions:

1. All ground signs permitted by this section shall not project into the public right-of-way;
2. The total area of all ground signs shall not exceed one (1) square foot per foot of frontage, however the area of any ground sign shall not exceed one hundred sixty (160) square feet on either side;
3. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than forty eight (48) volts, whether or not these wires or conductors are insulated or otherwise protected;
4. The maximum height of the main body of any ground sign measured from the curb line or pavement edge shall not exceed the following limitations as applicable:
 - a. Twenty (20) feet in any B-1, district or when located within fifty (50) feet of any residential lot;
 - b. Twenty-five (25) feet in any B-2 and Industrial district; and
 - c. Thirty (30) feet in any Industrial district when adjacent to a four-lane divided roadway with a traffic speed limit posted at 45 mile per hour or greater.
5. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine (9) feet to ground. In the event that metal sign or structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors and this structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory.
6. Business parks, retail plazas, or shopping centers may consolidate individual ground signs and erect an enlarged commercial center sign, subject to the following regulations. The sign must prominently display a common name for the entire shopping center, plaza, or business park. No individual tenant, lot, or business shall have a panel or portion of the sign exceeding fifty (50) square feet on either side.
 - a. The sign may be placed on-premise or off-premise but shall be located no more than four hundred (400) feet from the advertised business park, retail plaza, or shopping center.
 - b. The business park, retail plaza, or shopping center must contain four (4) or more individual businesses or lots that share one or more common entrances and are located on a site no smaller than ten (10) acres in total land area.
 - c. The sign must be located in a B-1 and Industrial district.
 - d. The sign shall not exceed thirty-four (34) feet in height and two hundred sixty (260) square feet in sign area on either side. The sign

- must also comply with any and all sign standards in this Chapter, unless inconsistent with this section.
- e. The sign must be placed no less than ten (10) feet from any public right-of-way line, no less than three hundred (300) feet from any residential property, and no less than five hundred (500) feet from any other commercial center sign or billboard.
 - f. Each individual lot within a business park shall have or erect monument signs only. Sign size and quantity per lot shall be as permitted by this chapter; however, no monument sign shall exceed eight (8) feet in height and sixty (60) square feet in area on either side.
- C. Roof signs. Signs must be located wholly within the roof area of the structure and are permitted subject to the following conditions:
1. No roof sign shall be placed on the roof of any building in such manner as to prevent the free passage from one part of the roof to any other part thereof;
 2. Every roof sign, including the upright supports and braces, shall be constructed entirely of non-combustible materials. However, combustible structural trim may be used thereon;
 3. No roof sign shall have a surface exceeding twenty five percent (25%) of the roof surface, nor have its highest point extended more than eight (8) feet above the roof level;
 4. No sign shall be painted directly upon the roof of any building; and
 5. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors or supports.
- D. Awning or canopy signs. Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:
1. Lettering or letters shall not project above, below, or beyond the physical dimensions of the awning or canopy; and
 2. Lettering or letters shall not denote other than the name and address of the business conducted therein or a product or products produced or sold or service rendered therein.
- E. Commercial or industrial district. Nameplates indicating the name and corporate insignia of the building owner or occupant, address or product may be located on gates, gate posts, or gate houses; provided that in the case of multiple occupancy, one (1) name be utilized for identification purposes.
- F. Signs accessory to automobile service stations. The following signs accessory to automobile service stations are permitted, in addition to the signs permitted under this section:
1. Gasoline service stations shall be permitted one (1) exterior rate or price sign for each street frontage. The area of each such sign shall not exceed eight (8) square feet. Such signs shall not contain any advertising;
 2. Each gasoline service station shall be permitted to display a maximum of seven (7) signs or items of information; and
 3. Signs accessory to service stations must conform to all other provisions in this section.
- G. For sale signs. Temporary for sale signs shall not exceed twenty (20) square feet in area for lots or parcels less than five (5) acres in size. Temporary for sale signs shall not exceed fifty (50) square feet in area for lots or parcels greater than five (5) acres in size.

- H. Off-premise ground signs for funeral homes, nursing homes and governmental facilities. A funeral home, nursing home or facility of any unit of government may erect one (1) off-premise ground sign on another parcel located within four hundred (400) feet of its premises provided that such sign not exceed fifty (50) square feet in size on either side or a maximum height of twenty five (25) feet. Such off-premise ground sign shall count toward the total number, and the maximum square foot area, of ground sign(s) permitted on the parcel on which such off-premise sign is located.
- I. Projecting signs. No more than one (1) projecting sign per storefront may be constructed, provided, however, that such sign
 - 1. Is a minimum of ten (10) feet above ground level and does not extend above the parapet wall or roof line;
 - 2. Is one (1) square foot in area per linear foot of store frontage not to exceed twenty-four (24) square feet, and is not more than six (6) feet from the face of the building; and
 - 3. Does not extend into the public right-of-way except where a storefront meets the sidewalk. In such instance, the sign shall not extend past the curb line or into any vehicular area.
- J. Electronic message boards. No more than one (1) electronic message board per lot may be constructed, provided, however, that the message board:
 - 1. Is attached and subordinate to a permitted wall or ground sign;
 - 2. Does not exceed sixty (60) square feet in area and does not exceed forty (40) percent of the total area of the sign;
 - 3. Displays a copy for a minimum duration of three (3) seconds before any change in copy.
 - 4. Is not a flashing sign, does not display video or graphic animation, and does not utilize chasing, scintillating, or high intensity lighting.
 - 5. Does not display any advertising other than references to the business conducted on the premises. Civic announcements, congratulatory remarks, personal salutations, and the time, date, and/or temperature shall also be allowed.
 - 6. Is not located within one-hundred (100) feet of any residential zoning district.

17.620 SIGNS ACCESSORY TO PARKING AREAS.

Signs accessory to parking areas are permitted subject to the following regulations:

- A. One (1) sign may be erected to designate each entrance to or exit from a parking area. Each such sign shall be no more than two (2) square feet in area; and
- B. One (1) sign designating the conditions of use shall be permitted for each parking area. Each such sign shall be limited to a maximum area of nine (9) square feet. In parking areas where the parking spaces are reserved, each space may have a sign designating the parking restrictions limited to a maximum area of two (2) square feet.

17.630 SIGNS ACCESSORY TO CHURCHES, SCHOOLS, OR NONPROFIT INSTITUTIONS.

Signs accessory to churches, schools, or nonprofit institutions are permitted subject to the following regulations:

- A. In R-1, R-2, B-1 and B-2 zoning districts, there shall be not more than one (1) sign per lot, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No such sign shall exceed thirty two (32) square feet in area. Such signs shall be set back from the right of way line a distance at least one half (½) of the minimum setback specified in the district regulations.
- B. Sign permit fees shall be waived for any tax supported unit or district.

17.640 AGRICULTURAL DISTRICT SIGNS.

The following signs accessory to agricultural zoning districts are permitted subject to the following regulations:

- A. Nameplates not exceeding one (1) square foot in area on either side for each dwelling unit;
- B. Bulletin boards for churches and identifications signs for schools or other permitted uses, not exceeding fifty (50) square feet in area when located on the premises of agricultural zoning districts;
- C. Signs not exceeding fifty (50) square feet in area offering for sale, land, lots, houses, or livestock; and
- D. Home occupation signs in conformance with this chapter

17.650 BILLBOARDS.

- A. Billboards of the following three (3) types shall be allowed:
 - 1. Poster panels or bulletins normally mounted on a building wall, roof, or free-standing structure with advertising copy in the form of pasted paper;
 - 2. Multi-prism signs alternating advertising messages on one (1) displayed area; and
 - 3. Painted bulletins, where the advertiser's message is painted directly on a wall-mounted, roof, or free-standing display area.
- B. Billboards are prohibited in the city, except under the following conditions:
 - 1. No billboard will be permitted which advertises a business which is not located and presently being conducted on the premises on which the billboard is located, except as follows:
 - a. As may be permitted by applicable state and federal law, rules, and regulations along state and federal highways, or roads under the jurisdiction of the state or federal departments of transportation, and where the maximum permissible speed for vehicles traveling upon such highway or road is not less than fifty (50) miles per hour;
 - b. The maximum height above grade of such billboard shall not exceed thirty (30) feet;
 - c. The maximum surface area of such billboard shall not exceed six hundred seventy two (672) square feet;

- d. The lot, block, or parcel of real estate upon which said billboard is located must have an area of no less than twenty thousand (20,000) square feet, and must be zoned for commercial or industrial use;
- e. The location of said billboard shall be no less than twenty (20) feet from the property line of the lot upon which the billboard is located;
- f. Said billboard may not be located or placed within five hundred (500) feet from the nearest lot line of any residential zoned lot, block or parcel, or any lot, block or parcel use for residential purposes;
- g. Said billboard may not be located any closer than one thousand five hundred (1,500) feet from another such billboard whether on the same side of the highway or road; and
- h. Said billboard may not be located in such a place or in such a manner so as to block the view of drivers of vehicles approaching an intersection.

17.660 SIGNS ADVERTISING OR OFFERING FOR SALE OF ANY ALCOHOLIC LIQUOR

Regulating the display of signs advertising or offering for sale any alcoholic liquor on their premises or at any other location within the corporate limits of the City of Eureka. Signs for the advertising or offering for sale are permitted in B-1 Central Business District and B-2 General Retail Business District.

- A. The total area of all signs on the property advertising or offering for sale of any alcoholic liquor shall not exceed twenty-four (24) square feet.
- B. A wall sign shall not extend more than fifteen (15) inches from the building and shall not extend above the wall to which it is attached.
- C. Projecting signs are not allowed for advertising or offering for sale any alcoholic liquor.
- D. Freestanding signs are not allowed for advertising or offering for sale any alcoholic liquor.
- E. The Eureka Planning and Zoning Commission shall recommend to the Eureka City Council the illumination of signs advertising or offering for sale of alcoholic liquor and the manner in which the light may be directed. The illumination of signs shall only be allowed during the hours of the sale of alcoholic liquor on the premise.
- F. Signs advertising or offering for sale of any alcoholic liquor are prohibited from being placed on any property except that of the legally licensed building.

17.670 CASE BY CASE BASIS.

Signs not covered by the above provisions must be approved by the Planning Commission on a case by case basis.

17.680 NONCONFORMING SIGNS.

- A. Signs which do not conform to the provisions of this chapter as of the date of adoption of this Chapter by the Eureka city council.
- B. A nonconforming sign may not be:
 - 1. Changed to another nonconforming sign;

2. Structurally altered so as to prolong the life of the sign;
3. Expanded in size;
4. Reestablished after its removal for thirty (30) days;
5. Reestablished after damage or destruction if the estimated expenses of reconstruction exceeds fifty percent (50%) of appraised replacement cost at the time of the damage or destruction;
6. Routinely maintained where the costs of such repair or maintenance exceeds fifteen percent (15%) of the current replacement costs for any period of twelve (12) consecutive months. However, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any size or part thereof declared to be unsafe by the Building Inspector;
or
7. Continued following a change of business, for which the sign advertised.

17.690 VARIANCES

As described in this chapter may be permitted by the Planning and Zoning Commission in appropriate cases, subject to the legislative intent specified in the zoning code, and the standards established by that Code. In all cases the scope of authority which the Planning and Zoning Commission shall have to grant sign variances from the provisions of this chapter is limited to those as permitted by state statute.

In addition to any power herein granted to the Planning and Zoning Commission the corporate authorities reserve and retain the power to determine and vary by ordinance the application to the sign regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations. No such variance shall be made by the corporate authorities without a hearing before the Planning and Zoning Commission.

17.700 ENFORCEMENT; PENALTIES.

The City Administrator is authorized and directed to administer and enforce all the provisions of this chapter. Whenever necessary, the officials of other departments of the city shall give such assistance as is consistent with the usual duties of their respective departments;

- A. Upon presentation of proper credentials, the Building Inspector, City Administrator or his duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him by this chapter.
- B. Whenever it shall appear to the Building Inspector that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this chapter; or after a permit for a sign has been revoked or becomes void; or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the City Administrator shall issue a notice in writing to the owner or lessee of the sign or owner of the premises upon which the sign is erected or maintained. The notice shall inform this person of the violation and shall direct him to make such alteration, repair, or removal as is necessary to secure compliance with this chapter, within a reasonable period of time, which reasonable period of time shall be as follows:

1. If a sign is erected without first obtaining the necessary permit, then a reasonable period of time within which to apply for the necessary permit shall be twenty four (24) hours from and after the receipt of the notice;
 2. Where a sign has been constructed or erected or is being maintained in violation of any of the terms of this chapter, then a reasonable period of time within which to abate the violation shall be fourteen (14) days from and after the receipt of the notice; and
 3. Where a sign is unsafe or in such a condition as to be a menace to the safety of the public, then a reasonable period of time within which to abate the violation shall be fourteen (14) days from and after the receipt of the notice.
- D. Upon failure of the sign owner to comply with the terms of the notice of violation, the Administrator is authorized and empowered to have removed, alter, or repair the sign in question so as to make it conform with this chapter and charge the expenses for such work to the person named in the notice;
 - E. Except as otherwise provided, the Building Inspector may remove or cause to be removed a sign immediately and without notice if, in his opinion the condition of the sign is such as to present an immediate threat to the safety of the public;
 - F. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which the sign advertises no longer is conducted on the premises. If the owner or lessee fails to remove the sign, the Building Inspector shall notify the owner or lessee in writing, and allow thirty (30) days for removal of such sign. Upon failure of the owner or lessee to comply with the notice, the Administrator may remove the sign at cost and expense to the owner or lessee;
 - G. Signs may be inspected periodically by the Building Inspector for compliance with this chapter, and with other ordinances of the city. All signs and their component parts are to be kept in good repair, and in safe condition.
 - H. Any person, firm or corporation which violates any of the provisions of this chapter shall be fined fifty dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues; and
 - I. In addition to the other remedies and penalties provided in this chapter, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, or for damages against any person, firm, or corporation violating the provisions of this chapter.

Supplementary Regulations

17.710	Areas
17.720	Yards
17.730	Off-street parking
17.740	Height
17.745	Nonconforming uses
17.746	Building Design Guidelines

SUPPLEMENTARY REGULATIONS

§ 17.710 AREAS.

- A. Reduced lot area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which the lot is located. Whenever such reduction in lot area occurs, any building located on this lot shall not thereafter be used until the building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.
- B. Dwelling on small lots. Notwithstanding the limitations imposed by any other provisions of this chapter, the Zoning and Planning Commission shall permit erection of a single-family dwelling in a district permitting such use on a lot, separately owned or under contract of sale and containing, on or before January 1, 1988, an area or a width smaller than that required for a single-family dwelling, but complying with all other requirements for dwellings; and provided that adjacent lots in common ownership shall be combined to equal or approach the standard minimum size requirements.
- C. Visibility at intersections. On a corner in any residence district no fence, wall, hedge earth terraces, parking facilities, or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed, or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty (20) feet distant from the point of intersecting lot line.

§ 17.720 YARDS.

- A. Terraces; a terrace shall not be considered as a part of the structure in determining the lot area if such terrace is unroofed.
- B. Projecting architectural features shall not encroach upon required yards.
- C. Projecting architectural features of business properties; all overhanging awnings and similar structures must be at least eight (8) feet six (6) inches above the sidewalk at any point, and overhanging signs, canopies, marquees, and similar structures must be a minimum of eight (8) feet six (6) inches above the sidewalk at any point. Such structures cannot project closer than one (1) foot to any driveway.
- D. Fire escapes; open fire escapes should not extend into any required yard. Fire escapes may not extend more than four (4) feet six (6) inches.
- E. Location of accessory buildings; any accessory building or building overhang shall not extend any closer than two and one-half (2 1/2) feet from any side and/or rear lot lines and cannot be placed on a recorded easement.
- F. Mechanical equipment, included but not limited to outdoor; heating and cooling equipment, generators, refuse compactors, and other noise-producing equipment ancillary to any non-residential use must be located no more than five (5) feet from the principal structure. Such equipment must not be placed within any required yard or setback, or within ten (10) feet of the property line whichever is greater and must also meet screening requirements as applicable in this Chapter. No structure or any part of the structure shall encroach on the two and one-half (2.5) foot setback for side or rears yards.

