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ARTICLE I
TITLE, PURPOSE AND INTENT

1.1 Title:

This Ordinance shall be known, sited and referred to as the "City of Maroa Zoning Ordinance".

1.2 Purpose And Intent:

The City of Maroa Zoning Ordinance is adopted with the purpose of protecting and promoting the public health, safety, morals, comfort and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

- A. To establish districts, with an appropriate mix of permitted uses, and adequate standards for the provision of light, air, privacy and open spaces.
- B. To zone all properties with a view to conserving the value of buildings and land, and encouraging the most appropriate use of land throughout the City.
- C. To lessen congestion on the public streets, and to facilitate the provision of adequate transportation, and of other public facilities and services such as water, sewerage, schools, and parks.
- D. To avoid hazards to persons and damage to property from Inappropriate development of land and provide for adequate drainage, erosion control, and reduction of flood damage.
- E. To avoid undue concentration of population or activity, to prevent the overcrowding of land, thereby ensuring proper living and working conditions, and preventing the development of blight and slums.
- F. To foster a more rational pattern and relationship of land uses between residential, business, commercial, and industrial, for the mutual benefit of all.
- G. To provide for and preserve appropriate open space.

- H. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- I. To isolate or control the location of unavoidable nuisance-producing uses.
- J. To facilitate the preservation of sites, areas and structures of historical, architectural and aesthetic importance.
- K. To establish reasonable standards to which buildings and structures shall conform, and to encourage reasonable flexibility or development design through appropriate innovation.
- L. To provide for the regulation of non-conforming buildings, structures and uses.
- M. To prevent additions to, and alterations or remodeling of, existing buildings or structures which would not comply with the restrictions and limitations imposed herein.
- N. To define the powers and duties of the administrative and enforcement officers and bodies.
- O. To prescribe penalties for any violation of the provisions of this Zoning Ordinance, or of any amendment thereto.
- P. To implement the objectives of the City Comprehensive Land Use Plan.

1.3 Separability:

Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.4 Ordinance Provisions Are Non-Accumulative:

This Ordinance is non-accumulative in nature. Zoning district requirements do not accumulate from one district to another unless expressly stated.

1.5 Interpretation Of Use Lists:

The Zoning Official may allow a land use to be considered as a permitted or special use which, though not contained by name in a zoning district list of permitted or special uses, is deemed to be similar in nature and clearly compatible with the listed uses. The Zoning Official shall consult the Standard Industrial Classification (SIC) code to determine similarity or compatibility. However, such non-listed uses shall not be considered for review and approval until the application for such use has been reviewed by the City Attorney. All non-listed uses which are tentatively approved by the Zoning Official shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.

1.6 Relationship To City Code:

The City of Maroa Zoning Ordinance shall be considered an integral part of the City Code of Maroa. All applications for permits under the terms of this Ordinance shall be subject to all the provisions of all other pertinent City regulations.

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ARTICLE II
RULES AND DEFINITIONS

2.1 Rules:

A. Applicability - The rules and definitions contained in this Article shall be observed and applied except when the context clearly indicates otherwise.

B. Rules - The following rules shall apply to the text of this Ordinance:

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number, and the plural the singular.
3. The words "shall" and "will" are mandatory and not discretionary.
4. The word "may" is permissive.
5. The masculine gender includes the feminine and neuter.
6. The word "person" means an individual, association, corporation, estate, joint venture, partnership, trustee or other legal entity.
7. Whenever a word or term defined appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Any word appearing in parentheses directly after a word defined shall be construed in the same sense as the word.
8. The word "building" includes "structure"; "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied".
9. Terms not herein defined shall be defined as specified in Webster's New Collegiate Dictionary -1989 Edition.

2.2 Definitions:

A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Abut: To physically touch or border upon, or to share a common property line.

Accessory Use or Structure: A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure. Adult Business

Adult Business Uses: Any use which customarily excludes minors by reason of age, for reasons other than the sale or consumption of alcoholic beverages on the premises. These include:

1. **Adult Book and Video Store:** meaning an establishment which has as a substantial or significant portion of its stock in trade books, magazines, video tapes or other periodicals, and which, in accordance with law, denies admittance to minors by virtue of age.
2. **Adult Motion Picture Theater:** means an establishment at which motion pictures, slides or similar photographic reproductions are shown, on a regular basis, and which, in accordance with law, denies admittance to minors by virtue of age.
3. **Adult Entertainment Use:** is a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dances, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
4. **Adult Massage Establishment:** means an adult business use not accessory to a hospital, medical clinic or office, nursing home, beauty parlor, barbershop, exercise salon or health club, where manipulated massage or manipulated exercises are practiced upon the human body for pay.

Agriculture: Land, including necessary buildings, dwelling or dwellings and other structures shall be considered used for agriculture if the principal use thereof is the raising or keeping of livestock and/or the growing of crops.

Alley: A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

Amusement Facility: An area or structure, open to the public, which contains coin-operated games and similar entertainment and amusement devices.

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

Animal, Small Domestic: Animals customarily kept as domesticated pets but excluding livestock, such as swine, sheep, goats, ponies or horses, and poultry for sale.

Antenna: An apparatus, external to or attached to the exterior of a building, together with any supporting structure for sending or receiving electromagnetic waves.

Apartments, Low Rise: An apartment building up to three stories in height.

Applicant: The owner, contract purchaser or designated legal representative who proposes to subdivide or develop land pursuant to this Ordinance.

Association, Private: A private association, other than a condominium association, which is organized for a development in which individual owners share common interest in open space and/or facilities.

Automobile Gas Station, Mini-Mart: An automobile gas station which offers or includes, as an accessory use, the retail sale of motor oils, prepackaged, non-prescription drugs and convenience-type food items.

Automobile Gas Station, Self Service: An automobile service station where the dispensing of vehicular fuels is performed primarily by individual patrons and which normally does not perform any manner of automotive maintenance, service, or repair.

Automobile Service Station, Full Service: An automobile gas station which, in addition to the retail dispensing of vehicular fuels, and performs as an accessory use; automobile maintenance, service, or repair (excluding body work) including, but not limited to, the sale and installation of lubricants, tires, batteries, and similar accessories for automotive vehicles.

Basement: That portion of a building all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast: An owner-occupied dwelling providing not more than five rooms for overnight accommodations to the public and, if so desired, breakfast may be served to the guests thereof. Rental is on a transient basis for a fee.

Berm: A mound of earth, or the act of pushing earth into a mound, used to screen or adorn the perimeter of a lot or development along a public right-of-way. Often naturalistic and meandering in nature, and used to provide an aesthetic border to a property.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met. Also known as building envelope.

Building: Any structure substantially enclosed by exterior walls, with a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, use, animal, process, equipment, goods, or materials of any kind.

Building Coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot. Building

Building Footprint: Outline of a building's foundation as shown on a drawing.

Building Height: Height shall be defined as the vertical distance measured from the nearest established curb level or existing terrain, whichever is higher, to the highest point of the coping of a flat roof or to the uppermost edge of a mansard roof, or to the mean height level between eaves and ridge or gable, hip or gambrel roofs. Chimneys, towers, spires, steeples, elevator penthouses, cooling towers, cupolas and other similar projections shall not be included in building height.

Building Non-Conforming: Any building which does not conform to the regulations of this Ordinance prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

Building Permit: Written permission issued by the City of Maroa for the construction, repair, alteration or addition to a structure.

Building Principal: A non-accessory structure which serves the principal use of the zoning lot, on which it is located.

Building Setback Line: The line parallel to the front lot line at a distance equal to, or greater than, the depth of the required front yard for the zoning district in which the lot is located.

Building, Temporary: Any building not permanently affixed to the land.

Car Wash: A building, structure or portion thereof containing facilities for washing motor vehicles.

Certificate of Zoning: A document issued by the City certifying that the building or use has been constructed or will be used in compliance with the Zoning Ordinance.

Chord: A straight line joining any two points on an arc, curve, or circumference.

City Council: City Council of the City of Maroa, Illinois.

Clinic, Medical: An establishment where two (2) or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as a coordinated laboratory, X-ray and allied departments, for the diagnosis and treatment of humans, which need not but may include a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization.

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

Cluster Subdivision: A single-family, detached home residential subdivision, consisting of three (3) or more residential lots, in which the individual lots are clustered, grouped, or arranged so as to achieve a more flexible overall design for the purpose of:

1. Providing more useable open space.
2. Protecting sensitive natural areas and features.

Comprehensive Land Use Plan: The plan for the long range growth and development of the City including graphic and written materials, as formally adopted and amended from time to time by the City Council.

Conditions or Restrictions: Provisions and limitations which may be imposed on a building, structure, parcel of land or use at the time the City Council grants approval of a variation, amendment, planned development or special use.

Condominium: A building, or group of buildings, in which units are owned individually, and common areas and facilities are owned by all the owners on a proportional, undivided basis.

Congregate Housing: A dwelling providing shelter and services for a group of persons, typically elderly, which may include provision of meals, housekeeping, and personal care assistance.

Contiguous: Next to, abutting, touching and having a boundary, or portion thereof, which is coterminous.

Convalescent Home: A building or structure which is used, designed or intended for the care of the aged or infirm, or for those suffering bodily disorders and which does not contain the facilities nor render the services normally associated with a hospital.

County: Macon County, Illinois

Day Care Center: A facility which exclusively provides supplemental parental care and supervision, recreation and/or educational instruction to children or adults during the entire or any portion of the day.

Decibel: A method of describing differences in sound levels. A logarithmic unit of measurement of the intensity (loudness) of sound.

Deciduous: Plants that drop their leaves before becoming dormant in winter.

Dedicated Street: A public right-of-way owned by the City or other public highway agency, and created by designation on a recorded plat or in a recorded instrument or conveyance accepted by the City Council or other public highway agency.

Dedication: The gift or donation of property by its owner to another party.

Deed: A legal document conveying ownership of real property.

Density, Gross: The number of dwelling units per acre devoted to residential land development including streets, street rights-of-way and open space.

Density, Net: For the purpose of determining the number of units per acre in a planned development for net density calculations, lot area shall be included, but not streets, street rights-of-way, or open space.

Detention Basin or Pond: A storage facility for the temporary storage of storm water runoff.

Developer: Any person whose concern and intent it is to improve land in accordance with the development regulations of the City of Maroa.

Development: The division of a parcel, or consolidation of parcels of land, into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Ordinance: An ordinance adopted by the City Council, upon completion of both preliminary and final plan approvals, which includes graphics and other support documentation upon which City Council approval is based.

District Boundary Line: A line which marks the separation between two zoning districts.

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

Dry Cleaning Establishment: A business which handles on the premises the washing, drying, dry-cleaning and ironing of clothes, including pick-up and delivery services.

Dwelling: A building, or portion thereof, designed or used for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings, but not including hotels or motels.

Dwelling Multiplex: A single structure containing two or more attached dwellings in which each unit has: two open space exposures; shares one or two walls with an adjoining unit or units; and a main entry at ground level.

Dwelling Quadraplex: Four attached dwellings in one structure, in which each unit has two open space exposures, and shares one or two walls with an adjoining unit or units.

Dwelling, Single-Family Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Single-Family Detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any other means.

Dwelling, Townhomes: A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-Family: A structure on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: Referring to one dwelling.

Easement: A grant, by a property owner, for the use of a portion of their land by another party for a specific purpose.

Easement, Conversation: An easement precluding future or additional development of the land.

Easement, Drainage: An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

Eating Establishment: A building, structure or portion thereof, within which food is offered for sale and which permits consumption within the building or structure.

Eave: The projecting lower edges of a roof overhanging the wall of the building.

Elevation: (1) A vertical distance above or below a fixed reference level; or (2) A scaled drawing of the front, rear or side of a building.

Encroachment: Any obstruction in a delineated floodway, right-of-way or adjacent land.

Family: One or more individual occupying a dwelling unit and living as a single household unit.

Farming: The use of land solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for the dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, nurseries, orchards, forestry and sod; and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, bees, fish and wildlife.

Farm Stand: A booth or stall located on a farm from which produce and farm products are sold to the general public.

Fast Food Restaurant: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

Fence: A structure which is used as a boundary, protection or means of screening and which is made of manufactured or natural materials.

Flag Lot: A lot not fronting on or abutting a public road and where access to the public road is by a narrow private right-of-way.

Floodplain: The channel of the watercourse and those portions of the adjoining floodplain which are reasonable required to carry and discharge flood waters.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any spaces where the floor-to-ceiling height is less than six feet.

Floor Area, Net: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area, Ratio: The gross floor area of all building on a lot divided by the lot area.

Food Processing Establishment: A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

Footcandle: A unit for measuring illumination equal to the amount of direct light thrown by one international candle on a surface one foot away.

Freight Terminal: A building, structure, parcel of land or portion thereof from which:

1. Freight is shipped by airplane, motor truck or railroad; or
2. Freight is received, assembled, sorted and/or rerouted for local, intrastate or interstate shipment.

Frequency: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Frontage: That side of a lot abutting on a street.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: The mean level of the finished surface of the ground adjacent to the exterior walls of a building or structure; the degree of rise or descent of a sloping surface.

Green Area: Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.

Greenbelt: An open area which may be cultivated or maintained in a natural state surrounding development, or used as a buffer between land uses, or to mark the edge of an urban or developed area; those permanent open space area illustrated on the City's Comprehensive Plan and described in Article V of this Ordinance.

Group Homes: A community residence serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, state, or national bodies. Group homes do not include residences which serve persons as an alternative to incarceration for a criminal offense.

Home Occupation: An occupation for gain or financial support conducted entirely within a principal residential building, or a building or structure accessory thereto.

Home Professional Office: A home occupation consisting of the office of a practitioner of recognized profession.

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

Hotel, Motel, Inn or Auto Court: An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, meeting rooms and ancillary retail uses.

Impervious Surface: Any material which reduces and prevents absorption of storm water into previously undeveloped land.

Improvements: Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees, and other additions or deletions from the natural state of land which increase its utility or habitability.

Improvement, Public: Any improvements for which the City or other public entity may ultimately assume the responsibility for maintenance and operation.

Industrial Park: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, esthetics, and compatibility.

Institutional Use: A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated building, structure, or land used for public purpose.

Joint Ownership: The equal estate interest of two or more persons.

Junk Yard: Any area, lot, land, parcel, building or structure, or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles.

Kennel: Any lot or premises, or portion thereof on which three (3) or more dogs or other domestic animals over the age of four months are boarded for compensation or kept for sale.

Light Industry: Industrial uses which meet the performance standards, bulk controls and other requirements established in this Ordinance.

Lot: A parcel or tract of land.

Lot Area: The area of a lot shall be computed exclusive of any portion of the right-of-way of any public or private street or easement of access.

Lot, Corner: A lot of which at least two (2) adjacent sides abut for their full lengths upon street rights-of-way.