§ 17.730 OFF-STREET PARKING.

- A. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. EMPLOYEE or NUMBER OF EMPLOYEES. The greatest number of persons to be employed in the building in question during any season of the year at any time of the day or night.
 2. OFF-STREET PARKING SPACE. A space of one hundred eighty (180) square feet of appropriate dimensions for the parking of an automobile, exclusive of the access drives or aisles thereto.
 - a. All off street parking for property zoned as industrial, commercial, residential or agriculture shall allow adequate turning radius for a parking space or structure used to park cars, so that the entire turning radius for egress or ingress into any parking space or structure is maintained on the lot or property upon which the parking is provided. A minimum of nineteen (19) feet shall be provided.
 3. SEATING. The seating capacity of a particular building as determined by the specifications and plans filed with the City Planning and Zoning Commission; in the event individual seats are not provided, each twenty four (24) inches of benches or similar seating accommodations shall be considered as one (1) seat for the purposes of this section.
 4. DRIVEWAY. The area of any residential property designed for vehicular ingress and egress to and from the property including any such area as shall have been prepared for the parking of vehicles. Such portion of the driveway situated in the front yard shall not exceed the width of the garage plus twelve (12) feet. In the event the dwelling has no garage, the maximum width of a driveway in the front yard shall be twenty four (24) feet. The above notwithstanding, in no event shall a driveway in the front yard be wider than twenty four (24) feet nor may the width be more than forty percent (40%) of the frontage width at the setback line, whichever is less.
 - a. No driveway curb cut of a single family residential property shall be wider than twenty-four feet.
 - b. No driveway curb cut for a multi-family residential property shall be allowed more than two curb cuts for driveway access and each curb cut shall not exceed twenty-four (24) feet. The total combined curb cut for a multi-family residential property shall not exceed twenty-four (24) feet.
 5. VEHICLE. For purposes of this ordinance, the term "vehicle" shall mean all motor vehicles and trailers, including, but not limited to, automobiles, trucks, travel trailers, campers, motor homes, tent trailers, boats, boat trailers, snowmobiles, snowmobile trailers, and camping trailers. No such vehicle or vehicles shall be parked outside a garage on more than ten percent (10%) of the area of the lot on which the dwelling is located, measured from the front line of the dwelling rearward, and including the area of the lot on which the dwelling is located.
- B. Off street parking required.
1. In the use of land for residential, commercial, industrial, or any other purposes, no residential, commercial, industrial, or any other building or

structure shall be erected without the required off-street parking. No major repairs can be made to an existing residential, commercial, industrial, or any other building or structure, unless there are in existence upon the lot the required minimum parking spaces and additional room for required parking spaces as defined in this chapter. Unless provision is made for the location on the lot, concurrently with the erection or major repairs, off-street parking space on the basis of the following minimum requirements:

- a. Dwellings. A one-family dwelling shall have at least two (2) off-street parking spaces. A two-family dwelling shall have at least four (4) off-street parking spaces. A dwelling occupied by three (3) or more families shall have two (2) parking spaces per family.
- b. Hotels, including clubs, lodging houses, tourist homes and cabins, motels, trailer courts, camps in parks, boarding and rooming houses, dormitories, sororities, fraternities, and all other similar places offering overnight accommodations shall have at least one (1) off-street parking space for each one (1) guest room.
- c. Hospitals, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirmed, and all other similar institutions shall have at least one (1) off-street parking space for each four (4) patient beds, plus at least one (1) additional off-street parking space for each staff and visiting doctor, plus at least one (1) additional off street parking space for each three (3) employees, including nurses.
- d. Restaurants, including bars, taverns, night clubs, lunch counters, diners, and all other similar dining or drinking establishments shall have at least one (1) off-street parking space for each four (4) seats provided for patrons' use.
- e. Theaters, including motion picture houses shall have at least one (1) off-street parking space for each six (6) seats provided for patrons' use.
- f. Places of public assembly, including private clubs, lodges, and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, funeral homes, mortuaries, community center, libraries, museums, and all other similar places of relatively infrequent public assembly shall have at least one (1) off-street parking space for each four (4) seats provided for patrons use, or for each four (4) persons in average attendance when seats are not provided for all patrons.
- g. Auditoriums shall have at least one (1) off-street parking space for each four (4) seats provided for patrons' use.
- h. Churches shall have at least one (1) off street parking space for each eight (8) fixed seats in the main worship hall of the church.
- i. Schools shall have, for grade and junior high schools, at least one parking space for each twenty (20) students of design capacity; and for high schools, at least one (1) parking space for each seven (7) students of design capacity.

- j. Wholesale, manufacturing, and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractors equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing, and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits shall have at least one (1) off street parking space per two (2) employees plus one (1) space per company vehicle.
 - k. Retail establishments, including personal service shops, equipment or repair shops, gasoline or other motor fuel stations, motor vehicle sales or repair establishments, all retail stores and businesses, and banks or other financial and lending institutions shall have at least one (1) off-street parking space for each four hundred (400) square feet of gross floor area.
2. Office building, including commercial, governmental and professional buildings, and medical and dental clinics shall have at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area.
- a. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundries, dry-cleaning establishments, or other buildings where large amounts of goods are received or shipped, erected in any district, there shall be provided loading and unloading space as follows:
 - i. Building of ten thousand (10,000) square feet of floor area shall have one (1) off-street loading space plus one (1) additional off-street loading and unloading space for each additional fourteen (14,000) square feet of area.
 - ii. Each loading space shall be not less than fourteen (14) feet in width and fifty (50) feet in length.

- b. Where parking is provided, handicap accessible parking spaces shall be provided in compliance with the following table, except as required by Sections 1106.2 through 1106.4 of the International Building Code. The number of accessible parking spaces shall be determined based on the total number of parking spaces provided for the facility.
- i. Exception: This section does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER HANDICAP ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus one for each 100 over 1,000

- ii. Hospital outpatient facilities ó Ten (10%) percent of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.
 - iii. Rehabilitation facilities and outpatient physical therapy facilities. Twenty (20%) percent, but not less than one, of the portion of patient and visitor parking spaces serving rehabilitation facilities and outpatient physical therapy facilities shall be accessible.
3. In case of a use not specifically mentioned, the requirements for off-street parking or off-street loading for a use which is so mentioned and to which said use is similar, shall apply.
 4. The off-street parking facilities required for the uses mentioned in this section, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, but in case of nonresidential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred (300) feet of the premises to which they are appurtenant.

5. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the period of usage of such structures will not be simultaneous with each other.
6. In case of mixed uses, the total requirement for off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in this chapter, and the off-street loading space for one (1) use shall not be considered as providing the required off-street loading space for any other use.
7. Nothing in this section shall be construed to prevent the joint use of off-street parking or off-street loading for two (2) or more buildings or use, and the total of such spaces when used together shall not be less than the sum of the requirement of the various individual uses computed separately in accordance with this chapter.
8. All off-street parking facilities required pursuant to the provisions of this section shall be surfaced with asphalt, concrete, bituminous cement binder pavement, or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residence buildings, residence zones, or streets.
9. No certificate of occupancy will be issued upon completion of any building or repair operations unless and until all off-street parking requirements shown upon the plans, or made a part of the building permit, shall be in place and ready for use.
10. Off street parking of vehicles shall not be allowed in the front yards in residential districts upon any unimproved surface. As used in this section, the term "unimproved surface" includes, but is not limited to, grass and dirt surfaces.
11. Off-street parking of vehicles in residential districts shall be allowed under the following provisions when not in conflict with paragraph (C) above:
 - a. Parking is prohibited in the front yard beyond the front line extended of the dwelling unit unless upon a driveway and provided that the vehicle at no time is parked within the public right-of-way or within the site triangle; the site triangle being the imaginary triangular area formed by the intersecting lot lines nearest the street or alley intersection, and a straight line adjoining said lot lines at points which are twenty (20) feet from the point of intersecting lot lines.
 - b. Vehicles may be parked in garages, sheds, or driveways, and in side and rear yards, subject to the other provisions specifically stated in this ordinance. However, no abandoned or inoperative vehicles as defined in the Eureka Municipal Code Book may be parked anywhere on a property except in enclosed garages or sheds.
 - c. Setbacks for the parking of vehicles outside a garage for more than thirty (30) consecutive days shall meet the following standards:

- i. Front Yard: five (5) feet from the dwelling side of a sidewalk used by the public, or if there is no such sidewalk, then ten (10) feet from the street pavement. The above notwithstanding, no vehicle shall be parked on a driveway within the public right-of-way. For purposes of this paragraph only, corner lots shall be deemed to have only one (1) front yard; that front yard being the one located adjacent to the street for which the property is addressed, subject to the other provisions specifically stated in this ordinance.
 - ii. Side Yard: five (5) feet; except that the five (5) foot setback requirement shall not apply where there is no building on an adjoining lot within ten (10) feet of the vehicle.
 - iii. Rear Yard: Zero (0) feet, subject to the other provisions specifically stated in this ordinance.
12. Individual subdivision covenants which are more restrictive than the provisions of paragraph (D) above will continue to be enforceable by private action according to their terms.
 13. All off street parking for property zoned as industrial, commercial, residential or agriculture shall allow adequate turning radius for a parking space or structure used to park cars, so that the entire turning radius for egress or ingress into any parking space or structure to be used to park cars is maintained on the lot or property upon which the parking is provided.
 14. Penalty. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the off-street parking provisions of this Chapter shall correct the condition or violation within seven (7) days of the mailing by the City of a written notice to the occupant of the dwelling. If such occupant fails after receiving the seven (7) day notice to correct the violation:
 - a. The City may make application to the Circuit Court for an injunction or other injunctive relief requiring conformance with the provisions in this Chapter or obtain such other order as the Court deems necessary to secure compliance with the off-street parking provisions.
 - b. Any person who violates the off-street parking provisions shall be fined fifty dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 17.740 HEIGHT.

No building shall be erected, reconstructed, relocated, or structurally altered so as to have a greater height than permissible under the limitations set forth herein for the district within which such building is located, except that antennae, satellite dishes, parapet walls, chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, silos, spires, steeples, stacks, stage towers or scenery lifts, water towers, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other rules and regulations of the City.

§ 17.745 NONCONFORMING USES.

- A. The lawful use of any building or structure existing on or before January 1988 may be continued, although such use does not conform with the provisions of this chapter.
- B. A nonconforming use shall not be extended, but the extensions of a lawful use to any portion of the building designed for a nonconforming use which existed prior to January 1988, shall not be deemed the extension of such nonconforming use. Any such valid extension must meet the lot area, side yard, front yard, and rear yard requirements provided for that district in which the nonconforming building is located. A nonconforming use of land shall not be extended, or moved to another area of the plot, or increased in intensity of use.
- C. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the current fair value of the building unless said building is changed to a conforming use. A building designed for a nonconforming use, however, may be reconstructed or altered beyond the limitations herein provided by the action of the Eureka Planning and Zoning Commission, after public hearing as required by law in case of variances. The limitations herein provided shall not prohibit the restoration to a safe condition of any structure or portion thereof declared unsafe by a proper authority.
- D. If a nonconforming use has ceased for any period of time, it shall not be reestablished unless the nonconforming use was in a building designed, arranged, and intended for such use.
- E. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.
- F. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

§ 17.748 BUILDING DESIGN GUIDELINES

Purpose. The Planning and Zoning Commission finds that it is in the best interest of the health, safety, and general welfare of the residents and visitors of the City that minimum building design standards be established for new building construction within the City. It is the specific intent of the City to:

1. Minimize adverse impacts of new development upon adjoining properties and existing land uses;
2. Encourage a basic level of architectural variety and quality; and
3. Conserve and enhance the built environment and visual appeal of the community.
4. Applicability. Building design standards shall be required in all City zoning districts as follows:
 - a. At the time of placement, construction, or expansion of any principal building.
 - b. At the time of placement, construction, or expansion of any accessory building that will exceed four hundred (400) square feet in total area on one or more floors.

- A. Non-residential developments. All non-residential developments, including but not limited to business, commercial, industrial, manufacturing, or institutional uses, shall require a minimum thirty-five (35) percent brick, stone, stucco, or other decorative masonry on any portion of a building exterior that includes a public entrance or fronts a public street.
- B. Exterior doors and windows shall be excluded from the calculation of applicable surface area.
- C. Acceptable decorative masonry shall include split faced block, fluted block, glazed block, ceramic, simulated stucco, simulated brick, simulated stone, or other decorative concrete masonry units. Simulated panelized sheathing and smooth face concrete block, painted or unpainted, shall not be considered decorative masonry.
- D. Other decorative materials appropriate for the business or institutional applications that achieve the above-stated purposes may be acceptable upon review and approval by the Planning and Zoning Commission.
- E. Large-scale commercial developments. All developments within any B-1, B-2, zoning district containing 60,000 or more total square feet on one or more floors shall comply with the following minimum design and construction standards:
 - 1. A minimum ninety (90) percent brick, stone, stucco, or other decorative masonry is required on any portion of a building exterior that includes a public entrance or fronts a public street. A minimum thirty-five (35) percent brick, stone, stucco, or other decorative masonry is required on all remaining sides of the building.
 - 2. Exterior doors and windows shall be excluded from the calculation of applicable surface area.
 - 3. Acceptable decorative masonry shall include split faced block, fluted block, glazed block, ceramic, simulated stucco, simulated brick, simulated stone, or other decorative concrete masonry units. Simulated panelized sheathing and smooth face concrete block, painted or unpainted, shall not be considered decorative masonry.
 - 4. Other decorative materials appropriate for the business or institutional application that achieve the above-stated purposes may be acceptable upon review and approval by the Planning and Zoning Commission.
 - 5. Any building or portion of a building exterior that includes a public entrance or fronts a public street shall not exceed one-hundred (100) lineal feet in wall length without providing architectural relief in the facade. Architectural relief shall consist of using arcades, cornices, eaves, gables, focal points, or other offsets in elevation. This requirement may be modified upon review and approval the Planning and Zoning Commission if a substantial portion of the wall length is blocked from view.
- F. With the Construction of any new residence for which a building permit is sought a yard light which shall operate automatically from sunset to sunrise and be located in the front yard ten (10) feet from the front lot line and within three (3) feet of the driveway. All wiring for any yard light shall be buried under ground a minimum depth of twenty-four (24) inches in accordance with the National Electrical Code.
- G. Prohibited buildings. The placement and outdoor use of garbage receptacles, shipping containers or freight storage units (including but not limited to Sea-Land containers, railroad car bodies, trailers, truck and bus beds, etc.) for purposes other than the original manufactured intent is prohibited in all zoning districts unless one or more of the following exceptions are met:

1. The container or unit is used in a manner consistent with the original manufactured intent and is otherwise permitted by this Chapter.
2. The container or unit is a component of an approved special use.
3. The container or unit will be used for temporary, supplemental storage of goods or materials for no more than ninety (90) days in a calendar year.
4. The container or unit will be used for temporary storage or disposal of materials associated with construction or remodeling of a principal building. In such instance, the container shall be removed upon project completion and within a one (1) year period.

Special Flood AREA Regulations

- 17.750 Purpose
- 17.760 Definitions
- 17.770 Base flood elevation Variances
- 17.780 Disclaimer of liability
- 17.790 Duties of the Building Official
- 17.800 Penalty

SPECIAL FLOOD HAZARD AREA REGULATIONS

§17.750 PURPOSE

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

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

§17.760 DEFINITIONS

For the purpose of this chapter, the following definitions are adopted:

BASE FLOOD. The flood having a one percent (1%) probability being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood. The base flood elevation at any location is as defined in §17.770 of this chapter.

BFE or BASE FLOOD ELEVATION. The elevation in relation to mean sea level of the crest of the base flood.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY. Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

DEVELOPMENT. (1) Any man-made change to real estate, including, but not necessarily limited to: (a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building; (b) Substantial improvement of an existing building; (c) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year; (d) Installing utilities, construction of roads, bridges, culverts or similar projects; (e) Construction or erection of levees, dams, walls, or fences; (f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; (g) Storage of materials including the placement of gas and liquid storage tanks; and (h) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. (2) Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

FEMA. Federal Emergency Management Agency.

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

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOODPLAIN and SPECIAL FLOOD HAZARD AREA (SFHA). These words are synonymous. Those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the waterways as identified on the community floodplain may be generally identified as such on the Flood Insurance Rate Map of the city prepared by the Federal Emergency Management Agency and dated as of the date of the floodplain map. The floodplains of those parts of unincorporated city that are within the extraterritorial jurisdiction of the city or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated as of the date of the floodplain map. Floodplain also includes those areas of known flooding as identified by the community.

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

FLOODPROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the city shall be according to the best data available from Federal, State or other sources.

FPE or FLOOD PROTECTION ELEVATION. The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

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

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP. National Flood Insurance Program.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the costs of repairs at the time of each such flood event on the average equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

SFHA or SPECIAL FLOOD HAZARD AREA. See definition of floodplain.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its original condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started. Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

TRAVEL TRAILER or RECREATIONAL VEHICLE. A vehicle which is built on a single chassis; four-hundred (400) square feet or less in size; designed to be self-propelled or permanently towable by a light duty truck; and designated primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

§ 17.770 BASE FLOOD ELEVATION VARIANCES

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit this to the Planning and Zoning Commission for review.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to the granting of a variance as it deems necessary to further the intent of this chapter.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 1. The development activity cannot be located outside the floodplain;
 2. An exceptional hardship would result if the variance were not granted;
 3. The relief requested is the minimum necessary;
 4. There will be no additional threat to public health or safety or creation of a nuisance;
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
 7. All other required state and federal permits have been obtained.
- B. The Planning and Zoning Commission shall notify an applicant in writing that a variance from the requirements under this Chapter.
 1. Result in increased premium rates for flood insurance; and
 2. Increase the risks to life and property; and
 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

§ 17.780 DISCLAIMER OF LIABILITY

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

§ 17.790 DUTIES OF THE BUILDING OFFICIAL

- A. The Building Official shall be responsible for the general administration and enforcement of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter.
- B. Perform site inspections and make substantial damage determinations for structures within the floodplain.
- C. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

§ 17.800 PENALTY

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this subsection. Upon due investigation, the Building Official may determine that a violation of the minimum standards of this subsection exists. The Building Official shall notify the owner in writing of such violation.

- A. If the owner fails after ten (10) days notice to correct the violation:
 - 1. The city shall make application to the circuit court for an injunction requiring conformance with this subsection or make such other order as the court deems necessary to secure compliance with the subsection;
 - 2. Any person who violates this subsection shall upon conviction thereof be fined not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and
 - 3. A separate offense shall be deemed committed upon each day during on or which a violation occurs or continues.
 - 4. The city shall record a notice of violation on the title of the property.
- B. The Building Official shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- C. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SATELLITE DISH ANTENNAS

- 17.810 Conformance with regulations
- 17.820 Definitions
- 17.830 Location of satellite antenna
- 17.840 Antenna size

SATELLITE DISH ANTENNAS

§ 17.810 CONFORMANCE WITH REGULATIONS.

No satellite television antenna shall be erected, constructed, maintained, or operated except in conformance with the following regulations of this chapter.

§ 17.820 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SATELLITE TELEVISION ANTENNA. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

USABLE SATELLITE SIGNAL. A satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television. To be considered usable, quality referred to above need only be present if fifty percent (50%) of the channels available for satellite reception at optimum locations within the city.

§ 17.830 LOCATION OF SATELLITE ANTENNA

- A. In any commercial, industrial, or multi-family residential zone, such antenna may be located anywhere on the lot or buildings thereon.
- B. In a noncommercial or single-family zone, subject to the provisions contained in this chapter, such antenna shall be located only in the rear yard of any lot.
 1. If a usable satellite signal cannot be obtained from such rear yard, such antenna may be located on the side or front yard of the property, provided that a permit is obtained prior to such installation from the City of Eureka. Such permit shall be issued upon the showing by the applicant that a usable satellite signal is not obtainable from the rear yard of the property; and that the construction and erection otherwise comply with city requirements.
 2. In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side, or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that a permit is obtained prior to such installation from the City of Eureka. Such permit shall be issued upon a showing by the applicant that a satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise comply with the city requirements.

§ 17.840 ANTENNA SIZE.

- A. Subject to § 17.830 (B), in a noncommercial or single-family zone, such antenna shall not exceed twenty (20) feet in height, including any platform or structure upon which said antenna is mounted or affixed. Such antenna may not exceed seventeen (17) feet in diameter in a noncommercial or single-family zone.

- B. Except in a commercial, industrial, or multi-family residential zone, satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.
- C. Not more than any one (1) satellite television antenna shall be allowed on any lot zoned residential or country estates and (1) satellite television antenna for local channels.
- D. All antennas and the construction and installation thereof shall conform to applicable city code regulations and requirements.
- E. Antennas shall meet all manufacturer's specifications, be of noncombustible and corrosive resistant material, and be erected in a secure, wind-resistant manner.
- F. Every antenna must be adequately grounded for protection against a direct strike of lightning.

Amateur Radio/Citizens Radio Antenna

17.850	Amateur radio/citizens radio antennae; definitions
17.860	Permit required
17.870	Application
17.880	Height limitation
17.890	Construction requirements and restrictions
17.900	Exemptions
17.910	Inspection
17.920	Penalty

AMATEUR RADIO/CITIZENS RADIO ANTENNA

§ 17.850 AMATEUR RADIO/CITIZENS RADIO ANTENNA; DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Code of Chapter 17 concerning amateur radio/citizens radio antenna.

- A. ANTENNA shall mean the arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.
- B. ANTENNA SUPPORT STRUCTURE shall mean any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennae for the purpose of transmission or reception of electromagnetic waves by federally licensed amateur radio or citizens band radio operators.
- C. ANTENNA HEIGHT shall mean the overall vertical height above grade of the antenna support structure and antenna.

§ 17.860 PERMIT REQUIRED.

It shall be unlawful for any person to install, construct or increase the height of any antenna support structure without first obtaining a building permit, except that no permit shall be required if the height of the antenna support structure (excluding the height of any building to which the antenna support structure is attached) is less than twelve (12) feet.

§ 17.870 APPLICATION.

Applications for a building permit required in § 17.860 shall be made upon such forms requested by the city and shall have attached thereto the following items:

- A. A location plan for the antenna support structure.
- B. Manufacturer's specifications for the antenna support structure and details of footings, guys and braces.
- C. A copy of the applicant's homeowner or renter's insurance policy.
- D. A copy of a valid amateur radio operator's license in the name of the owner or occupant of the property for which the permit is being requested, except in the instance of a citizens radio antenna, where no license is required.
- E. A permit fee of fifteen dollars (\$15.00).

§ 17.880 HEIGHT LIMITATION.

Amateur radio antennae and citizens radio antennae heights shall be restricted to the following:

- A. Amateur radio antenna height:
 - 1. Freestanding antenna support structure ó seventy five (75) feet above grade; and
 - 2. Antenna support structure attached to a building ó thirty (30) feet above the height of the building to which it is attached, not to exceed seventy five (75) feet above grade.

B. Citizens radio antenna height:

1. Freestanding antenna support structure ó sixty (60) feet above grade; and
2. Antenna support structure attached to a building ó twenty (20) feet above the height of the building to which it is attached, not to exceed sixty (60) feet above grade.

§ 17.890 CONSTRUCTION REQUIREMENTS AND RESTRICTIONS.

- A. Antenna support structures shall be designed and constructed in conformance with Section 621 of the latest addition of the International Building Code, for freestanding antenna support structures and Section 622 of the latest addition of the International Building Code, for antenna support structures attached to a building, except for those provisions in the latest addition of the International National Building Code, which conflict with this section, where this section shall prevail.
- B. Electrical requirements. All antenna support structures, whether ground or roof mounted, shall be grounded to adequately protect against a direct strike of lightning. In all instances, construction shall follow the manufacturer's requirements for grounding.
- C. No antenna shall protrude in any manner upon the adjoining property; and no antenna shall protrude upon the public right-a-way.
- D. Ground mounted antenna support structures may be erected only in a rear or side yard and must maintain a setback of five (5) feet from the rear and side property lines.

§ 17.900 EXEMPTIONS.

This ordinance shall not affect any existing antenna support structure, utilized by federally licensed amateur radio or federally authorized citizens band radio service stations, which has been constructed and which is in place prior to the date of the passage of this ordinance; provided, however, that such antenna support structures must comply with the grounding requirements of § 17.890; and further provided that owners of existing antenna support structures submit to the City of Eureka, within ninety (90) days of the date of this ordinance, the documentation required by § 17.870, less the required fee.

§ 17.910 INSPECTION.

The building inspector is hereby empowered to inspect or re-inspect any antenna installation for violation of this Code and, if such installation is found in violation, shall notify the person owning or operating such antenna and shall require the correction of the condition within forty eight (48) hours.

§ 17.920 PENALTY.

Failure to correct a violation within the time specified in § 17.910 shall subject the violator to the penalties provided in § 17.1430 of this code.

Board of Appeals

17.930 Organization

17.940 Appeals

17.950 Jurisdiction; granting of
variances

17.960 Appeals to court

BOARD OF APPEALS

§ 17.930 ORGANIZATION.

A Board of Appeals is hereby established in accordance with the provisions of the statute applicable thereto. The Board of Appeals shall be comprised of two members of the Planning and Zoning Commission and three members of the City Council as appointed by the Mayor. The members shall serve for four years from appointment. Meetings of the Board shall be held at such time and place within the municipality as the Board may be required or determined. Special meetings may be held at the call of the chairperson or as determined by the Board. Such chairperson, or in his absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with the statute or this chapter.

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality. Such appeal shall be taken within twenty (20) days from the date of the action appealed from, by filing with the City Administrator and Board of Appeals a notice of appeal, specifying the grounds thereof. The City Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the City Administrator certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the use, requirement, decision, or determination as, in its opinion, ought to be made in the premises.

§ 17.940 JURISDICTION; GRANTING OF VARIANCES.

Variance Application -

The Zoning Board of Appeals shall hear and decide appeals from any order, requirements, decision, or determination made by the Planning Commission. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken. When a property owner shows that a strict application of the terms of this chapter relating to the use, construction, or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may, in the following instances only, make such variations of the strict application of terms of this chapter as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variance:

- A. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- B. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
- C. To make a variance, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this chapter.
- D. To interpret the provisions of this chapter where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
- E. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
- F. To permit a building to be erected, reconstructed, altered, or enlarged so that the building lines would extend beyond the distance specific in this chapter into side yards or into front yards; provided that such variance may not be granted:
 - 1. Unless there is a building in the block that extends beyond the distance from the front street line specified in this chapter, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building;
 - 2. Unless the lot is irregular in shape, topography, or size; or
 - 3. Unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography, or size.
- G. To permit in any district such modifications of the requirements of the regulations of this chapter as the Board may deem necessary to secure all appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to the regulations of the district.
- H. Nothing herein contained shall be construed to give or grant the Board the power or authority to alter or change the zoning code or the district map; such power and authority being reserved to the City Council. The Board of Appeals may impose such conditions and restrictions upon the use of premises benefited by a variance, except in a specific case, after an application for a permit has been made to the City of Eureka and after duly advertised public hearing held by the Board as prescribed by statute. The notice of hearing shall contain the address or location of the property for which the variance or other ruling by the Board is sought as well as a brief description of the nature of the appeal. In order to partially defray the expenses of the public hearings involving variances, the applicant shall pay the

sum of \$100 to the City Clerk at the time of the filing of the appeal for the variance.

- I. The city also reserves the right to itself to grant variations as to the terms of this chapter as set forth in § 17.1000.

§ 17.960 APPEALS TO COURT.

All final administrative decisions of the Board of Appeals rendered under the terms of this chapter shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

Administration; Enforcement

17.970 Building Inspector

17.980 Permits

17.990 Certificates of occupancy

17.1000 Amendments

17.1010 Violations; remedies and
appropriate actions

ADMINISTRATION; ENFORCEMENT'

§ 17.970 BUILDING INSPECTOR.

This chapter shall be enforced by the City Building Inspector who shall be appointed by the Mayor and hold a one year contract with the City with the consent of the City Council. No building permit or certificate of occupancy shall be issued by him except where the provisions of this chapter shall have been complied with.

§ 17.980 PERMITS.

Except for any agricultural use, it shall be unlawful to establish any use of a building, structure, or land, either by itself or in addition to another use, or to erect a new building or structure, or part thereof, or to rebuild, structurally alter, add to, or relocate any building or structure, or part thereof, without obtaining a permit from the City in accordance with the following regulations:

A. Building permits:

1. Application for permits shall be filed in written form with the City of Eureka, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated value of the completed improvement, and shall describe the uses to be established or expanded, and shall give such information as may be required by this chapter for its proper enforcement.
2. All applications for a building permit shall be accompanied by a dimensioned drawing of the lot or parcel of land, which dimensioned drawing shall show the location of all improvements, existing and planned, including but not limited to buildings, patios, decks, automobile parking areas and driveways, fences and pools and any and all perimeter landscaping and/or screening required. For those lots which are part of a subdivision for which a Storm Water Drainage Plan has been approved pursuant to the subdivision code, all applications for building permits shall be accompanied by a dimensioned drawing of the lot or parcel of land showing the location of all improvements, as previously described hereinabove, and showing conformance with the applicable Storm Water Drainage Plan for the subdivision. For commercial and industrial developments, all applications for building permits must comply in all respects to the storm water control provisions of the Subdivision Code, including limitation, and, as amended from time to time. Residential developments not a part of a subdivision for which a storm water drainage plan has been approved is not required to meet this requirement.
3. Each permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued until completion of construction or occupancy.

4. Any work or change in use authorized by permit but not substantially started within ninety (90) days shall require a new permit. Once work has begun, such work not completed within one (1) year shall require a new permit. A permit shall be revoked by the Building Inspector when he shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.
5. All applications and a copy of all permits issued shall be systematically filed and kept by the City of Eureka.
6. Fees. To partially defray expenses of administering the chapter a fee where required shall be charged for each permit and collected by the City of Eureka who shall account for the same to the municipality. A filing fee of twenty-five (\$25.00) shall be charged for each permit, plus an additional two dollars and fifty cents (\$2.50) per one thousand dollars (\$1,000.00) of construction value. With exception to permits issued for pools, fences, and storage sheds under two-hundred (200) square feet, the above fee shall be no less than twenty-five (\$25.00). If construction commences without a valid building permit, the above fee shall be doubled. There shall be no refund of any permit fees paid hereunder. The above fee shall not be required to be paid by any tax supported unit or district. Construction value for all new building construction shall be calculated using the most recent edition of the R. S. Means Square Foot Costs.
7. A permit shall be required for interior alterations and improvements on existing structures other than one and two-family dwellings when a change of use to a more hazardous use occurs. The degree to which a use is deemed more hazardous shall be determined by its classification in the City's most recently adopted version of the International Building Code. No permit shall be required for maintenance and interior alterations and improvements on existing one and two-family dwellings.
8. The finished site elevations shall allow for the habitable improvements constructed on the site to:
 - a. Have a finished grade with a slope of two percent (2%) away from the foundation; and
 - b. The finished floor, excluding subterranean floors, to have a minimum height of one (1) foot above the elevation of drainage ways upon or adjoining the property upon which the habitable improvement is located.

§ 17.990 CERTIFICATES OF OCCUPANCY.