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

Lot Depth: The mean horizontal distance between the front and rear lot lines. Lot, Double Frontage

Lot, Double Frontage or Through: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Lot Frontage: The measurement of lot frontage shall be considered to be the distance between side lot lines at the street right-of-way. If the side lot lines do not intersect the street right-of-way, the lot frontage shall be only that portion of the lot line abutting the street that coincides with the street right-of-way. For an acre lot line, the lot frontage shall be the internal chord dimension.

Lot Interior: A lot other than a corner lot with only one frontage on a street.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Corner Side: The boundary of a corner lot which abuts a street right-of-way but is not the front line.

Lot Line, Front: The boundary of a lot which is along a street right-of-way. For landlocked or partially land-locked parcels of land, the front lot line is that lot line that faces the access to the lot.

Lot Line, Rear: The boundary of a lot which is most distant from and is, or in most nearly, parallel to the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: An area of land which is designated as a separate platted subdivision lot in a subdivision plat prepared in accordance with the Plat Act and recorded in the office of the County Recorder of Deeds.

Lot Width: The distance between straight lines connecting the front and rear lot lines where they intersect each side lot line measured at the building setback line.

Lot, Zoning: The term zoning lot shall mean and include a lot of record in a recorded subdivision, or a single tract of land, or parcels described by metes and bounds, which are designated by their owner as a tract to be used, developed, or built upon as a single unit in common ownership. Multiple, contiguous parcels in common ownership may be aggregated for the purposes of determining compliance with the provisions of this Article.

Manufacture: The production, making or processing of products or commodities for general consumption of the public or for sale to specialized institutions or organizations. Also included is the sub-assembly, fabrications or processing of parts or components for use in other products or commodities.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mixed Use Development: The development of a tract of land, building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment.

Mobile Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the locations, or subsequent locations, at which it is intended to be a permanent habitation or designed to permit the occupancy thereof as a dwelling place for one or more persons.

Motor Vehicle: Any self-propelled wheeled conveyance that does not run on rails and that can carry passengers, goods and/or equipment.

Multi-Use Building: A building containing two or more distinct uses.

Noise: An undesirable audible sound.

Noise Pollution: Continuous or episodic excessive noise in the human environment.

Non-Conforming Building: Any building or structure lawfully established at the time this Ordinance is adopted, which:

1. Does not comply with all the regulations of this Ordinance or any amendment hereto governing standards of the district in which such building or structure is located; or
2. Is designed or intended for a nonconforming use.

Nursery School: An institutional facility for preschool children.

Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Octave Band: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Odor Threshold: The minimum concentration of odorous matter in the air that can be detected as an odor.

Off-Site: Any premises not located within the area of the property to be subdivided or developed, whether or not in the same ownership of the applicant for subdivision or development approval.

Off-Street Parking and Loading Facility: A building, structure, parcel of land, or portion thereof which provides off-street parking or off-street loading spaces and including access ways, driveways and aisles and which is either a principal or accessory use.

Off-Street Parking or Loading Space: An open, hard-surfaced area of land, other than a right-of-way, an access, a driveway or an aisle and the principal use of which is for the standing, loading and unloading of motor vehicles.

On-Site: Located on the lot or parcel that is the subject of an application for development or subdivision approval.

On-Street Parking: A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

Opacity: The quality or state of an object that renders it impervious to the rays of light; the degree of non-transparency.

Open Area: That area of a lot, parcel, or tract that is not covered by a building or structure.

Open Space: Any parcel or area of land or water essentially unimproved, or otherwise devoid of buildings or other structures and paved areas, and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinance: Reference to "Ordinance" shall be construed as the City of Maroa Zoning Ordinance.

Outdoor Storage: The keeping in an area, external to a principal or accessory structure, of any goods, material or merchandise in the same place for more than twenty-four (24) hours.

Overhang:

1. The part of a roof or wall which extends beyond the facade or a lower wall; and
2. The portion of a vehicle extending beyond the curb.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or controlling proprietary interest in any lot, tract or parcel of land.

Parcel: A lot or tract of land.

Parking Area or Lot: A suitably surfaced and maintained area exclusive of any street, alley, or other access way, designed or used for the temporary storage of motor vehicles.

Parking Space: An enclosed or unenclosed area permanently reserved for storage of one (1) automobile and appropriately connected with a street or alley by a driveway affording adequate ingress and egress.

Parkway: The area between the back of the curb and the sidewalk or the area between the back of the curb and the edge of the street right-of-way where there is no sidewalk.

Patio: A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

Pedestrian: An individual who travels on foot.

Performance Standard: Criteria established to regulate uses according to their effects. Such criteria are noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

Perimeter: The boundaries or borders of a lot, tract or parcel of land.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planning and Zoning Board: Members of the City of Maroa Planning and Zoning Board as constituted by this Ordinance.

Plan Review Committee: This Committee shall consist of the Mayor and two Council Members as determined by the Mayor and any other City consultants or staff as determined appropriate by the Mayor.

Planned Development: A parcel of land or contiguous parcels of land of size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties, easements and streets.

Plat, Final: The final map of all or a portion of a subdivision or site plan which is presented to the City Council for approval.

Plat, Preliminary: A preliminary map or site plan indicating the proposed layout of a subdivision which is submitted to the Planning and Zoning Board and City Council for consideration and preliminary approval.

Porch: A roofed open area, which may be screened, usually attached with direct access to, a building.

Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Building: The main building or structure as distinguished from a subordinate or accessory building or structure.

Private Improvement: Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or private association.

Private Street: Any road that is used for access and circulation where the ownership and maintenance responsibility is borne by the owner or a private association.

Professional Office: The office of a member of a recognized profession, maintained for the conduct of that profession.

Prohibited Use: A use that is not permitted in a zoning district.

Property Lines: The lines bounding a lot.

Public Notice: The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place and nature of the public hearing.

Public Street: All major, collector or local streets which are shown and dedicated on a plat for public use of which the ownership and maintenance responsibility is borne by the City or other public agency.

Public Walkway: A right-of-way dedicated for the purpose of a pedestrian access and located so as to connect two (2) or more streets, or a street and a public land parcel.

Quorum: A majority of the full authorized membership of the Planning and Zoning Board or City Council.

Recreational Area: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle: Every, vehicle originally designed or permanently converted and primarily used for temporary living quarters or human habitation, and not used as a commercial vehicle, including any house trailer, camper or private living coach.

Repair Garage: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Restaurant: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in-stand, tearoom and dining room.

Restrictive Covenant: A restriction on the use of land usually set forth in the deed.

Retail Services: Establishments providing services or entertainment, as opposed to products to the general public, including but not limited to, eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining Wall: A structure constructed to hold back or support an earthen bank.

Retention Basin or Pond: A pond, pool, or basin used for the storage of storm water runoff that maintains a permanent pool of open water.

Rezone: To change the zoning classification of a parcel or parcels of land.

Right-of-Way: A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other similar use. The usage of the term "right-of-way" for land platting purposes shall mean every right-of-way hereafter established and shown on a final plat and shall be separate and distant from the lots or parcels adjoining such right-of-way. Rights-of-way intended for streets, walks, water mains, sanitary sewers, storm drains, or any other use

involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Right of Way Width, Street: The distance between property lines measured at right angles to the center line of the street.

School: A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois.

Screening: A building erected of vegetation planted for the purpose of concealing from view the area behind it.

Setback Line: The line which represents the required minimum distance from street right-of-way line, or any other lot line, that establishes the area within which principal structure must be erected or placed.