- A. No land shall be occupied or used and no building hereafter erected, structurally altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector.
- B. All certificates of occupancy shall be applied for coincident with the application for building permit, and said certificate shall be issued within three (3) days after the construction shall have been approved. Approved public utilities must be connected to any residence and in use, prior to the issuance of an occupancy permit.

- C. Certificates of occupancy for the use of vacant land shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this chapter.
- D. The City of Eureka shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
- E. No permit for excavation for, or the erection or structural alteration to any building shall be issued until an application has been made for a certificate of occupancy.

§ 17.1000 AMENDMENTS.

- A. The City Council may from time to time, on its own motion or on petition after report by the Planning Commission and after hearing and public notice of such hearing given by
 - 1. Publication in the city at least fifteen (15) days before the time of hearing amend, supplement, or change by ordinance, the regulations and districts herein or subsequently established.
 - 2. In addition to the public notice referred to above, written notice of all proposed zoning amendments shall be given to the owners or inhabitants of all parcels of land adjoining the property under consideration for rezoning. This additional notice shall be mailed or delivered by the City Clerk to the address of the adjoining property, or to the owner if that address is different than the adjoining property and such different address is known to the Clerk. In addition, a sign shall be posted on the premises seeking rezoning, stating the proposed zoning change. The failure of the Clerk to send or the failure of the owner or occupier of the adjoining parcels to receive said additional notice, or the failure to post a sign, shall not affect the validity of any ordinance amending the zoning code.
- B. In addition to any power herein granted or contained, the City Council reserves and retains the power to determine and vary by ordinance the application of the regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land. However, no such variance shall be made by the corporate authorities as specified without a hearing before the Board of Appeals.
- C. Whenever owners of fifty percent (50%) or more of the street frontage in any block shall present to the City Council a petition, duly signed and acknowledged, requesting such amendment or reclassification, it shall be the duty of the City Council to refer this petition to the Planning Commission to hold a hearing thereon, as provided by statute.
- D. Before any action shall be taken under this chapter, the party petitioning for a change shall deposit with the City Clerk the sum of \$100 to partially defray the cost of this procedure, and under no condition shall this sum or any part thereof be refunded for failure of the amendment to be enacted into law.

§ 17.1010 VIOLATIONS; REMEDIES AND APPROPRIATE ACTIONS.

In case a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the proper authorities of the City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

Home Occupations

17.1020 Title

17.1030 Definitions

17.1040 Permit required

17.1050 Application for permit

17.1060 Conditions for use

17.1070 Issuance of permits

17.1080 Penalty

HOME OCCUPATIONS

§ 17.1020 TITLE

This chapter of the Code of Ordinances shall be referred to as Home Occupation Code.

§ 17.1030 DEFINITIONS

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

FAMILY DAY CARE. The keeping for part-time care and/or instruction, of six (6) or less children or adults at any one time within a dwelling, not including members of the family residing on the premises.

HOME OCCUPATION. An accessory use of a dwelling unit for gainful employment which:

- A. Is clearly incidental and subordinate to the use of the dwelling unit as a residence; and
- B. Is carried on solely within the main dwelling or accessory structure and does not alter or change the exterior character or appearance of the dwelling; and
- C. Is located in a residential district.

§ 17.1040 PERMIT REQUIRED

No Home Occupation shall be conducted, operated or established until a Home Occupation Permit has been issued and obtained in accordance with the provisions of this chapter.

§ 17.1050 APPLICATION FOR PERMIT

An application for a Home Occupation Permit shall be filed by the owner of the property upon which the proposed home occupation is to be conducted. The application must be filed with the City of Eureka.

The application must contain the following information:

- A. The name, address and telephone number of the applicant;
- B. A correct legal description and parcel identification number for the property upon which the proposed home occupation is to be conducted;
- C. A detailed description of the proposed home occupation which the applicant desires to operate;
- D. Such other or additional information as shall be required by the City.

§ 17.1060 CONDITIONS FOR USE

All Home Occupations shall be subject to the following conditions and limitations:

- A. There may not be any persons, other than immediate family members of the family residing in the dwelling unit engaged therein, and there shall be no on-site employment or employment of persons not residing in the dwelling unit;
- B. The Home Occupation must be wholly operated and contained within the dwelling unit or an accessory structure.

- C. No materials or equipment may be stored outside the dwelling unit or the accessory structure.
- D. Not more than six (6) customers or clients may be permitted on the property during any period of sixty (60) consecutive minutes, nor more than sixteen (16) persons in any given twenty-four (24) hour period.
- E. Sufficient parking must be provided on the same lot as the dwelling unit for all Home Occupation customers and clients, and other business visitors.
- F. Commercial deliveries related to the Home Occupation, other than the United States Postal Service and private package and letter delivery services, shall not be permitted. This prohibition of commercial deliveries includes, but is not limited to, commercial deliveries by semi-trailer trucks.
- G. No pedestrian or vehicular traffic generated by the Home Occupation shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m.
- H. The appearance of the structure may not be altered, nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.
- I. No noise, vibration, glare, heat, smoke, dust, electromagnetic, or electrical interference, nor odor detectable beyond the confines of the dwelling unit shall be permitted or allowed, including transmittal through vertical or horizontal party walls.
- J. No more than one (1) commercial vehicle shall be used in conjunction with the Home Occupation, not to exceed one (1) ton maximum load weight and owned by a resident of the dwelling. Such vehicle must be parked in a garage or residential drive on-site, and in accordance with all other provisions of the Code of Ordinances. Said vehicle may indicate thereon the name, address, and telephone numbers of the Home Occupation being conducted within the dwelling unit or accessory structure.
- K. No more than one (1) Home Occupation may be conducted upon any property.
- L. The Home Occupation must not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.

§ 17.1070 ISSUANCE OF PERMITS

- A. Administrative Granted Permits. Home Occupation Permits for those Home Occupations listed below may be granted and issued by the City, upon a proper application being filed:
 - 1. Dealer sales, including vitamins, cosmetics, crafts, and home products;
 - 2. Craft shop - making and selling crafts;
 - 3. Internet advertising;
 - 4. Vending machines;
 - 5. Music instructions, provided, however, not more than one (1) pupil shall be permitted on the property at any one time;
 - 6. Professional office;
 - 7. Family day care;
 - 8. Sewing service;
 - 9. Pet grooming;
 - 10. Furniture refinishing/construction
 - 11. Art studio - desktop publishing;

12. Mail order sales;
13. Administrative offices for building trade businesses (including plumbing, electrical, HVAC, carpentry, and general contracting), provided, however, no building trade work of any kind shall be conducted on the property;
14. Beauty parlors and barber shops. No such permit shall be issued until and unless the applicant shall have notified the residents of all parcels of land adjoining the property, in writing,
 - a. That a permit to operate a Home Occupation has been requested,
 - b. That such application will be granted and a permit issued,
 - c. A detailed description of the proposed Home Occupation, together with a comprehensive list of any and all conditions placed on the operation or maintenance of the Home Occupation,
 - d. The name, address, and telephone number of the applicant, and
 - e. That any objection to the issuance of the Home Occupation Permit must be filed with the applicant and the City Offices within seven (7) days of the date of the notice. The applicant must notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit by personally delivering the written notice or by depositing the written notice in the United States Postal Service mail, addressed to the resident of the adjoining property, with postage prepaid. Notification will be deemed to have been made when personally delivered or when properly deposited in the United States mail.

B. All Other Permits.

No application for a Home Occupation Permit to conduct a Home Occupation other than the Home Occupations listed in paragraph (1) above, shall be granted until a public hearing has been held, pursuant to notice thereof, and a decision to issue a Home Occupation Permit has been made by the Planning Commission, and received by the Building Inspector.

1. Notice of Hearing. Notice of the public hearing on the application for a Home Occupation Permit must be published not less than fifteen (15), nor more than thirty (30) days prior to the date of the hearing in a newspaper of general circulation with the City. In addition to the publication of notice, the applicant must notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit in writing of the public hearing. Proof of notification must be filed with the City of Eureka not less than fifteen (15) days prior to the date of the hearing. Failure to file the required proof of notification shall result in the denial of the application for the Home Occupation permit.
2. Service of Notice. The City shall notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit by personally delivering the written notice or by depositing the written notice in the United States Postal Service mail, addressed to the resident of the adjoining and adjacent property, with postage prepaid. Notification will be deemed to have been made when personally delivered or when properly deposited in the United States mail.
3. Notice Requirements. The notice of the public hearing shall contain the following information: the name and address of the applicant;

- a. The legal description of the property upon which the proposed Home Occupation is to be conducted;
 - b. A detailed description of the proposed Home Occupation;
 - c. The time, place and date of the public hearing;
 - d. A statement that all interested persons may appear at the hearing and be heard as the advisability of allowing or permitting the proposed Home Occupation to be conducted on the property.
4. Public Hearing. The public hearing shall be held by and in front of the Planning and Zoning Commission of the City. At the hearing, the Planning and Zoning Commission shall hear testimony and receive evidence from the applicant that the proposed Home Occupation qualifies as a Home Occupation under § 17.1030 of this chapter, and, if so, that the applicant can comply with each and every provision of § 17.1060 of this chapter. The Planning and Zoning Commission shall hear and receive testimony and evidence from the Building Inspector of the City, and from all other interested parties who appear and wish to be heard. After the conclusion of the testimony, the Planning and Zoning Commission will make and issue its written decision issuing or denying the requested Home Occupation Permit.
- C. Appeals of Administratively Granted Permits.
All decisions of the Building inspector to issue or deny a Home Occupation Permit, under the provisions allowing the administrative granting of permits, may be appealed to the Planning and Zoning Commission pursuant to the provisions of § 17.940 of this Code.

§ 17.1080 PENALTY

- A. Administration and Enforcement.
The Building Inspector is authorized and directed to administer and enforce all of the provisions of this Chapter. Whenever necessary, the officials of other departments of the City will give such assistance as is consistent with the usual duties of their respective departments.
- B. Entry Onto Premises.
Upon presentation of proper credentials, the Building Inspector or his or her duly authorized agent, may enter at all reasonable times any premises when necessary to enforce the provisions of this Chapter, or to determine whether there has been compliance with the provisions of this Chapter. The issuance of a Home Occupation Permit by the City shall be deemed to be consent by the applicant to any such entry by the Building Inspector.
- C. Notice to Abate Violations.
Whenever it shall appear to the Building Inspector that a violation of any condition of a Home Occupation Permit, or a violation of the provisions of this Chapter, has occurred or is occurring, or after a Home Occupation Permit has been revoked or becomes void, the Building Inspector shall issue a notice, in writing, to the original applicant to immediately correct the violation. The notice shall inform the original applicant of the violation and shall direct him or her to abate the violation and to secure compliance with the provisions of the Home Occupation Permit and the provisions of this Chapter within twenty-four (24) hours.
- D. Failure to Abate Violations.

Upon the failure of the original applicant to abate all violations and fully comply with all of the conditions of the Home Occupation Permit and the provisions of this Chapter within the period stated in the notice, the Building Inspector shall revoke the Home Occupation Permit.

E. Subsequent Violations.

The violation of any condition of a Home Occupation Permit or any of the provisions of this Chapter more than one (1) time shall result in the immediate revocation of the Home Occupation Permit.

E. Fines.

Any person who violates any of the provisions of this Chapter shall be fined one hundred and fifty dollars (\$150.00), for each offense. A separate offense shall be deemed to be committed on each day upon which a violation occurs or continues.

F. Injunction.

In addition to the other remedies and penalties provided in this Chapter, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, or for damages against any persons violating the provisions of this chapter.

Landscaping and Screening

- 17.1110 Purpose
- 17.1120 Definitions
- 17.1130 Applicability
- 17.1140 Primary landscaping requirements
- 17.1150 Alternative compliance procedures
- 17.1160 Landscaping maintenance
- 17.1170 Other screening
- 17.1180 Landscaping plan submission and review
- 17.1190 Review
- 17.1200 Penalty

LANDSCAPING AND SCREENING

§ 17.1110 PURPOSE

- A. The City Council hereby finds that it is in the best interests of the health, safety, and welfare of the residents of the City that minimum standards be established for landscaping and screening within the City.
- B. It is the specific intent of the City to:
 - 1. Achieve the community wide goal of developing the visual appeal of public and private open space through landscaping improvements;
 - 2. Provide buffering between single-family and two-family land uses and multiple-family, office, commercial, industrial, and other land uses;
 - 3. Safeguard and enhance property values and to protect public and private investment;
 - 4. Preserve and protect the unique identity and environment of the city and preserve the economic base attracted to the city;
 - 5. Provide for the preservation of larger existing trees which are a valuable amenity to the urban environment, and, once destroyed, can only be fully replaced after generations;
 - 6. Ensure that the local stock of trees and other vegetation is replenished;
 - 7. Provide ground water recharge and storm water runoff retardation, shade, and air purification, while at the same time reducing noise, glare, wind, and heat; and
 - 8. Reduce soil erosion and thereby reduce sedimentation of waterways.

§ 17.1120 DEFINITIONS

For the purposes of this Chapter, the following terms shall be given the respective meanings ascribed thereto, unless the context clearly requires otherwise:

- A. **ABUTTING.** Sharing an adjacent property boundary or separated only by an alley, but not separated by a public street.
- B. **ALTERNATIVE COMPLIANCE PROCEDURE.** A method by which a property owner may comply with the terms and provisions of the Code relating to landscaping and screening by submitting a landscape plan that does not comply with the primary landscaping requirements of the landscaping and screening chapter of the Zoning Code. Such method involves development and submission of a comprehensive landscape plan for review and approval by the City Planning Commission. The method allows for an alternative to the application of the point system hereinafter provided.
- C. **BERM.** A mound of earth with a maximum slope of 4:1, and a minimum height of three (3) feet. BERMS shall be planted with grass and/or other landscaping material.
- D. **DECIDUOUS SHRUB.** A lower story plant that generally will not attain a mature height of more than twenty-five (25) feet and usually has a dense branching pattern which is close to the ground level. Such plants shed their leaves and are dormant during the winter. Any plant that will not attain a mature height of more than one (1) foot will not be regarded as a deciduous shrub.

- E. EVERGREEN SHRUB. A lower story plant that generally will not attain a mature height of more than twenty-five (25) feet and usually has a dense branching pattern which is close to the ground level. Such plants retain their foliage throughout the year. Any plant that will not attain a mature height of more than one (1) foot will not be regarded as an evergreen shrub.
- F. EVERGREEN TREE. A tree that retains, its foliage throughout the year, generally develops a pyramidal shape, and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrubs such as upright Junipers and upright Arborvitae.
- G. LANDSCAPE AREA. An area where trees, shrubs, flowers, lawn or other plantings are provided.
- H. PARKWAY TREES. Trees which are planted in the public right-of-way.
- I. RESIDENTIAL DISTRICT. Any of the zoning districts designated as Residential.
- J. SHADE TREE. A deciduous plant which generally creates a tall and wide overhead canopy under natural growing conditions. Shade trees will usually have a single trunk. Such plants will shed their leaves and are dormant during winter.
- K. TRANSITIONAL BUFFER YARD. A landscaped yard which provides increased compatibility between abutting incompatible land uses.

§ 17.1130 APPLICABILITY

- A. Landscaping and/or screening shall be required and plans must be submitted to the City Planning and Zoning Commission for review and approval as follows:
 - 1. At the time of application for any and all building permits for new construction of any structure to be used for other than single-family or two-family dwelling units;
 - 2. Upon a change in use of property from single-family or two-family residential use to any other use;
 - 3. At the time of application for any and all special use permits;
 - 4. Upon the submission of a final plat for a commercial or industrial subdivision, which final plat includes thereon and therein one (1) or more new public streets or other public rights-of-way; and
 - 5. At the time of application for any and all building permits for the expansion of existing uses, other than single-family and two-family dwelling unit uses.
- B. The provisions of this Code shall apply to all zoning districts, as provided from time to time under the City's Zoning Code.