Sidewalk: A paved surface area, usually paralleling and separated from the street, used as a pedestrian walkway.

Smoke: The visible discharge from a chimney, stack, vent, exhaust or combustion process which consists of particulate matter.

Special Use Permit: A permit issued by the City of Maroa which must be acquired before construction for, or commencement of, activity listed as a special use with the appropriate zoning district.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Land Use Plan.

Story: That part of a building between any floor and the next floor above, and if there is no floor above, then the ceiling above. A basement is a story if more than one-half of its height is above the average grade of the lot, or if it is used for business purposes, or if it contains any dwelling unit.

Story, Half: The portion of a building or structure under a gable, hip or mansard roof, which the top wall plates on at least two (2) opposite exterior walls are not more than four and one-half feet above the finished floor of each story.

Street: An improved public or private right-of-way or easement which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however otherwise designated, but does not include driveways to buildings.

Structure: An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, fences, freestanding signs, patios, and parking areas.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels of land for sale, development or lease.

Temporary Structure: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Terrace: A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade, and not covered by a permanent roof

Toxic Matter: A substance which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application.

Trailer: Every vehicle without motor power, designed for carrying persons or property and for being drawn by a motor vehicle.

Transitional Area:

1. An area in the process of changing from one use to another; and
2. An area which lies between two land uses of different intensities.

Transitional Use: A land use of an intermediate intensity between uses of differing intensities.

Unified Control: The combination of two (2) or more tracts of land, wherein each owner has agreed that his or her tract shall be developed as part of a planned development, and shall be subject to all control applicable to, and adopted for the planned development.

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

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

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

Use, Legal Non-Conforming: The use of any building, structure or parcel of land which lawfully is occupied and maintained upon the effective date of the adoption or amendment of this Ordinance and which does not conform to the use regulations of the zoning district in which the use is located by reason of the adoption or amendment of this Ordinance.

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

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

Use, Special: A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of this Ordinance.

Variance: A variance is permission to depart from the terms of the Zoning Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Article would result in unnecessary and undue hardship.

Vibration: The periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium when the equilibrium has been disturbed.

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

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this Ordinance.

Yard, Front: The open space across the full width of the lot extending from the closest point of the front line of the principal building to the front line of the lot. On corner lots the front yard shall face the shortest dimension of the lot adjacent to the street.

Yard, Rear: A yard extending along the full width of the lot between the closest point of the principal building and the rear lot line.

Yard, Required: The open space between a lot line and the buildable area within which no structure will be located, except as provided by this Zoning Ordinance.

Yard Side: The open space between the closest point of the principal building and the side line of the lot and extending from the front line to the rear line of the building.

Zoning Official: The Zoning Official shall be the individual that has been, or shall be duly appointed by the City Council, who is in charge of the administration and enforcement of this Zoning Ordinance.

Zoning District: A specifically delineated land area within the incorporated area of Maroa, Illinois, as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Map: The map incorporated herein as a part hereof, designating zoning districts.

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ARTICLE III
GENERAL PROVISIONS

3.1 INTERPRETATION OF REGULATIONS

- A. The provisions of this Ordinance shall be held to be the minimum requirement for the promotion of the public health, safety, morals and welfare.
- B. Where the conditions imposed by any provision of the Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulation, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.
- C. This Ordinance is not intended to supersede any easement, covenant or other private agreement, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements, than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.
- D. No building, structure or use which is not lawfully existing at the time of the adoption of this Ordinance shall become, or be made lawful solely by reason of the adoption of this Ordinance; and to the extent and manner said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure or use remains unlawful.

3.2 SCOPE OF REGULATIONS

- A. No building or other structure shall be erected, altered or enlarged and no use of land shall be established or enlarged for any use except a use that is named in the list of permitted uses for the zoning district in which the building, structure or land is, or will be located. There shall be two (2) exceptions to this requirement:
 - 1. Uses lawfully established prior to the effective date of this Ordinance may be continued, subject to the conditions and restrictions contained in Article IX, Non-Conformities, of this Ordinance.
 - 2. Special uses may be allowed, but only in accordance with the provisions of this Article, Section 3.5.

B. The uses permitted in each zoning district are listed in Article V, District Regulations.

3.3 Allowable Use Of Land Or Buildings

The following uses of land or buildings are allowed in the districts indicated hereinafter in Article V under the conditions specified in this Ordinance.

A. Uses lawfully established on the effective date of this Ordinance.

B. Permitted, Special and Accessory Uses listed in Article V.

3.4 Prohibited Use Of Land Or Buildings

No building or tract of land shall be devoted to any use other than the one which is specified as a permitted, special, or accessory use in Article V in the zoning district in which such building or land is located. However, where a building permit for the building or structure has been issued in accordance with applicable laws prior to the effective date of this Ordinance, and where construction has begun within six months of such effective date and diligently persecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied by the use originally designated, subject to the provisions of this Ordinance.

3.5 Special Uses

In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article X. The special uses which may be allowed in each zoning district are set out in Article V, District Regulations. No listed special use shall be considered an accessory use to any other permitted or special use, and a permit shall be required for each separate special use.

3.6 Agriculture As A Permitted Use

Farming shall be permitted in any zoning district, although the raising or keeping of livestock or poultry shall not be permitted in Residential Districts R-1, R-2 and R-3. Dwelling units which are accessory to the farming uses shall also be permitted provided, however, that the occupants of the dwellings are engaged in agricultural activities on the premises as their principal means of livelihood, or are for the immediate family (such as parents, children,

grandchildren) of the owners of the farm when such owner's principle residence is on the farm, provided, however, that the original farm residence can be rented to non-farm workers if the owners have moved from the property.

3.7 Accessory Structures And Uses

- A. All accessory uses shall comply with the standards of the district in which they are located. No accessory use or structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this Ordinance.
- B. Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building.
- C. Permitted accessory uses are listed for each district in Article V.
- D. No accessory building or structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon the rear yard of a through lot, nor upon the front yard of any lot.
- E. No accessory building or structure shall exceed the height of one (1) story or fifteen (15) feet and shall be at least seven (7) feet from any property line.
- F. Detached garages and carports accessory to single-family dwellings shall not exceed thirty percent (30%) of the rear yard area. All other detached accessory uses shall not exceed ten percent (10%) of the rear yard area. The total of all accessory buildings shall not exceed thirty percent (30%) of the rear yard area. Exceptions to these standards shall be permitted pursuant to the issuance of a Special Use Permit.

3.8 Temporary Buildings, Structures And Uses Of Land

- A. The City Council may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform to regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located, provided however, that such use is of a temporary nature.

- B. Such uses shall be granted for a specified period of time and shall be subject to such conditions as the City Council determines to be necessary for the safeguarding of the public health, safety and general welfare.

3.9 Control Over Use

No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot in a subdivision of record at the time of adoption of this Ordinance, even though such lot does not meet the requirements of this Ordinance as to area and width, may be used for single family residence purposes, provided the use conforms with all other regulations of the district in which it is located.

3.10 Lot Size Requirements

Unless otherwise granted under the terms of an annexation agreement, special use permit, or variance, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged on a lot or tract of land that is:

- A. Smaller in area than the minimum lot area prescribed for the zoning district in which the building, structure or land is located.
- B. Less than the minimum width prescribed for the zoning district in which the building, structure or land is located.

3.11 Building Limitations

- A. Unless otherwise granted under the terms of a variance or a special use permit the following limitation(s) shall apply:
- B. No building or other structure shall be erected, altered or enlarged so as to exceed the maximum lot coverage percentage, floor area ratio, minimum setbacks and minimum side and rear yards, or the maximum building height for the district in which the building or structure is located.

3.12 Building Height

- A. Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.
- B. Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, water towers and similar structures and necessary mechanical appurtenances may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.

3.13 Yards

- A. **General:** No lot shall be reduced in area so that the yards or other open spaces become less than required by the Ordinance.
- B. **Front Yard:** - On streets where a front yard setback has been maintained for buildings existing on lots or tracts having a frontage of thirty (30) percent or more of the total frontage on one side of that portion of any street lying between two intersecting streets, or from an intersecting street and a corporate limits line, the following shall apply:
 - 1. No new building shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure. If there are residences upon only one side, then no new building shall project beyond the straight line projected from the front of the two nearest residences. This regulation shall not, however, be interpreted to require a front yard of more than 50 feet, nor to permit a front yard of less depth than that of the nearest building.
 - 2. Where the street is curved the line shall follow the curve of the street rather than to be a straight line.
- C. **Double-Frontage Lots:** Double frontage lots shall not be allowed, except where lots back up to a major roadway. In such instances, vehicular access between the lots and the primary thoroughfare shall be prohibited.
- D. **Corner Lots:** A corner lot shall be deemed to have two (2) front yards. The classification of the remaining two (2) yards shall be determined by the type of yard abutting the yard in question:
 - 1. If a corner lot abuts a side yard, it shall be deemed a side yard.

2. If a corner lot abuts a rear yard, it shall be classified as a rear yard.

3.14 Permitted Obstructions, Yards

For the purpose of this Ordinance, the following in addition to permitted accessory structures, shall be considered permitted obstructions in the required yards:

A. All Yards:

1. Awnings and canopies.
2. Steps four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley.
3. Chimneys that project twenty-four (24) inches or less into the yard.
4. Approved free-standing signs.
5. Arbors and trellises.
6. Flagpoles.
7. Window unit air conditioners which project not more than eighteen (18) inches into the required yard.
8. Fences or walls, subject to applicable height and other code restrictions.
9. Open off-street parking spaces, subject to standards and setbacks set forth in Article VII, Off-Street Parking and Loading.

B. Front and Corner Side Yards:

1. Open terraces, patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than five (5) feet into the minimum yard.
2. One-story bay windows which project three (3) feet or less into the yard.

3. Overhanging eaves and gutters which project three (3) feet or less into the yard.

C. Rear Yards:

1. Balconies.
2. Open terraces or decks, provided they are not over three (3) feet above the average level of the adjoining ground, and do not extend more than fifteen (15) feet into the minimum yard.
3. Recreational and laundry drying equipment.
4. Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.
5. One-story bay windows which project three (3) feet or less into the yard.
6. Overhanging eaves and gutters which project three (3) feet or less into the yard.

D. Interior Side Yards:

1. Overhanging eaves and gutters which project three (3) feet or less into the yard.
2. Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.

3.15 Number Of Buildings On A Lot

Except as approved as a variance or as a part of a planned development, no more than one principal building shall be located on a zoning lot.

3.16 Off-Street Parking And Loading

Unless otherwise granted under the terms of a special use permit, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged, unless the minimum off-street parking and loading spaces required by Article VII, Off-Street Parking and Loading, are provided.

3.17 Home Occupations:

- A. General:** The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence except for a sign.
- B. Performance Requirements:** A home occupation or profession, where permitted in a zoning district, shall meet the following performance requirements in addition to those standards applicable to the district in which they are located:
1. Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed on the premises.
 2. No alteration of the principal building shall be made which changes the residential appearance of the dwelling.
 3. No more than twenty-five percent (25%) of the floor area of the residential dwelling unit shall be devoted to any home occupation.
 4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article VII of this Ordinance, and shall not be located in a required front yard.
 5. Signage shall be in conformance with Article VIII of this Ordinance.
 6. No equipment or material used shall constitute a hazard, create a nuisance or interfere with the reception of broadcast signals.
 7. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling or an accessory building (such as a garage).
 8. All material, equipment, merchandise or work in process shall be wholly enclosed within the dwelling or an accessory building.

C. Permitted Home Occupations:

1. Day Care Homes licensed by the State of Illinois.
2. Dressmakers, seamstresses or tailors.
3. Music or dancing teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups.
4. Artists, sculptors, or authors.
5. Beauty/Barber shop.
6. Offices for ministers, rabbis, priests, or members of religious orders.
7. Offices for salespersons, sales representatives or manufacturers' representatives; provided that no retail transactions shall be made on the premises except through telephone, facsimile or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

D. Prohibited Home Occupation:

1. Animal hospitals.
2. Clinics or hospitals.
3. Commercial boarding stables or kennels.
4. Dancing Schools, except where permitted above.
5. Mortuaries.
6. Nursery schools.
7. Private clubs.
8. Renting of trailers.
9. Repair shops or service establishments, except the repair of small electrical appliances and other similar items.
10. Restaurants.

10. Restaurants. 3.18 FENCES - Fences are a permitted accessory use in all yards subject to the following:

3.18 Fences:

Fences are permitted accessory use in all yards subject to the following.

- A. No fence in excess of three (3) feet in height shall be permitted in any required front yard.
- B. No fence in a residential district shall exceed 6'6" in height.
- C. Fences along rear lot line, when adjacent to a major roadway or collector street, shall be dark vinyl clad chain link fencing not to exceed four (4) feet in height.
- D. Where there are exposed structural elements on a fence adjacent to a residentially zoned property, the supports shall be exposed on the side of the fence of the property on which it is located.
- E. No barbed wire fence will be permitted in the residential areas except by permission of the City Council.
- F. All new fences are required to have an access gate with a minimum 30" opening.

3.19 Swimming Pools:

Private Swimming Pools: No private swimming pool shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with all other applicable City regulations. Private swimming pools shall not be located in a required front yard.

- A. Every person owning land within the City of Maroa on which there is presently situated an above or below ground swimming pool, or who constructs such a swimming pool after the effective date of this ordinance either of which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be no less than 4 feet above the underlying ground. All gates shall be self-closing and self-latching with latches placed 4 feet above the underlying

ground and otherwise made inaccessible from the outside to small children.

- B. A natural barrier, hedge, pool cover or other protective device approved by the City Zoning Inspector shall be an acceptable enclosure so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein. The substitution with such a natural barrier, hedge, pool cover or other protective device shall be considered a variance from the provisions of Section 1 hereof and written request for such variance shall be submitted to the City Clerk.
- C. No swimming pool as herein defined shall be constructed after the effective date of this ordinance without first having obtained a construction permit therefore on a form provided by the City Clerk.
- D. Owners of land where there is presently situated an above or below ground swimming pool shall have a period of two years from the effective date hereof to comply with the terms of this ordinance.

3.20 Access To Public Streets:

Each zoning lot shall have direct access to a public or private street or roadway in accordance with the following regulations:

A. General:

1. The access control standards contained in this section are intended to promote safe and efficient operation of driveway approaches and to minimize vehicular delays and accidents. The Planning and Design Guidelines of the Comprehensive Plan shall apply.
2. Each required off-street parking space shall open directly upon all-weather, hard surfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Such driveway and driveway approach must be maintained as an all-weather hard surface material.