§ 17.1140 PRIMARY LANDSCAPING REQUIREMENTS

- A. Performance Standards. All landscape plans, submitted under this section shall fully meet the following Performance Standards:
1. Landscaping and landscaping materials shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site;
 2. Landscaping materials must be selected and placed in such a manner that they do not interfere with or damage existing utilities;
 3. Landscaping materials must be selected and placed so as not to affect the safe and enjoyable use of surrounding properties;
 4. Landscaping materials must be selected and placed taking into account the ultimate size that will be achieved over time by the landscaping materials selected;
 5. Landscaping materials with thorns, berries, and other undesirable plant characteristics must be placed to avoid potential harm to persons or property on and off-site.
 6. Weak wooded trees may only be used where limb breakage will not cause harm to persons or property.
- B. Calculation of Minimum Requirements. Unless otherwise permitted by the Alternative Compliance Procedures of this Code, every landscape plan shall include therein Street side Landscaping, Parking Lot Landscaping, and Traditional Buffer Yard landscaping as hereinafter provided. The landscaping materials and the quantities and types thereof shall be calculated and determined as follows:
1. Street side Landscaping shall be so designed and constructed that the total of all points assigned to the landscaping materials utilized must equal or exceed the number obtained by dividing the lot frontage on the street, measured in linear feet, by two (2).
 2. All Street side Landscaping must be located in the area between the front lot line (adjacent to the street) and the nearest point of any parking lot, access drive or road, or building on the property. The above described area must be not less than ten (10) feet in depth, notwithstanding the required minimum front yard under the provisions of the particular zoning district.
 3. Existing Parkway Trees may comprise up to one-half (½) of the total points that must be obtained through trees where the existing Parkway Trees are located within ten (10) feet of the front lot line (adjacent to the street).
 4. Parking Lot Landscaping shall be so designed and constructed that the total of all points assigned to Parking Lot Landscaping used must equal or exceed the number of parking spaces provided on the property; provided, however, the following additional requirements shall also apply:
- C. Fewer Than One Hundred (100) Parking Spaces. If the parking lot has fewer than one hundred (100) parking spaces, the Parking Lot Landscaping may be placed within an interior curbed parking island and/or within ten (10) feet of the perimeter of the parking lot.
- D. One Hundred (100) or More Parking Spaces. If the parking lot has one hundred (100) or more parking spaces, one-half (½) of the required points assigned to the landscaping materials used must consist of shade trees planted in curbed parking islands within the interior of the parking lot. Parking islands must be protected with

concrete curbs, or a functionally equivalent material that has received the prior approval of the City. Landscape timbers, railroad ties, and wood or lumber are not functionally equivalent to concrete curbs, and are not acceptable hereunder.

- E. Minimum Area for Planting Trees. The minimum area for planting all types of trees within parking lots will be not less than one hundred eighty (180) square feet. Shade trees and intermediate trees may not be planted in any area with a width of less than five (5) feet. Evergreen trees may not be planted in any area with a width of less than ten (10) feet. Shrubs may not be planted in any area with a width of less than two (2) feet. The widths of all plantings within curbed parking islands must be measured from the back of the curb.
- F. Location of Parking Lot Landscaping. The location of the Parking Lot Landscaping will be subject to review and approval by the City.
- G. Transitional Buffer Yard. Transitional Buffer Yards shall be so designed and constructed so that the total of all points assigned to the landscaping materials used therein must equal or exceed the number of linear feet of the length of the Transitional Buffer Yard as measured along the property line separating the residential district or residential use from the property subject to this Code. The following additional requirements shall apply to a Transitional Buffer Yard:
 - 1. Evergreen Materials. One-half (½) of the total points assigned to the landscaping materials used in the Transitional Buffer Yard shall be comprised of evergreen or broadleaf evergreen plantings.
 - 2. Depth of Yard. The depth of the Transitional Buffer Yard shall be not less than ten percent (10%) of the lot width or depth, whichever is applicable, provided that in no event may the Transitional Buffer Yard be less than ten (10) feet. No Transitional Buffer Yard will be required to be more than twenty-five (25) feet in width or depth.
 - 3. Prohibited Materials. No aisle ways, driveways, parking areas, refuse containers, service vehicle maneuvering areas, storage, towers, or structures of any form may be located within any Transitional Buffer Yard, except as specifically permitted by this Code. If an emergency exit is required by Code to be located within the Transitional Buffer Yard, a concrete pad of no more than twenty three (23) square feet may be placed at grade level immediately outside of the required emergency exit.
 - 4. Utility Structures. Utility structures or units are permitted in a Transitional Buffer Yard if properly screened from the adjacent residential property, subject to the review and approval by the City Planning Commission. The utility structure must be visually screened with a fence, wall, berm, evergreen planting, or combination thereof, which achieves a substantially solid six (6) foot visual barrier.
 - 5. Screening of Activity Areas. A visual barrier will be required when all or a portion of the subject site immediately adjacent to the Transitional Buffer Yard is planned to be used for the following activities:
 - a. Loading, unloading, or storage of refuse containers/dumpsters
 - b. Storage or display of materials or merchandise;
 - c. Loading or unloading of passengers or goods; and
 - d. Parking of vehicles.

The above referred to visual barrier shall consist of a fence, wall, berm, evergreen planting, or combination thereof which achieves a substantially solid six (6) foot visual barrier. If a fence or wall is used to meet this requirement, it must be located between the activity area and the Transitional Buffer Yard.

All plantings used to meet the screening of activity area requirements must be capable of achieving a substantially solid six (6) foot visual barrier within two (2) years of the date of the issuance of the Certificate of Occupancy by the City.

- H. Expansion of Existing Structures. Where an existing structure, other than a one-family or two-family dwelling, is expanded, the landscaping plan shall include such landscaping materials as are required for new construction, provided that the number of points that must be obtained by the landscaping materials used may be reduced as follows:

If Expansion Square Footage Divided by Pre-Expansion Square Footage is:	then Percentage of Points Required is:
0% - 25%	0%
26% - 50%	50%
51 % or more	100%

- I. Point System Classification. The following points shall be assigned to and shall apply for all required landscaping and landscaping materials:

Shade Trees	18 points
Evergreen Trees	18 points
Intermediate Trees	12 points
Evergreen Shrubs	3 points
Deciduous Shrubs	2 points

- J. Incentive for Preserving Existing Landscaping. Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this Code may be used to meet the point requirements of this Code. Furthermore, the following landscaping materials will be awarded five (5) additional points (added to base value) per tree when preserved:

Shade Trees	12 inch diameter trunk or greater
Intermediate Tree	15 feet height or taller
Evergreen Tree	15 feet height or taller

K. Incentive for Planting Larger Landscaping. Planting of landscaping materials which are larger than the minimum required sizes specified herein will be rewarded with five (5) additional points (added to base value) per tree when the proposed sizes are as follows:

Shade Tree	4 inches diameter (5 inches in Transitional Buffer Yards) or greater
Intermediate Tree	10 feet height or taller
Evergreen Tree	10 feet height or taller

L. Landscaping Material.

1. Selection. All landscaping materials must be in a healthy, vigorous growing condition. All landscaping materials must be capable of withstanding the extremes of the particular site microclimates.
2. Minimum Size. All landscaping materials required herein must, at the time of planting, be of the following minimum size:
 - a. Shade Trees - Trunk caliper (diameter) of two and one-half (2-1/2) inches.
 - b. Evergreen Trees - Six (6) feet in height.
 - c. Intermediate Trees - Single stem varieties shall have a trunk caliper (diameter) of one and one-half (1-1/2) inches. Multi-stem varieties shall have a minimum height of six (6) feet.
 - d. Shrubs (all) - Two (2) feet in height or spread.
 - e. Trunk caliper shall be measured two (2) feet above the ground.
3. Prohibited Trees. The following trees may not be used in meeting any of the requirements of this Code:
 - Ailanthus (Tree of Heaven);
 - Box Elder;
 - European Mountain Ash;
 - European White Birch;
 - Mulberry;
 - Poplar;
 - Purple-leaf Plum;
 - Russian Olive;
 - Siberian Elm;
 - Silver Maple;
 - Willow.

M. Ground Cover and Mulching Requirements.

1. All landscape areas must be planted and maintained with a vegetative ground cover such as sod or seed. Other low growing plants (evergreen or broadleaf plants with a mature height of one (1) foot or less) may also be utilized.

2. If low growing broadleaf evergreen plants such as Pachysandra, Vinca Minor, and Purple leaf Winter creeper are utilized to meet the ground cover requirements, such must be planted together in continuous beds, mulched with shredded hardwood bark or cypress mulch and spaced in such a way that they achieve a substantially continuous ground cover within two (2) years from the date a Certificate of Occupancy is issued by the City.
3. Creeping Junipers must be mulched with shredded hardwood bark, cypress, or gravel mulch and must achieve a substantially continuous ground cover within two (2) years from the date a Certificate of Occupancy is issued by the City.
4. All required shrubs and trees must be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch. Plant groups must be mulched in a continuous bed in which the edge of the mulching bed does not extend any more than four (4) feet beyond the edge of the plantings.
5. When required shrubs or trees are planted individually and away from nearby plants, they must be encircled in a mulched area with a diameter of no more than five (5) feet. Evergreen trees may be mulched in a circle with a diameter large enough to accommodate the spread of the tree and up to four (4) additional feet of mulch beyond the edge of the tree.
6. All mulch proposed to be placed within or directly adjacent to a parking lot shall be shredded hardwood bark or cypress mulch. Gravel mulch will not be permitted within or directly adjacent to parking lots.

§ 17.1150 ALTERNATIVE COMPLIANCE PROCEDURES

- A. Application. In lieu of complying with the point system for determining the nature and extent of landscaping and screening required on any property, a comprehensive landscaping plan may be submitted where practical difficulties or a particular hardship exists that renders strict compliance with the point system impossible or impractical.
- B. Practical Difficulty or Particular Hardship. A practical difficulty or particular hardship exists only where one (1) or more of the following conditions is found to exist:
 1. The view of the landscaping will be blocked by a change in grade, natural vegetation, or man-made features;
 2. An existing building or a concrete or asphalt parking lot occupies the area where the landscaping would otherwise be required (except for parking lot landscaping);
 3. In the case of a Transitional Buffer Yard, the adjacent residentially zoned property has previously been developed with a use other than residential, and the City Planning Commission determines that a reduction in the nature and extent of the landscaping and screening will not have a negative impact on the adjacent property;
 4. In the case of a Transitional Buffer Yard, the adjacent residentially zoned property is vacant and is not proposed to be used for residential purposes in the City's Comprehensive Plan.
 5. Economic hardship, standing alone, will not be considered a practical difficulty or a particular hardship.

- C. Satisfaction of Performance Standards. Comprehensive landscaping plans submitted under this Section must fully achieve the performance standards as contained in Paragraph (A) of § 17.1140.
- D. Minor Adjustments to Existing Special Uses. Where the holder of an existing special use plans or proposes to make a change to the existing landscape plan, or to its existing landscaping, the owner or holder of the special use may follow the provisions of this paragraph:
1. Plan Submission. When a minor adjustment to the landscaping of an existing special use is planned or proposed, the holder of the special use may either request a public hearing before the Planning Commission as to the proposed modification of the existing landscaping plan, or may submit an amended plan to the City for review as provided in this Section.
 2. City Authority. The City shall determine whether the proposed adjustment to the landscaping or landscaping plan will have any impact on the special use or surrounding property, other than on the landscaping itself. The City may approve the proposed amendment, or may state that the request must be processed through the Planning Commission and City Council.
 3. Planning Commission. Where the holder of a special use elects to request a public hearing before the Planning Commission, or where the City requests that the proposed change be processed through the Planning Commission, the Planning Commission shall hold a public hearing on the proposed change to the landscaping or landscaping plan.
 4. Public Hearing. The Planning Commission shall, when requested by the holder of a special use or the City hold a public hearing on any proposed modification of the landscaping or landscaping plan to an existing special use. The hearing shall be open to the public, and shall be held after notice of such hearing is given by one (1) publication in the City at least fifteen (15) days before the time of the hearing. The notice of public hearing shall state the time, place, and date of the public hearing, the purpose of the public hearing, and contain a correct description of the property that is subject to the existing special use.
 5. Planning Commission Recommendation. After the conclusion of the public hearing, the Planning Commission shall make its recommendation as to the granting or denying of the proposed change to the existing landscaping plan or landscaping of an existing special use to the City Council. That recommendation shall be made in writing and forwarded to the City Council by the Planning Commission. The recommendation shall contain findings of fact and shall contain an explicit recommendation for approval or denial of the proposed change to the landscaping or landscaping plan for the existing special use.
 6. City Council Action. The City Council shall have final authority to approve or deny the change to the landscaping or landscaping plan for an existing special use. The City Council, at a regularly or specially held meeting thereof, shall approve or deny the request for the change after having considered the Planning Commission's recommendation.

§ 17.1160 LANDSCAPE MAINTENANCE

- A. Responsibility. The owner of property subject to a landscaping plan shall be responsible for the maintenance, repair, and replacement of all landscaping, landscaping materials, fences, and other visual barriers, including but not limited to refuse disposal area screens.
- B. Plant Materials. All required landscaping materials must be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. Landscaping materials must be replaced as necessary, and must be kept free of refuse and debris.
- C. Fences and Walls. All fences, walls, and other barriers must be maintained in good repair, such that same are at all times structurally sound and attractive in appearance. All fences must have the finished face directed toward residential property, where a residential property is adjacent to or separated only by a public or private street or right-of-way.

§ 17.1170 OTHER SCREENING

- A. Refuse Disposal Area Screens. All refuse disposal areas must be landscaped and otherwise screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet.
- B. Mechanical Equipment Screens. All rooftop and ground level mechanical equipment and utilities must be fully landscaped or otherwise screened from view of any street or residential zoning district as seen from six (6) feet above ground level.
- C. Screening for Scrap, Junk, Salvage, Reclamation, or Similar Yards. Any scrap, junk, salvage, reclamation or similar yard, or any auto salvage yard must provide a solid fence or wall with only such openings as are necessary for ingress or egress. Said fence or wall shall be located as otherwise required in this Code unless same is located adjacent to a non-residential property, in which case it shall be located as near to the lot line separating the properties as shall be possible. Said fence or wall shall be maintained in good repair and in a neat and orderly appearance and shall be of such height that any materials stored within the confines of the fence cannot be seen above a line of sight established between a point four and one-half (4-1/2) feet above the centerline of the street nearest to that fence, and the top of said fence.

§ 17.1180 LANDSCAPING PLAN SUBMISSION AND REVIEW

The landscaping plan must contain all of the information required in this Code. Landscaping and screening must be completed prior to issuance of a certificate of occupancy, unless an escrow agreement is approved by the City.

- A. Content of Landscaping Plan. The following information must be shown on all landscaping plans:
 - 1. North arrow, scale, date of preparation and date of revisions, name and address of designer or drafter;

2. Location of all buildings, structures, and pavement that are proposed or will remain on the site;
 3. Location of all existing or proposed watercourses, ponds, lakes, or other bodies of water;
 4. Location, size, and common name of any existing trees or shrubs that are to be preserved;
 5. Location of all landscaping and landscaping materials that are proposed for the site, including any trees, shrubs, ground cover, ornamental grasses, and flower beds, identifying thereon the name and type of each such tree, shrub, ground cover, or ornamental grass;
 6. Location of any existing or proposed signs, walls, fences, berms at one (1) foot contour intervals), site furniture, lights, fountains, and sculptures;
 7. Location of all property lines;
 8. Location of all curb lines for existing and proposed streets, alleys, and parking lots;
 9. Location of all sidewalks, existing or proposed for the site, or that currently adjoin the site;
 10. Comprehensive plant list that describes the common name, quantity, and size for each proposed plant that is shown or described in the landscaping plan;
 11. Such other additional information as may be required by the City Planning Commission to adequately review the landscaping plan.
- B. Alternative Compliance Procedure. The Landscaping Plan must clearly indicate on the face thereof that the Landscaping Plan is being submitted under the Alternative Compliance Procedures of this Code, or the Landscaping Plan will be reviewed for compliance with the Primary Landscaping Requirements.
- C. Installation of Landscaping. All landscape plans must be approved as provided in this Code prior to the installation of the landscaping or landscaping materials.