B. Maximum Number of Driveway Approaches: With the exceptions listed below, one driveway approach is permitted per zoning lot. If a use is listed special use in a district, the additional driveway approaches may be considered during the review of the special use permit, provided

documentation of a traffic study is supplied. Otherwise, request for additional driveway approaches shall be considered as variations. The following exception(s) may have additional driveway approaches:

Attached single family dwellings may have one driveway approach per dwelling unit (such as multiplex dwellings).

C. Corner Clearance:

1. Minimum separation of a driveway approach from an adjacent intersecting street shall be forty (40) feet from the centerline of the driveway approach to the nearest right-of-way line of the intersecting street.
2. Minimum separation of a driveway from an intersection of a major street with a collector shall be the greater of:
 - a. Two hundred (200) feet on the major street, and one-hundred fifty (150) feet on the collector unless a shorter distance has specifically been authorized by IDOT along old U.S. Rte 51 (Wood Street); or
 - b. The length of a full left-turn storage and taper, whichever is greater.

D. Property Line Clearance: Driveway approaches shall be located so that the required curb-return lies entirely within the property lines (extended) of the zoning lot served by the driveway approach unless the driveway is being shared with the adjacent zoning lot.

E. Vision Clearance, Corner Lots: No obstruction to the vision of persons using streets, sidewalks or driveways, and no building or structure hereafter erected, other than fences meeting the requirements of this Ordinance shall be located in any of the following areas:

1. In any residence district, within a triangular area formed by the street property lines and a line connecting points on the street property lines located thirty-five (35) feet from the street property line intersections.
2. In any business district within ten (10) feet of the intersecting right-of-way lines bordering a corner lot.

3.21 ACCESSORY BUILDINGS AND STRUCTURES:

Accessory buildings or structures, except as otherwise permitted in this title, shall be subject to the following regulations:

- (A) Where the accessory building has a common wall or common roof with the main building it shall be subject to, and must conform to, all regulations of this title applicable to the main building.
- (B) Accessory buildings and structures shall not be erected in any side yard nor in any front yard.
- (C) An accessory building shall not occupy more than twenty-five (25%) of a required rear yard.
- (D) No detached accessory building shall be located closer than ten feet (10') to any main building and shall otherwise conform to setback restrictions in the particular zoning district.
- (E) Height of accessory buildings:
 - 1. Detached accessory buildings and structures in residential districts:
 - (a) A detached accessory building or structure shall not exceed one story or fifteen feet (15') in height.
 - (b) The vertical exterior surface of a building, not forming part of the roof, shall not exceed a height of nine feet (9'), measured from grade to the top plate of the wall.
 - 2. Detached accessory buildings and structures in nonresidential districts.

Detached accessory buildings or structures in all nonresidential districts may be constructed to equal the permitted maximum building height in said districts, subject to board of zoning appeals review and approval, if the building or structure exceeds one story or fifteen feet (15') in height.
- (F) When an accessory building is located on a corner lot, the lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building should not project beyond the front yard setback required on the lot to the rear of such corner lot.
- (G) When an accessory building in excess of two hundred (200) square feet in any residence, business, or commercial district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the zoning board of appeals.
- (H) Use of any accessory building or structure as a dwelling is strictly prohibited throughout the City.

ARTICLE IV
ESTABLISHMENT AND PURPOSE OF DISTRICTS
AND DISTRICT BOUNDARIES

4.1 Purpose:

The purpose of these regulations is to realize the purposes set forth in Article I. In addition, the specific purpose of each zoning district is stated in Article V.

4.2 Zoning Map:

- A. The boundaries of the districts are shown upon the map designated as the "Zoning Map". The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the Zoning Map is properly attested and is on file with the City Clerk of the City of Maroa, Illinois.
- B. Whenever any street, alley or other public way is vacated by official action of the City Council, 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 area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- C. Where the districts designated on the Zoning Map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
- D. Where the district boundaries are not otherwise indicated, and where the property has been divided into blocks and lots of record, the district boundaries shall be construed to be the lot lines of the Lots of Record.
- E. In un-subdivided property, the district boundary lines shall be determined as reflected in the dimensions appearing on the Zoning Map.

4.3 Boundaries And Minimum Areas:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

A. General Guidelines: District boundaries shall be either the centerline of rights-of-way for railroads, highways, streets, alleys or easements, and waterways, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots (or such extended), unless otherwise indicated.

B. Areas Not Subdivided into Lots and Block:

1. Wherever a district is indicated as a strip adjacent to and paralleling a major highway, the depth of such strip shall be in accordance with the dimensions shown on the map measured at right-angles to the centerline of the street or highway. The length of the frontage of such a strip shall be in accordance with the dimensions shown on the map from section, quarter-section, or division lines of centerline of streets, highways or railroad rights-of-way unless otherwise indicated.
2. If a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the more intensively zoned district.
3. Paragraph B-2 shall not apply, however, if it increases the more intensive portion of the lot by more than twenty-five (25) percent. If this occurs, the entire lot shall be zoned the least intensive of the two districts, unless otherwise recommended at a public hearing by the Planning and Zoning Board and approved by the City Council.

4.4 Zoning Of Public Ways:

All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, and railroad rights-of-way. Where the centerline of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

4.5 Annexed Territory:

All territory which is annexed to the City shall be automatically classified in the R-1 Single Family Residential District upon annexation, unless otherwise classified by amendment.

ARTICLE V
DISTRICT REGULATIONS

5.1 General Provisions For Greenbelt:

A. Open Space/Greenbelt: Open space shall be provided for City residents in the form of parks and greenbelts, consistent with regulatory and policy directives of the City. Where parks and green belts illustrated on the Land Use Plan pass through a proposed residential subdivision, land, in lieu of cash, shall be provided according to the adopted Land/Cash Ordinance, as may be amended from time to time. The City has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system adopted as part of the City's Comprehensive Land Use Plan:

1. Purpose:

- a. To establish natural limits of growth around the City.
- b. To visually set Maroa apart from adjacent communities and/or the rural environment.
- c. To preserve existing natural resources, and protect critical storm water drainage corridors.
- d. To provide conveniently-located recreational amenities and facilities for residents of Maroa.

2. Greenbelts:

- a. Where a greenbelt illustrated on Maroa's Comprehensive Land Use Plan passes through a proposed subdivision, a minimum width of one-hundred (100) feet shall be set aside for this amenity. The one-hundred foot minimum width shall be increased to incorporate floodplain, steep slopes, wetlands, high quality native plant communities, major stands of trees, riparian zones, and/or other significant natural features that may exist within, or adjacent to these areas. The location and extent of a greenbelt shall be determined at the time of preliminary plan and/or plat.
- b. For the purpose of this Ordinance, these natural features shall include:

- i. **Floodplains:** One-hundred (100) year floodplain, as defined by the Federal Emergency and Management Agency (FEMA).
 - ii. **Steep Slopes:** Those land areas with slopes that equal or exceed thirty-five (35) percent, or 2.85:1
 - iii. **Wetlands:** As defined through the currently applicable criteria established by the U.S. Army Corps of Engineers.
 - iv. **Major Stands of Trees:** Mature woodlands, such as stands of oak/ hickory forest, and floodplain forests, such as mature cottonwood, silver maple, sycamore, hackberry, etc.
 - v. **Riparian Zone:** Natural vegetation along the edge of a stream that: modulates temperature; provides nutrient input into the stream system; provides a buffer that intercepts surface runoff, filtering out sediments and pollutants; provides erosion control through soil stabilization; and serves as habitat and migration corridors for wildlife who utilize the stream for food and drink.
- c. The greenbelt shall be recorded with the final plan and/or plat of subdivision as open space to be maintained as such in perpetuity.
 - d. At the time of final platting, an easement, not less than fifteen feet (15) wide, shall also be recorded to accommodate future development of a recreation path within the greenbelt. Said path shall be eight feet wide, and installed at such time as the City determines appropriate. Unless otherwise approved by the City Council, the path shall consist of crushed limestone, and shall be engineered to avoid erosion.
 - e. Two-inch caliper native trees shall be planted along the perimeter of the greenbelt to define its limits. Tree plantings may be waived by the Planning and Zoning Board and City Council during review of a final plan or plat, if the greenbelt is wooded, or includes natural features that may be inconsistent with required tree plantings.
Where required:
 - i. Not less than one native tree shall be planted on each side of the greenbelt for each thirty (30) lineal feet that passes through the residential subdivision.