§ 17.1190 REVIEW

Variances as described in this chapter may be permitted by the Planning and Zoning Commission in appropriate cases, subject to the legislative intent specified in the zoning code, and the standards established by that Code. In all cases the scope of authority which the Planning and Zoning Commission shall have to grant landscaping and screening variances from the provisions of this chapter is limited to those as permitted by state statute.

In addition to any power herein granted to the Planning and Zoning Commission, the corporate authorities reserve and retain the power to determine and vary by ordinance the application to the landscaping and screening regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations. No such variance shall be made by the corporate authorities without a hearing before the Planning and Zoning Commission.

§ 17.1200 PENALTY

- A. Any person, firm, corporation, partnership, or other entity that violates any of the provisions of this Code shall be punished by a fine of one hundred dollars (\$100.00). Each day any violation of this chapter shall occur shall constitute a separate offense. This penalty shall be in addition to the costs and penalties provided for in this Section.
- B. In addition to the other remedies and penalties provided in this Section, the City Attorney is authorized to file appropriate civil actions for temporary restraining order, temporary injunction, permanent injunction, or for damages against any person violating this Code.
- C. When the existence of a violation of this Code is brought to the attention of the City Administrator, he shall cause an inspection investigation to be made by the appropriate agencies to determine whether or not a violation has occurred, and the nature and extent of the violation.
 - 1. If, after inspection and investigation, the City determines that a violation of this Section has occurred, the City shall cause a notice in writing to be served upon the person who is responsible for the existence of the violation. Notice may be served by mailing a copy thereof to the last known address of the person who is responsible for the existence of the violation, return receipt requested, or may be personally delivered by a representative of the City. The notice shall indicate the date of the inspection and investigation, and the nature and extent of the violation.
 - 2. The notice shall grant a reasonable period of time within which to restore or replace the landscaping material, and/or correct any violation found to exist. If said violation is not corrected within the given period of time, the violation may be abated or corrected by the City under the direction of the Building Inspector, and the cost of so doing shall be collected from the person who is responsible for the violation, with a penalty of ten percent (10%) of such costs in an appropriate court of competent jurisdiction.

**PERSONAL WIRELESS SERVICE FACILITY (PWSF),
TELECOMMUNICATIONS TOWERS AND PERSONAL WIND
TOWERS OR ANY DEVICE TO GENERATE ELECTRICITY OR
ANY POWER GENERATING SOURCE.**

- 17.1210 Title
- 17.1220 Purpose
- 17.1230 Definitions
- 17.1240 Location Requirements
- 17.1250 Pre-Existing Personal Wireless Service
Facilities
- 17.1260 Specification of Land Use Classifications
- 17.1270 Permit Process
- 17.1280 Standards
- 17.1290 Fall Zone; Setback Requirements
- 17.1300 Fees
- 17.1310 Additional Tier Three Application
Requirements
- 17.1320 Modifications
- 17.1330 Registry; Abandonment
- 17.1340 Radio Frequency Radiation Emissions
- 17.1350 Commercial Communications Towers
- 17.1360 Lighting; Security
- 17.1370 Signs/Identification Plaques
- 17.1380 Screening; Landscaping
- 17.1390 Access; Parking
- 17.1400 Aircraft Hazard
- 17.1410 Review of Permit
- 17.1420 Interference with Public Safety
Telecommunications

§ 17.1210 TITLE.

This Code shall be known as the Personal Wireless Service Facility (PWSF), Telecommunications Towers and Personal Wind Towers or any Device to Generate Electricity or any Power generating source hereinafter referred to as "Facility(s)".

§ 17.1220 PURPOSE.

The primary intent of this Code is to regulate Facility(s) to be located within the City of Eureka. This Code is not intended to, nor does it apply to, amateur radio communications and amateur radio antennae. Therefore, the purpose of this Code shall be to:

- A. Comply with all federal and state regulations regarding the placement, use, and maintenance of Facility(s).
- B. Encourage the continued improvement of Facility(s) service in the city.
- C. Minimize, to the extent permitted by law, the proliferation of visual and safety impacts of Facility(s) throughout the City.
- D. Promote both proper maintenance and renovation of Facility(s).
- E. Encourage the use of co-location of Facility(s) by multiple providers so as to reduce the number of Facility(s) needed within the City of Eureka.
- F. Recognize the commercial communication requirements of all sectors of the business and residential community.

§ 17.1230 DEFINITIONS.

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

ABOVE GROUND LEVEL(AGL). The actual height of the Facility(s) from the sidewalk level or equivalent established grade to the highest part of the mount or the antenna, whichever is higher.

ANTENNA. A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

ALTERNATIVE TOWER STRUCTURE: Includes but is not limited to man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of commercial communications towers and antennas.

ANTENNA ARRAY. An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennae (whips), directional antennae (panels), and parabolic antennae (discs). The antenna array does not include the mount as defined herein.

ANSI: The American National Standards Institute, a non-profit, privately funded membership organization that coordinates the development of U.S. voluntary national standards.

APPLICANT: A person or entity with an application before the City Planning and Zoning Commission for a permit for a Facility(s).

AVOIDANCE SITES: Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map. Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources. Visual and community entrance corridors, including any location within two hundred fifty (250) feet of the following arterial roads: Business Route 24 and Route 117 - R-1, and R-2 zoning districts, except in the case of Public Property.

CAMOUFLAGE. A way of painting and mounting a Facility(s) that requires minimal changes to the host structure in order to accommodate the facility.

CARRIER. A company licensed by the Federal Communications Commission (FCC) that provides Facility(s) services. For purposes of this Title, a tower builder shall not be considered a carrier.

CELL SITE. A generic term for a PWSF.

CELLULAR. Cellular Telephone is a system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

CO-APPLICANT. Any person and/or entity joining with an applicant in an application for a permit for a Facility(s), including the owner(s) of the Facility(s), owner(s) of the subject property, and any proposed tenant(s) for the Facility(s).

CO-LOCATION. The use of a common tower or structure by two or more wireless license holders or by one wireless license holder for more than one type of communications technology for purposes of maintaining two or more Facility(s).

COMMERCIAL COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This includes any mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMERCIAL COMMUNICATIONS TOWER. Any device used for the transmission or reception of television, radio or communications tower which is not a facility designed or used for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. Commercial Communications Towers do not include Amateur Radio/Citizens Radio Antennae, which shall meet the requirements of Sections 17.850 through 17.920.

COMMERCIAL MOBILE RADIO SERVICES (CMRS). Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data, and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

CONCEAL. To enclose a Facility(s) within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

DESIGN. The appearance of the Facility(s) such as their materials, colors, and shape.

DISGUISE. To design a Facility(s) to appear to be something other than a Facility(s)

ENHANCED SPECIALIZED MOBILE RADIO (ESMR). Private land mobile radio with telephone services.

EQUIPMENT CABINET/EQUIPMENT SHELTER. An enclosed structure at the base of the mount within which are housed the cabinet or equipment for the Facility(s) such as batteries and electrical equipment. Information shall be provided detailing the contents of the proposed equipment shelter servicing the proposed Facility(s). The information shall include but not be limited to the type and quantity of oil, gasoline, batteries, propane, natural gas or any other fuel stored within the shelter. Information shall also be submitted which demonstrates that any hazardous materials stored on site including but not limited to fuel sources shall be housed to minimize the potential for any adverse impact on adjacent land uses. Materials Safety Data Sheets for any hazardous material stored or utilized in the equipment shelter shall be submitted to the municipality. The use of fuels and hazardous materials shall also be consistent with any municipal requirements regarding the same.

FALL ZONE. The area on the ground within a prescribed radius from the base of a Facility(s). The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material. The Fall Zone shall be determined by the applicant's engineer and reviewed by the municipal engineer. Towers shall be 110% of the overall height of the tower from any property line.

Self Supportive Lattice Towers for a self supportive Lattice tower it is a 1/3 and 2/3 of design. Example: 195 foot self supportive tower. Tower is designed to collapse @ the north leg @ approximately 65 feet at grade level. The remaining tower above 65 feet at grade level falls 130 feet out. Thus the tower would fall approximately up to 130 feet away from the centerline of the tower.

Guyed Lattice Towers typically fail at the guy wire anchoring system, and in this case, these fall like a tree. The height of the tower is the Collapse Zone for this type of structure. To ensure safety, add 10% of the overall height to the calculation and no development should happen within this area. Example: a tower 300 feet above grade level with failure on a set of guy wires will fall in the opposite direction. Add 10% = 30 feet Total Collapse Zone: 330 feet radius.

Monopole Towers are steel cylinder welded or molded to a base plate that is bolted to a concrete foundation. In high winds, ice loading and overloading of the structure itself with antennas and equipment, the failure typically happens at the joint at the ground level and base plate. Example: 150 foot monopole falls, it will fall at the base and thus

the danger area would be 150ø in a radius from the base. A factor of safety of 10% is typically added for safety.

So the overall Collapse Area is 150 feet + 15 feet = 165 feet.

FEDERAL COMMUNICATIONS COMMISSION (FCC). An independent federal agency charged with licensing and regulating wireless communications at the national level.

FUNCTIONALLY EQUIVALENT SERVICES. Cellular, Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

GUYED TOWER: A monopole or lattice tower that is anchored to the ground or to another surface by diagonal cables.

HEIGHT OF TOWER. The overall height of the tower or pole from the base of the tower to the highest point of the tower any Facility(s), including, but not limited to, antennas, transmitters, satellite dishes, solar devices or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

LATTICE TOWER. A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.

LICENSED CARRIER. A company authorized by the FCC to construct and operate a commercial mobile radio services system. A licensed carrier must be identified for every PWSF application.

LOCATION. The area where a Facility(s) is located or proposed to be located.

MICROCELL. Any Facility(s) that is designed to generate lower power density than that limited by the FCC "Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation."

MITIGATION. The reduction or elimination of visual impacts by the use of one or more methods:

1. Concealment.
2. Camouflage.
3. Disguise.

MODIFICATION. The changing of any portion of a Facility(s) from its description in a previously approved permit. The FCC definitions for "modification" are different from local government rules.

MONOPOLE. The monopole is a steel cylinder welded or molded to a base plate that is bolted to a concrete foundation. The mount that is self-supporting with a single antennas or Facility(s) at the top and/or along the shaft.

MOUNT. The structure or surface upon which antennae are mounted.

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted. Mounted on the ground.

PREFERRED SITES. Rooftops on any building other than single and two-family dwellings. Utility poles, including telephone poles, utility distribution and transmission poles, street, and traffic signal poles. Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards. Wooded areas where the height above ground level of the Facility(s) does not exceed the tree line by more than ten (10) feet. Steeples on churches already having steeples or on newly constructed steeples.

PERSONAL. Any personal wireless service defined in the Federal Telecommunications Act **WIRELESS** which includes FCC licensed commercial wireless telecommunications services

PERSONAL WIND TOWER. Any mechanical device used to generate power or store power for personal or commercial use.

PERSONAL WIRELESS SERVICE FACILITY (PWSF). A facility for the transmission or reception of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF includes any un-staffed facility for the transmission or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter, and a mount.

PERSONAL WIRELESS SERVICES. Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services. ó Shall herein after include Facility(s) such as but not limited to: antennas, mounts, equipment, personal wind towers, solar or any Facility(s) placed within the City of Eureka receiving or sending a signal, and/or providing any other power source.

POWER GENERATING SOURCE. Any device set on a foundation for use in a non-emergency situation to generate power larger than 1-KWH.

PUBLIC PROPERTY. Site or property owned or controlled by the City of Eureka, Unit 140 School Districts, Woodford County, Eureka District Library, Eureka Fire and Rescue Department, Olio and Cruger Township or any property owned by a public taxing body.

PUBLIC UTILITY TRANSMISSION TOWER: A structure, owned and operated by a public utility electric company regulated by the State of Illinois Utility Commission, designed and used to support overhead electricity transmission lines.

RADIO FREQUENCY (RF) ENGINEER. Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

RADIO FREQUENCY RADIATION. (RFR)The emissions from Facility(s) that can, in excessive amounts, be harmful to humans. RF emissions are byproducts of the RF signal (RFR).

RADIO FREQUENCY SIGNAL. The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF.

SECURITY BARRIER. A locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION. The distance between one carrier's antenna array and another carrier's antenna array.

SHORT MOUNTS. Alternatives to monopoles or guyed and lattice towers, such as masts or poles. For example, two poles or three masts might be an alternative to one lattice tower.

SITE. That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.

SITING. The method and form of placement of PWSF on a specific area of a subject property.

SIGNAL PROCESSING WORKSYSTEM (SPW). Provides the tools for interactive simulations, tests, and implementations for communication systems, and other systems such as digital signal processing (DSP) designs. Typical design applications include digital communication systems, image processing, multimedia, radar systems, control systems, digital audio, and high-definition television. Used for the design, implementation, and performance evaluation of digital communication systems.

STANDARDS. Rules or measures by which acceptability is determined. Facility(s) are measured by visibility or safety. Wireless planning regulates Facility(s) based on location (or where the Facility(s) site can go), siting (or how the Facility(s) is placed within its setting), and design (or what the Facility(s) looks like).

TOWER. Any ground, roof, pole mounted, spire, antenna, antenna array, mount, structure, or combination thereof which exceeds thirty-five (35) feet in height. The height of an antenna or antenna array shall not include the height of any existing structure or equipment constructed pursuant to a valid building permit.

UNLICENSED WIRELESS SERVICES. Commercial mobile services that can operate on public domain frequencies and therefore need no FCC license for their sites.

WIRELESS COMMUNICATIONS. Any form of signaling by wireless, including personal wireless services that require a transmitter, a receiver, and a path - sometimes straight, sometimes indirect - between them.

§ 17.1240 LOCATION REQUIREMENTS.

All Facility(s) erected, constructed, or located within the City shall comply with the following requirements:

- A. Proposals for a Facility(s) shall not be approved unless the Planning and Zoning Commission finds that the facilities planned for the proposed site cannot be accommodated on an existing or approved tower or structure within a one-mile radius of the proposed Facility(s) due to one or more of the following reasons:
 - 1. The planned equipment, if installed, would exceed the structural capacity of any existing or approved towers or structures, as documented by a qualified licensed structural engineer, and all the existing and approved Facility(s) cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at a tower or structure as documented by a qualified licensed professional engineer and interference cannot be prevented at a reasonable cost.
 - 3. Existing or approved Facility(s) and the structures within a one-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified licensed professional engineer.
 - 4. Other unforeseen reasons that make it unfeasible to locate the planned equipment on an existing or approved tower or structure.
 - 5. The planned equipment does not in the opinion of the Planning Commission create a safety hazard or unsightly appearance.
- B. Any proposed Facility(s) shall be designed, structurally, electrically, in all respects, to accommodate both the applicant's antenna and equipment and comparable antenna and equipment for at least two (2) additional users if the tower is over one-hundred (100) feet in height, or at least one additional user if the tower is from sixty (60) to one-hundred (100) feet in height. Towers must be designed to allow for future rearrangement of antennae upon a tower and to accept antennae mounted at varying heights.

§ 17.1250 PRE-EXISTING PERSONAL WIRELESS SERVICE FACILITIES.

- A. A Facility(s) for which a permit has been issued prior to the effective date of this ordinance shall be deemed a permitted use, subject to the conditions of that permit. When a Facility(s) for which no permit has been obtained (un-permitted Facility(s)) is identified by the City of Eureka to be attached to a mount approved for another use or Facility(s), the un-permitted Facility(s) must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this Section. Un-permitted Facility(s) will be considered out of compliance with this Section and subject to abatement.

- B. Any Facility(s) or mount hereafter damaged or destroyed due to any reason or cause whatsoever may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section unless the cost of repairing the Facility(s) or mount to its former use, physical dimensions, and location would be fifty percent (50%) or more of the cost of a new mount of like kind and quality, then the mount may not be repaired or replaced, except in full compliance with this Code.
- C. Placement of an attached array or a micro cell on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure. However, placement of any attached array, micro cell, or any other portions of a Facility(s) on an existing structure, whether legally non-conforming or in, as well as out of, compliance, shall require a permit to be obtained for the Facility(s) under the terms of this Code.
- D. Un-permitted Facilities, Mounts or Equipment Ineligible for Co-location: No issuance of any permit under this Section shall occur for a request to co-locate, attach, or share an existing Facility(s) site, mount, or facility, when such existing site, mount, or facility is found to have one or more Facility(s) without permits required by the City.

§ 17.1260 SPECIFICATION OF LAND USE CLASSIFICATIONS.

Notwithstanding anything in the Zoning Code to the contrary, Facility(s) shall be a permitted use or a special use in all zoning districts, provided that such Facility(s) comply with the standards of this Section and the permits under which Facility(s) are regulated.

§ 17.1270 PERMIT PROCESS AND PERMIT PROCEDURE.

- A. Permit requirement. It shall be unlawful for any person, firm, or corporation to erect, construct, place or re-erect, replace, or repair any CMRF, (Commercial Mobile Radio Frequency) including the listed Facility(s) without first making application to the City and securing a permit. Permits shall be issued to the owner of the property on which the tower is located.
- B. Tower permit application. The applicable property owner shall submit an application for a tower permit to the Eureka Planning and Zoning Commission. The application shall be on forms provided by the Planning and Zoning Commission and shall include the following information:
 - 1. The name, address, telephone number, and original signature of the property owner.
 - 2. A site plan, drawn at a scale that produces a clearly legible drawing, showing:
 - a. Scale and north arrow.
 - b. The parcel boundaries, including the length and bearings of the boundaries,
 - c. The tax parcel number.
 - d. Tower location.
 - e. Tower support facilities location.
 - f. Location of tower support facilities in relation to all property lines or leased parcel boundaries and edge of all public rights-of-way.
 - g. Access points.

- h. Location of all buildings within a distance at least equal to the height of the proposed tower plus one-hundred (100) feet from the center of the proposed tower.
 - i. Scale drawings of two (2) elevation views of all proposed tower support facilities.
 - j. Show any lighting with wattage.
 - 3. A lease agreement, in the case of a leased site. Additionally, the lease agreement shall show that the tower owner may enter into agreement with competing providers for antenna space on the tower.
 - 4. An alternative analysis that identifies all feasible alternative locations and alternative support structures that could provide the proposed service. The purpose of the alternative analysis is to seek alternative solutions in order to minimize the number of towers by using existing towers and alternative support structures, if feasible, to provide the needed services to the City of Eureka. The analysis shall address the potential for collocation of antennas. It shall explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. It shall also explain the rationale for not utilizing collocation opportunities.
 - 5. A report prepared by an Engineer certifying to the adequacy of the structural strength of the tower and/or its ability to accommodate additional antennas.
 - 6. An affidavit that commits the applicant to making available space on the proposed tower for at least four (4) providers, even for those providers providing competing services if a commercial tower.
 - 7. Calculations for fall zone radius for tower proposed.
 - 8. Residential towers or structures for personal use are exempt from (3), (4), (5) and (6).
 - a. Required written opinion from property owners adjacent to property where permit is being requested.
 - b. Drawing of proposed construction must be distributed to adjacent land owners.
 - 9. The Planning Commission may accept, deny or modify any Permit application.
- C. Technical review. After determining that all application materials have been satisfactorily submitted, the Eureka Planning Commission shall review the submitted materials. The Commission shall have the authority to request an outside consultant to review the plans. The applicant shall pay all the costs of such review.
- D. Permit for towers not exceeding two-hundred (200) feet in height. The Planning Commission shall grant preliminary approval of a tower permit if the Planning Commission determines:
 - 1. That a need for a new tower has been demonstrated. Supporting evidence of need for a new tower shall consist of any of the following situations:
 - a. That no existing suitable towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
 - b. That the applicant's proposed system would cause electromagnetic interference with the system on an existing tower or alternative

- support structure, or that an existing system would cause electromagnetic interference with the applicant's proposed system.
 - c. That the fees, cost, or contractual provisions required by the applicant to share an existing tower or to use an alternative support structure or to adapt an existing tower or alternative support structure for sharing are unreasonable.
 - d. That the applicant demonstrates that existing towers or alternative support structures are unsuitable because of other limiting factors.
- E. Permit grant for towers exceeding two-hundred (200) feet in height. The Planning Commission shall determine the granting or denial of a tower permit for such towers. The following information shall be submitted in addition to the requirements under the permit process and procedure.
 - 1. Before determination, the Planning Commission shall conduct a public hearing. Notice of such public hearing shall be given by publishing in a locally distributed newspaper. The notice shall specify the time and place of such hearing.
 - 2. That a need for a new tower has been demonstrated. Supporting evidence of need for a new tower shall consist of any of the following situations:
 - 3. That no existing suitable towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
 - a. That the applicant's proposed system would cause electromagnetic interference with the system on an existing tower or alternative support structure, or that an existing system would cause electromagnetic interference with the applicant's proposed system.
 - b. That the fees, cost, or contractual provisions required by the applicant to share an existing tower or to use an alternative support structure or to adapt an existing tower or alternative support structure for sharing are unreasonable. Costs are considered unreasonable if they do not conform to contractual term standard in the industry.
 - c. That the applicant demonstrates that existing towers or alternative support structures are unsuitable because of other limiting factors.
 - d. That the requirements of 17.1280 Standards are met.
 - 4. The Planning Commission may attach to the tower permit such conditions as necessary to further the purpose of this Ordinance.
 - 5. Submittals required following preliminary approval. The applicant shall submit the following before a tower permit will be issued:
 - a. A copy of a determination of no hazard to air navigation from the Federal Aviation Administration.
 - b. A statement of non-objection from the Illinois Bureau of Aeronautics.
 - c. Proof of a performance bond as security for removal.
- F. Tower permit expiration. Tower permits shall expire one year after issuance if the tower for which the permit was issued is not constructed and actively energized and operating. Failure to complete construction before permit expiration shall require submittal of a new application for a tower permit or removal of the telecommunications tower as specified in this ordinance.
- G. Permit for Facility(s) support services.
 - 1. If the application for a tower permit includes provisions for tower support facilities, the tower permit shall also extend to the associated tower support

facilities, provided they comply with all applicable provisions of this Ordinance.

2. If tower support facilities are proposed subsequent to construction of the associated tower, a permit shall be required for the proposed tower support application for such permit shall include all applicable information as requested by the Planning Commission. A permit shall be issued for the associated tower support facilities, provided they comply with all applicable provisions of this Ordinance.

17.1280 LOCATION STANDARDS.

- A. Preferred Sites: The listed Preferred Sites shall be considered as preferred by the City and used by the applicants in seeking to erect a Facility(s) in the City of Eureka shall make a good faith effort to locate the equipment at a Preferred Site. Prior to making application to erect a Facility(s) at a site other than a Preferred Site, the applicant shall discuss potential sites with the City Administrator to determine whether any Preferred Sites are feasible. The application to erect a Facility(s) at a site other than a Preferred Site shall include a signed affidavit from the applicant indicating that no Preferred Sites are feasible for this proposed Facility(s). If the City Administrator recommended specific Preferred Sites, the affidavit shall set forth all reasons that each Preferred Site proposed by the City Administrator is not feasible. Preferred Sites shall mean the following:
 1. Rooftops on any building other than single- and two-family dwellings.
 2. Utility poles, including telephone poles, utility distribution and transmission poles, street, and traffic signal poles.
 3. Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards.
 4. Wooded areas where the height above ground level of the PWSF does not exceed the tree line by more than ten (10) feet.
 5. Steeples on churches already having steeples or on newly constructed steeples.
 6. On Public Property as defined in Section 17.1230.
 7. In I - Industrial, zoning districts.
- B. Avoidance Sites: A Facility(s) shall not be located in an Avoidance Site unless the applicant can demonstrate that this regulation "has the effect of prohibiting service" as that term is defined in the Telecommunications Act of 1996. Avoidance Sites shall mean the following:
 1. Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map. Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.
 2. Visual and community entrance corridors, including any location within two hundred fifty (250) feet of the following arterial roads: Business Route 24 and Route 117 - R-1, and R-2 zoning districts, except in the case of Public Property.
 3. Prohibited sites: No Tower with a height exceeding thirty-five (35) feet above ground level shall be permitted in the area bounded by the point furthest North, South, East or West of the Corporate City limits.
 4. Use or lease of property for Facility(s) shall not be subject to the requirements of the Subdivision Code. A plat of survey shall accompany permit applications where the applicant proposes to lease the property.

5. For purposes of determining whether the application complies with zoning district development regulations, the dimensions of the entire lot shall control.

C. Siting Standards. Facility(s) shall meet the following siting standards:

1. To the greatest extent possible, Facility(s) shall be concealed within existing structures or located where camouflaged conditions surround them, or located on inconspicuous mounts.
2. Wherever possible, Facility(s) shall be placed within trees, but no antenna should extend higher than ten (10) feet above the average tree height.
3. Placement on existing roofs or non-wireless structures shall be favored over ground-mounted Facility(s).
4. Wherever possible, roof-mounted Facility(s) shall not project more than ten (10) additional feet above the height of a legal building with a maximum of thirty-five (35) feet combined height.
5. Wherever possible, side-mounted Facility(s) shall not project more than twenty (20) inches from the face of the mounting structure.

D. Design Standards.

1. Color. All Facility(s) shall be painted or be complementary with trees, sky and other surroundings.
2. Size. The silhouette of the Facility(s) shall be reduced to minimize visual impact.
3. Facility(s) near residences shall either:
 - a. Provide underground vaults for equipment shelters, or
 - b. Place equipment shelters within enclosed structures.
4. Equipment: The following types of equipment are discouraged and may not be utilized unless the applicant demonstrates that this regulation has the "effect of prohibiting service" as that term is defined in the Telecommunications Act of 1996: Roof-mounted monopoles, lattice towers, or guyed towers; ground-mounted lattice towers; and ground-mounted guyed towers.
5. Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.
6. Height of facilities shall be kept to a minimum and shall not exceed thirty-five (35) feet above ground level unless the applicant obtains a variance of height in addition to any required special use permit.

D. Safety Standards. Facility(s) shall meet the following safety standards:

1. All Facility(s) shall comply with tornado design standards as contained in the Eureka Building Code or EIA-TIA 222 Energy Information Administration (EIA) Federal Energy Management Program (FEMP) (structural standard for antenna supporting structures and antennas) (latest version), whichever is stricter.
2. Roof mounts on buildings shall have railings to protect workers.
3. All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points.
4. All construction of Facility(s) shall be in compliance with the National Electrical Code.

§ 17.1290 FALL ZONE; SETBACK REQUIREMENTS.

- A. Fall Zone: No Facility(s) shall be located any closer to a habitable structure or outdoor area where people congregate than its fall zone. For purposes of this section, the fall zone shall be one hundred ten percent (110%) of the height of the Facility(s).
- B. Setback
 - 1. All Facility(s) including mounts and equipment shelters shall comply with the minimum building and landscape/screening setback requirements of the applicable zoning district as set forth in the City of Eureka Zoning Code; provided, however, that the following setbacks apply to the height of the tower above ground level or, if the tower is attached to a building, the height from the point of attachment:
 - a. At a preferred site, no Facility(s) shall be set back a distance less than its height, unless the applicant provides an affidavit from a professional engineer that the Facility(s) is designed to break at a point no lower than the midpoint of the Facility(s), in which case the tower shall be set back a distance not less than half its height.
 - b. At any site except a preferred site, no Facility(s) shall be set back a distance less than its height.
 - c. No Facility(s) shall be set back a distance less than its height from the nearest overhead electrical power line which serves more than one dwelling or place of business.
 - 2. Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten (10) feet from any property line.
 - 3. The antenna array for an attached Facility(s) is exempt from the setback requirements of this Code and from the setback requirements for the zoning district in which they are located, provided that no such antenna array shall extend more than five (5) feet horizontally from the attachment structure at the point of attachment.
 - 4. On parcels with a principal building housing a principal use, all components of the Facility(s) shall be located behind the rear building line.

§ 17.1300 FEES.

The City shall charge reasonable fees to evaluate applications. Such fees shall include, but shall not be limited to, the following:

- A. Application Fee. The basic application fee shall be five hundred dollars (\$500.00).
- B. Special Fee. The City may retain independent technical consultants and experts as it deems necessary to properly evaluate applications for individual Facility(s). The fee shall include, but shall not be limited to, the hourly rate of the independent technical consultant or expert the City deems necessary to properly evaluate applications for Facility(s).
- C. Any other fee imposed under the provisions of the Code of Ordinances.

§ 17.1310 ADDITIONAL ANY FACILITY(S) WHICH EXCEEDS THIRTY-FIVE (35) FEET SHALL HAVE THE FOLLOWING APPLICATION REQUIREMENTS.

- A. In addition to the application requirements listed in Section 17.1270, a Facility(s) which exceeds thirty-five (35) feet, the applicant must demonstrate that no existing tower or other structure can accommodate the applicant's proposed Facility(s) by providing a written statement from an Illinois licensed engineer certifying that the applicant will be prohibited from providing services unless the proposed Facility(s) is constructed. The application must also demonstrate that the fees, costs, or contractual provisions imposed by the owner of the structure in order to share an existing tower or other mount or to adapt an existing tower or other mount for sharing are unreasonable, based on market information provided with the application. Costs exceeding new tower development are presumed to be unreasonable. In addition, applications shall contain the following information:
1. A report from a qualified Illinois licensed professional engineer including:
 - a. Written findings evidencing compliance with each provision of this Code as well as the applicable zoning regulations; and
 - b. Description of the tower height and design, including a cross section in elevation; and
 - c. Height above ground level for all potential mounting positions for co-located antennae and the minimum separation distances between antennae; and
 - d. Description of the Facility(s) capacity, including the number and type of Facility(s) that it can accommodate; and
 - e. Documentation of the steps the applicant will take to avoid interference with established public safety telecommunications; and
 - f. Engineer's stamp and registration number; and
 - g. Other information as necessary to evaluate the request.
 2. Architectural drawings depicting the constructed Facility(s) with camouflaging treatment set in the surrounding area. These drawings shall include a perspective from each of the north, south, east and west.
 3. An overhead map of the City showing the subject Facility(s) location as well as the location of each of the applicant's existing and planned future tower sites.
 4. An agreement committing the Facility(s) owner and his or her successors to allow the shared use of the Facility(s) if an additional user agrees in writing to meet reasonable terms and conditions for shared use. For purposes of this requirement, the applicant shall sign an agreement available at the office of the City. A copy of this agreement shall be presented for recording by the Woodford County Recorder of Deeds.
 5. A certificate of liability insurance demonstrating minimum liability coverage of two million (\$2M) per accident.
 6. Before the issuance of a building permit, the following supplemental information shall be provided:
 - a. A statement demonstrating that the proposed Facility(s) complies with regulations administered by the Federal Aviation Administration; and

- b. A statement demonstrating that the proposed Facility(s) complies with the emission standards promulgated by the Federal Communications Commission; and
 - c. Report from a qualified Illinois licensed professional engineer that demonstrates the tower's compliance with all other applicable structural and electrical standards.
- B. Each application for a Facility(s) shall also contain at least two alternative proposals for the Facility(s) proposed in the application. The alternatives need not be totally different from the proposed Facility(s); however, the alternatives should contain measurable differences, such as:
 - 1. Height: An alternative can be identical to the proposed Facility(s) except to be for a shorter height.
 - 2. Number: An alternative could be for two or more Facility(s) that are shorter than the proposed Facility(s).
 - 3. Location: An alternative could be located on a different property than the proposed Facility(s).
 - 4. Siting: An alternative could be in a different place on the same property as the proposed Facility(s).
 - 5. Design: An alternative could be of the same height, location, and siting as the proposed Facility(s), but be designed to appear differently.
- C. Submittal Requirements for Alternatives. The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed Facility(s).
- D. Comparison of Proposed Facility(s) and Alternatives. The City of Eureka City Administrator shall compare the proposed Facility(s) to the alternatives on the basis of the standards of Sections 17.1280 and 17.420. The City Administrator shall submit each application and the alternatives to the Planning Commission for review. The Planning Commission shall consider the alternatives along with the proposed Facility(s).