- ii. Trees shall be planted in naturalistic groupings, and shall be worked into the existing landscape.
 - f. Native grasses, wild flowers, or other native vegetation shall be installed where necessary to stabilize slopes within the greenbelt, in lieu of lawn or other traditional ground cover.
3. **Parks:** The exact location of boundaries and park land shall be determined as part of the preliminary plan or plat.
4. **Submittal:** Unless otherwise waived by the Planning and Zoning Board and City Council, the following shall be submitted for staff review at the time of preliminary plat or plan to determine the existence, location and extent of wetlands, floodplains, native prairie, major stands of trees, steep slopes and other natural features that may fall within the greenbelt depicted on the Land Use Plan:
- a. Items listed below shall be included on a site plan, at a scale not less than 1" = 50':
 - i. Location of FEMA floodplain.
 - ii. Existing contours at two-foot intervals.
 - iii. Existing and proposed drainage system, including all discharge points, collection, conveyance, and storage facilities.
 - iv. Proposed contours, at two-foot intervals.
 - v. Drainage features, storm water management facilities, floodplains and wetland boundaries.
 - vi. Boundaries of predominate soil types.
 - vii. Locations, species and size of trees six inches or greater in caliper, if any.
 - viii. Delineation of riparian zone, if any, and location, species and size of trees, six inches or greater in caliper, that exist within the zone.

- ix. Delineation of high quality native plant communities, if any, and a copy of the Natural Area Rating Index for the plant communities.
 - b. Where wetlands exist within, or adjacent to the greenbelt, a wetland delineation report shall be submitted which includes:
 - i. A map showing the exact location of wetlands within the development boundaries.
 - ii. An aerial photograph delineating wetland, development and watershed boundaries.
 - iii. Army Corps of Engineers data sheets with representative color photographs.
 - iv. Written description of the wetland(s) including a professional assessment of functional values.
 - c. Protective covenants shall be submitted for the greenbelt or park, which identify:
 - i. Name, address and telephone number of the individual or group responsible for maintenance of the park or greenbelt.
 - ii. Required maintenance provisions and responsibilities for these resources.
 - iii. Terms and conditions associated with the use of the land.
- 5. Screen Plantings:**
- a. Where a proposed residential subdivision abuts a more intensive land use, landscape screening shall be provided. Such screening may be accomplished through the provision of landscaped berms, a compact hedge, fence, wall or a combination of these methods, as approved by the City during the preliminary and final plan and/or plat review process.
 - b. Required screening shall be a minimum of five (5) feet in height, at installation.

- c. The placement of a screen shall not impair the safety of pedestrian or vehicular traffic.
- d. Screening shall maintain a year round opacity not less than seventy-five (75) percent.
- e. Where screening is required, a landscape plan, prepared by a licensed landscape architect, shall be submitted with the preliminary and final plan and/or plat of subdivision, and shall show:
 - i. Location, design, and dimensions of proposed fencing, if any.
 - ii. Location, species, size and quantity, of proposed trees and shrub plantings.
 - iii. Contours of proposed berms, if any.
 - iv. Limits of seed or sod, and identification of ground covers, if any.

5.2 Single Family Residence District (R-1):

A. Purpose: The R-1 District is intended to provide for single-family areas identified herein which are compatible with the single-family neighborhood character.

B. Permitted Uses:

1. Residential:

- a. Home Occupations as Defined in Article III, General Provisions
- b. Single Family Detached Dwellings
- c. Truck Garden or Farming (excluding the keeping of livestock or poultry)

2. Religious/Institutional:

- a. Church, Synagogue or Temple
- b. Convent, Monastery or Seminary
- c. Schools, Public or Private
- d. Local, Township or County Governmental Building
Library
- e. Library

3. Recreational/Civic:

- a. Greenbelts
- b. Public Park, Playgrounds, Forest Preserves or Playfields
- c. Golf Course (with no exterior lighting)

C. Permitted Accessory Uses:

- 1. Buildings accessory to the principal use, including private garages, provided they are located in the side or rear yard, are no closer than seven (7) feet to a side or rear property line, no more than fifteen (15) feet in height and occupy no more than thirty (30) percent of the rear yard.
- 2. Non-paying guest homes or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units.
- 3. Private greenhouse, subject to setback regulations of this District.
- 4. Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of this District.
- 5. Quarters comprising part of an accessory building and solely for occupancy by a household employee (and his or her family) of the occupants of the principal dwelling.

6. Sheds or buildings for domestic storage, provided they are located in a rear yard only, and no closer than seven (7) feet to a side or rear property line.
7. Vegetable or flower garden.
8. Small domestic animal shelter.

D. Special Uses:

1. Residential:

- a. Mobile Home
- b. Congregate Care Facility
- c. Group Housing
- d. Senior Citizen Housing

2. Business and Service Uses:

- a. Bed and Breakfast
- b. Day Care Center/Nursery School
- c. Greenhouse/Nursery Retail Sales (minimum 1-acre lot)
- d. Model Homes

3. Religious/Institutional:

- a. Cemetery, Mausoleum
- b. Religious Retreat
- c. Hospital, Medical Clinic, Convalescent Center
- d. Police or Fire Station
- e. High School, College or University

4. Recreational/Civic:

- a. Golf Course and/or Driving Range with Exterior Lighting
- b. Community Center
- c. Private Club

5. Light Industrial:

- a. Airport, Landing Field
- b. Radio/TV Tower or Station
- c. Railroad or Public Utility Structure

6. Planned Developments:

E. Lot Size:

1. Residential:

- a. Minimum Lot Size: Seven thousand five hundred (7,500) square feet with municipal sewer and water, twelve thousand (12,000) square feet with water or sewer, and twenty thousand (20,000) square feet with neither.
- b. Minimum Lot Width: Not less than sixty (60) feet shall be maintained at the front property line for single family homes.

2. Special Uses: Lot sizes for special uses shall be specified in the special use permit, unless otherwise noted for a particular use listed in this District, based upon the criteria listed in Article X, Section 10.13.

F. Yard and Setback Regulations: Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

1. Minimum Front and Corner Side Yards: Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.

2. **Minimum Interior Side Yards:** Not less than seven (7) feet from an interior side lot line for a single-story structure, and eight (8) feet for a multi-story structure.
3. **Minimum Rear Yards:** Not less than thirty-five (35) feet from a rear lot line.
4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way of U.S. Route 51.

G. Structure Height:

1. **Single-Family Detached Residences:** Not more than thirty-five (35) feet in height.
2. **Single Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.3 Multiple-Family Residence District (R-2):

A. Purpose: The purpose of the R-2 District is to provide low density multiple family living areas. Dwellings may include attached single family units with four dwelling units per building or less in addition to detached single-family.