§ 17.1320 MODIFICATIONS.

All modifications to Facility(s) must be reviewed and approved by the City.

- A. Types of Modification: A modification of a Facility(s) is any of the following:
 - 1. Change of ownership of the Facility(s) or of the subject property.
 - 2. Change in technology used for the Facility(s) such as an "overlay."
 - 3. Addition or replacement of any equipment in the Facility(s), excluding direct, like-for-like substitutions.
 - 4. Change in design of the Facility(s).
 - 5. Addition to any Facility(s) for the purposes of co-location.
- B. Applicants for modifications shall submit an application to the City for a modified Facility(s). The application shall be reviewed in the same manner as any application for a Facility(s).

§ 17.1330 REGISTRY; ABANDONMENT.

- A. Registry. Each carrier maintaining at least one Facility(s) shall file the following information with the City by December 31 on an annual basis:
1. Owner/lessee/intermediary/agent and carrier(s) at each Facility(s) site in the City.
 2. Location(s) by address and parcel number.
 3. Co-location status and capability, including if a former co-location has been removed.
 4. A certificate of liability insurance demonstrating minimum liability coverage of two-million (\$2M) per accident.
 5. Two-million (\$2M) performance bond for the total amount of the construction.
- B. Abandonment and Removal. Any Facility(s) that is not operated for a continuous period of eighteen (18) months shall be considered abandoned, and the owner of such Facility(s) and the owner of the property upon which the Facility(s) is located shall remove same within ninety (90) days of notice from the City that the Facility(s) is abandoned. If such Facility(s) is not removed within said ninety (90) days, the City of Eureka may have the Facility(s) removed at the Facility(s) owner's or the property owner's expense.

§ 17.1340 RADIO FREQUENCY RADIATION EMISSIONS.

- A. A statement certifying that, as proposed, the entire combined facility will comply with the current FCC rules and guidelines concerning human exposure to radio frequency radiation emissions shall be provided at the time of building permit application or when a request is made by the City.
- B. No Contravention of FCC Guidelines: A Facility(s) that meets the FCC guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

§ 17.1350 COMMERCIAL COMMUNICATIONS TOWERS.

- A. It shall be unlawful to erect, construct, place, re-erect, replace or repair any Commercial Communications Facility(s) without first making application to the City and securing a permit to do so.
- B. All applications to erect, construct, place, re-erect, replace or repair a facility shall be subject to all the rules and regulations outlined in this Code.

§ 17:1360 LIGHTING; SECURITY:

- A. Lighting: A Facility(s) shall not be artificially lighted, except for:
1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
 2. Such lighting of the Facility(s) as may be required by the FCC, Federal Aviation Administration (FAA), or other applicable authority installed in a

manner to minimize impacts on adjacent residences. Dual lighting (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

- B. Security Barriers: A security barrier shall be required around the perimeter of the mount(s) or equipment structure, and any anchor points. In the case of a roof-mounted Facility(s), the security barrier need only be around the antenna. The security barrier shall be maintained by the operator of the Facility(s) or mount for the life of the installation. No security barrier is needed around side-mounted Facility(s), but distances from windows and balconies should conform to (C) 2 below.
- C. Security Barriers for Certain Populations: The security barriers around all Facility(s) shall be reviewed by the SPW (signal processing work system) and found to be acceptable for:
 - 1. Controlled Population: Those persons who are trained in procedures for working near or around radio frequency radiation.
 - 2. General Population: All other persons, some of whom have no concept of what radio frequency radiation is or how it can cause harm. Members of the general population should not be allowed nearer than thirty-five (35) to forty-five (45) feet to the nearest part of an antenna.

§ 17:1370 SIGNS/IDENTIFICATION PLAQUES:

No signage shall be permitted on any Facility(s) other than that required for public safety purposes or by the FCC or FAA, except that each Facility(s) shall have a weather-proof plaque mounted at eye level identifying the carrier, frequency, and date of permit approval.

§ 17:1380 SCREENING; LANDSCAPING:

- A. Natural Vegetation: Existing natural vegetation shall be undisturbed to the greatest extent practicable.
- B. Landscaping of disturbed areas of the Facility(s) site and security barriers shall be required as follows:
 - 1. At least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five feet (5') apart within fifteen feet (15') of the site boundary; and
 - 2. At least one row of evergreen trees or shrubs, at least four feet (4') in height when planted and spaced not more than fifteen feet (15') apart, located interior to the perimeter of the shrubs required in (B) 1 above; and
 - 3. For ground mounts greater than two-hundred feet (200') tall, at least one row of deciduous trees, not less than one and one half inches (1.5") diameter measured three feet (3') above grade, and spaced not more than twenty feet (20') apart, and located within the perimeter of the evergreen trees or shrubs as required in this section.
 - 4. All security barriers for guy wire anchor points shall be screened from view by at least one (1) row of evergreen shrubs spaced not more than five feet (5') apart and capable of forming a continuous hedge at least five feet (5') in height within two (2) years of planting.

5. Existing vegetation, topography, walls and fences combined with shrubs, or other features may be substituted for the required buffers if the Eureka Planning Commission finds they:
 - a. Achieve the same degree of screening as the required buffer; or
 - b. Affect the stability, security, or maintenance of guy wires.
 6. Landscaping materials shall be maintained by the operator of the Facility(s) for the life of the installation.
- C. Waiver by the Eureka Planning Commission: The above standards may be waived by the Eureka Planning Commission for those property lines or site boundary lines of a proposed Facility(s) that are located adjacent to un-developable lands, for Facility(s) sites not in public view, or for Facility(s) sites located within areas designated for industrial land use by the City of Eureka Comprehensive Plan.

§ 17:1390 ACCESS; PARKING:

- A. Parking shall be provided for maintenance. The type and configuration of parking may be approved by the Planning and Zoning Commission.
- B. Private Access: A copy shall be provided to the City of Eureka Zoning Officer of any road maintenance agreement for any site accessed by private easement.

§ 17:1400 AIRCRAFT HAZARD:

- A. FAA Acknowledgement: for facilities that exceed one-hundred twenty-five (125) feet, the applicant shall provide acknowledgment from the FAA that the proposed Facility(s) does not exceed obstruction standards.

§ 17:1410 REVIEW OF PERMIT:

Special use permits issued under the terms of this ordinance shall be reviewed by the City of Eureka Planning Commission every five (5) years from the date of issuance for compliance with this ordinance and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities, are being violated.

§ 17:1420 INTERFERENCE WITH PUBLIC SAFETY FACILITIES:

- A. No new or existing Facility(s) shall interfere with public safety telecommunications.
- B. All applications for new Facility(s) shall be accompanied by an inter modulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- C. An inter modulation study shall also be submitted prior to the introduction of new services or new frequencies or changes in existing service. The City of Eureka shall be notified by the service provider at least ten (10) business days prior to the introduction of new services or new frequencies or changes in existing service and allow the City to monitor interference levels during the testing process for the inter modulation study.

- D. The City of Eureka reserves the right to retain its own expert to study potential interference impacts. The cost of such an expert would be recovered under the provisions of this ordinance.

§ 17:17.1425 NOISE:

No equipment shall be operated at a Facility(s) so as to produce noise in excess of the applicable noise standards under the City of Eureka Noise Ordinance, except for emergency situations requiring the use of a back-up generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.

CONFLICT; SEVERABILITY CLAUSE

17.1430 Penalty

CONFLICT; SEVERABILITY CLAUSE

§ 17.1430 Penalty

- A. If any portion of this Code is found to be in conflict with any other provision of any zoning, building, fire safety, or other ordinance of the City Municipal Code, the provision which establishes the higher standard shall prevail.
- B. If any section, subsection, paragraph, sentence, clause, or phrase of this Code, 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 decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. It is hereby declared to be the legislative intent of the City Council of this Code would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not been included.

Rate Fee Structure, Permit and Inspection Fees

17.1440 Rate Fee Structure, Permit and
Inspection Fees

§ 17.1440 Rate Fee Structure, Permit and Inspection Fees (ord. 11-02)

- A. Fees to be charged for Building Permits shall be as follows:
 - 1. Minimum fee for any construction application shall be twenty-five (\$25.00).
 - 2. In addition to the twenty-five (\$25.00) dollar, a fee of two dollars and fifty cents (\$2.50) per one-thousand (\$1,000) dollars of construction cost shall be charged for all construction including single family, multi-family ó commercial, industrial, garages, additions to homes, enclosed porches or commercial additions.

- B. Inspections Fees and requirements
 - 1. There shall be two inspections required for each of the following except as stated with a twenty-five (\$25.00) dollar fee to be charged for each inspection.
 - a. sheds with a foundation,
 - b. pools which are permanent,
 - c. unattached garage, without electrical or plumbing ó three inspections.
 - d. decks,
 - e. driveway approach, - one inspection
 - f. car ports, - one inspection
 - g. fence,
 - h. porches,
 - i. garage with electric/plumbing ó three inspections
 - j. Enclosed porches ó three inspections
 - k. this list is not considered all inclusive and other construction as determined by the City shall be designated requiring two inspections unless otherwise stated.

If the building inspector must return to recheck either of the above required inspections due to the site layout was incorrect or the owner called for a final prior to completion of the construction there shall be an additional twenty-five (\$25.00) dollar fee charged prior to the second inspection.

Failure of the owner and/or contractor to call for a required inspection prior to work commencing or moving to the next phase of construction without a require inspection, there shall be a fine of one-hundred dollars (\$100.00) for each offense. The fine shall be paid prior to any additional inspections. Amended Ord. 09-17

- 2. Permit construction types requiring the following five (5) inspections:
 - a. Single family,
 - b. Multi-family,
 - c. Commercial,
 - d. Industrial,
 - e. Additions to homes,
 - f. Commercial property.

- g. This list is not considered all inclusive and other construction as determined by the city shall be designated requiring five (5) inspections.

Five (5) Inspections required and inspection cost for each to be collected at the time of the issue of the building permit.

- a. Site layout ó fee of twenty-five dollars -(\$25.00)
 - b. Footings ó fee of twenty-five dollars -(\$25.00)
 - c. Water and sewer connections ó no charge
 - d. Framing, electrical and plumbing. ó fee of one-hundred dollars - (\$100.00)
 - e. Final ó Occupancy permit ó fee of one-hundred dollars ó (\$100.00)
 - f. If the building inspector must return to recheck any of the above required inspections due to their being improperly completed or the owner called for a final prior to completion of the entire construction project there shall be an additional fee charged prior to the second inspection.
 - g. Multi-family units requiring more than one visit to the construction site for a required inspection covered under (c), (d) or (e) shall be charged an inspection fee as designated above for each additional visit to the site. The inspection fee shall be paid prior to any additional inspections.
 - h. Failure of the owner and/or contractor to call for a required inspection prior to work commencing or moving to the next phase of construction without a require inspection, there shall be a fine of twenty-five dollars (\$25.00) for each offense. The fine shall be paid prior to any additional inspections.
3. All commercial properties changing/remodeling of the interior shall require inspections.
- a. The number of inspections will be based on the type of remodeling performed.
 - i. framing, electrical and plumbing
 - ii. final
 - iii. This list is not considered all inclusive and other construction and or remodeling inspection needs will be considered to determine total required inspections by the City Administrative Office.
 - iv. There shall be a fee of twenty-five (\$25.00) dollar for each inspection and an additional \$25.00 fee for any re-inspection. The fine shall be paid prior to any additional inspections.
 - v. A fine for failure of the owner and/or contractor to call for a required inspection prior to work commencing or moving to the next phase of construction without a required inspection shall be imposed. There shall be a fine of one-hundred dollars (\$100.00) for each offense. The fine shall be

paid prior to any additional inspections. Amended
Ord. 09-16

C. Water Permit fees shall be -- \$225.00

E. Sewer Permit fees shall be -- \$400.00

F. Water Tap Fees:

1. Tapping fees for the City of Eureka to make water taps on water mains shall be as follows:

¾"	----	\$400
1"	----	\$400
1 ½" ó 2"	----	\$500
2. It is the responsibility of the builder-developer to undertake two (2) inches plus size taps. A ten percent (10%) inventory/handling fee shall be added to all materials provided by the City.

G. Plat and/or Subdivision Fees:

1. Preliminary Plat Fee ó one-hundred and fifty dollars (\$150.00) (applicant pays for required newspaper advertising charges separately)
2. Final Plat Filing Fee ó twenty-five dollars (\$25.00) (applicant pays advertising charges separately)
3. Lot fees ó After Final Plat Approval:
 - a. Condominium Subdivision Fees - \$20.00 per unit
 - b. Residential Subdivisions Fees:
 - i. 1st ten (10) lots - \$25.00 per lot
 - ii. Lots 11 ó 20 - \$20.00 per lot
 - iii. Lots 21-40 - \$17.50 per lot
 - iv. Lots 40 plus - \$12.50 per lot

H. Zoning Variance and Miscellaneous Fees:

1. Application for a Variance - \$25.00
2. Demolition Fee - \$25.00
3. Change in Use- \$25.00
4. Application for a Special Use - \$25.00
5. Move structure from one lot to another - \$1.50 per square foot floor area or fraction thereof; minimum fee shall be twenty-five (\$25.00).

I. Building Inspector

1. Shall be appointed by the Mayor with contract effective for one year from the date of appointment and approval by the Eureka City Council.
2. The Building Inspector shall send all notices to any individual and/or corporation requiring a permit and having not applied for one with the City.
3. Any required inspections not performed by the Building Inspector shall be refunded to the building permit applicant and deducted from future payments to the Building Inspector.

APPLICATION FORM; ZONING PETITION CITY OF EUREKA ZONING PETITION

Petition for (check appropriate item(s)):

_____ Zoning Amendment

_____ Special Use

_____ Variance

_____ Appeal

Petitioner Name: _____

Address: _____

Phone: _____

Name of owners of Property: _____

A copy of the deed or mortgage conveying the property to the owners must be attached hereto; said deed or mortgage to contain an accurate legal description of the property.

A statement must be attached to this petition stating in detail the intended use of the property.

The specific use requested is _____ and the current zoning classification is

_____. Also indicate the zoning classification of all adjacent properties. North, South, East, and West.

Attach a drawing describing with reasonable accuracy the location of the property in question and all adjoining properties, residences, fences and other structures that might be affected by the zoning or special use. Lot size, building sizes, distance of structure from lot lines, and location of parking lots, municipal water and sewer services, all easements on the property and driveways are also needed.

In the case of Special Use request, a statement must be attached reciting facts as to why the Special Use is needed, both in the neighborhood and the community, and any impact the Special Use will have on the use of neighboring property, on traffic patterns, and on the capacity of City facilities, such as water mains and sewer mains to serve the area.

It shall be the responsibility of the petitioner to contact the chairman of the Planning Commission at least forty eight (48) hours prior to the public hearing to determine if the Commission will need additional information. Failure to contact the chairman may result in the Planning Commission deferring action until the following month's meeting.

Dated _____, 2_____.

Signature of owners

Signature of occupants (who are not owners)

_____ FEES PAID _____ SITE PLAN SUBMITTED _____ FLOOR PLAN SUBMITTED

Site Plan ó Required Drawing must be ruled on graph paper showing all requirements listed.

___ Drawing of the lot showing lot size

___ Streets, intersections, driveways

___ Location of all buildings, fences, etc. on lot showing distances from ó front ó side- rear property lines.

___ Municipal water and sewer lines

___ Easements on the lot

___ Adjoining properties, residences, fences and other structures with distances to property line

___ Zoning of property and surrounding property

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