B. Permitted Uses:

1. **Residential:**

- a. All Permitted Uses in R-1 District
- b. Townhome and Multiplex Structures with up to Four Dwelling Units

2. **Religious/Institutional:**

- a. All Permitted Uses in R-1 District

3. **Recreational/Civic:**

- a. All Permitted Uses in R-1 District

C. Permitted Accessory Uses:

1. All Permitted Accessory Uses in R-1 District

D. Special Uses:

1. Residential:

- a. All Special Uses in R-1 District
- b. Sheltered Care Housing

2. Business and Service Uses:

- a. All Special Uses in R-1 District

3. Religious/Institutional:

- a. All Special Uses in R-1 District

4. Recreational/Civic:

- a. All Special Uses in R-1 District

5. Light Industrial:

- a. All Special Uses in R-1 District

6. Planned Developments:

E. Lot Size:

1. Residential:

- a. **Minimum Lot Size:** Seven thousand five hundred (7,500) square feet with municipal sewer and water, twelve thousand (12,000) square feet with water or sewer, and twenty thousand (20,000) square feet with neither.

b. **Minimum Lot Width:** Not less than sixty (60) feet shall be maintained at the front property line for detached single family homes and seventy-five (75) feet for townhomes and multiplex structures.

2. **Special Uses:** Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this District, based upon the criteria listed in Article X, Section 10.13.

F. **Yard and Setback Regulations:** Every building hereafter erected or with the following:

1. **Minimum Front and Corner Side Yards:** Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.

2. **Minimum Interior Side Yards:** Not less than seven (7) feet from an interior side lot line for a single-story structure, and eight (8) feet for a multi-story structure.

3. **Minimum Rear Yards:** Not less than thirty-five (35) feet from a rear lot line.

4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way for U.S. Route 51.

G. **Structure Height:**

1. **Single-Family Detached Residences:** Not more than thirty-five (35) feet in height.

2. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.4 **Multiple-Family Residence District (R-3):**

A. **Purpose:** The purpose of the R-3 District is to provide areas for the development of residential dwellings. Dwelling units could include attached single-family units with six (6) dwelling units or less per building, multiple family apartments with twelve (12) dwelling units or less per building, in addition to detached single family dwelling units. Projects shall be processed as Planned Developments when there is a mix of two or more dwelling unit types. These areas should have access to streets,

classified as a major or collector roadway by the Subdivision Ordinance, and be located in proximity to open space, shopping and employment opportunities.

B. Permitted Uses:

1. Residential:

- a. All Permitted Uses in R-2 District
- b. Apartments with twelve (12) dwelling units or less

2. Religious/Institutional:

- a. All Permitted Uses in R-1 District

3. Recreational/Civic:

- a. All Permitted Uses in R-1 District

C. Permitted Accessory Uses:

- 1. All Permitted Accessory Uses in R-1 District

D. Special Uses:

1. Residential:

- a. All Special Uses in R-2 District
- b. Sheltered Care Housing

2. Business and Service Uses:

- a. All Special Uses in R-1 District

3. Religious/Institutional:

- a. All Special Uses in R-1 District

4. **Recreational/Civic:**

- a. All Special Uses in R-1 District

5. **Light Industrial:**

- a. All Permitted Uses in R-1 District

6. **Planned Developments:**

E. **Lot Size:**

1. **Residential:**

- a. **Minimum Lot Size:** Seven thousand five hundred (7,500) square feet with municipal sewer and water, twelve thousand (12,000) square feet with water or sewer, and twenty thousand (20,000) square feet with neither.
- b. **Minimum Lot Width:** Not less than sixty (60) feet shall be maintained at the front property line for detached single family homes, and seventy-five (75) feet for attached single family and all multi-family dwelling units.
2. **Special Uses:** Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this District, based upon the criteria listed in Article X, Section 10.13.

F. **Yard and Setback Regulations:** Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

1. **Minimum Front and Corner Side Yards:** Not less than thirty (30) feet for a local street and thirty-five (35) feet for a collector.
2. **Minimum Interior Side Yards:** Not less than seven (7) feet from an interior side lot line for a single-story structure, and eight (8) feet for a multi-story structure.
3. **Minimum Rear Yards:** Not less than thirty-five (35) feet from a rear lot line.

4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way for U.S. Route 51.

G. Structure Height:

1. **Single-Family Detached Residences:** Not more than thirty-five (35) feet in height.
2. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.5 General Provisions For All Non-Residential Uses:

A. Applicability: The following standards shall apply to all non-residential land uses when there are applications for building permits, rezoning, special use permits and planned developments unless otherwise approved by the City Council.

B. Standards of Development:

1. **Setback, Bulk and Sign Regulations:** Principal and accessory buildings and structures shall comply with yard and setback requirements; floor area and height limitations; and sign regulations, applicable to the District in which the use is located.
2. **Vehicular Access:**
 - a. Points of vehicular ingress and egress to the site shall be limited to maximize the safety and operational efficiency of Maroa's major and collector roadways.
 - b. The location, number and design of access drives shall be reviewed by the City Engineer, and coordinated with adjacent uses and properties to provide for safe and efficient movement of vehicles. Where possible, cross-easements between properties shall be provided, to minimize the number of drives required on adjacent public streets.
3. **Pedestrian Access:**
 - a. Sidewalks, not less than five (5) feet wide, shall be provided along streets and access drives to provide safe pedestrian access to and from Maroa's business and industrial districts.

- b. Where parking is proposed to be located perpendicular to an adjacent sidewalk, walks shall be increased to a minimum of six and one-half (6Y2) feet in width.

4. **Off-Street Parking and Loading:**

- a. Parking and loading spaces and drive aisles shall be provided in accordance with Article VII, Off-Street Parking and Loading.
- b. Plans shall demonstrate compliance with the Illinois Accessibility Code and American s with Disabilities Act, as may be amended from time to time.

5. **Screening:** Where a non-residential use abuts, or is across the street from a residential or institutional use, screening shall be provided in accordance with the following:

- a. A landscaped berm, fence, wall or combination therefore shall be installed to provide year-round screening. Placement of the landscape screen shall not impair the safety of pedestrian or vehicular traffic.
- b. Where off-street parking is visible from a public right-of-way, screening shall be at least three (3) feet high upon installation, as measured from the surface elevation of the closest parking surface.
- c. Where off-street parking or loading abuts a residential or institutional use, screening shall be not less than five (5) feet high upon installation. •
- d. Plant materials used for screening shall comply with minimum sizes set forth in item B (6)(d), below.
- e. Landscape plantings shall be kept alive and in good condition, or replaced. Any property owner that does not maintain required screening in accordance with approved plans shall be subject to fines as described in Article X, Section 10.16 of this Ordinance.
- f. Screening shall be incorporated into a landscape plan prepared for the project, and shall require review and recommendation of approval by the City Council.

6. **Landscaping:** A landscape plan, prepared by a licensed landscape architect, shall be submitted for all projects involving sites in excess of one acre or new construction in excess of 2000 square feet. The plan shall be subject to review and approval by the City Council.
- a. All areas of the site, which are not paved, shall be landscaped with trees, shrubs, ground cover and/or flowers to:
 - i. Slow surface water runoff
 - ii. Restrict blowing trash and litter
 - iii. Deter improper access or site use by the public, and
 - iv. Improve the visual quality of the site
 - b. The landscape plan shall include identification of species, size and location of plant materials and all other landscape treatments including, but not limited to:
 - i. Berms
 - ii. Fences
 - iii. Ground covers
 - iv. Ornamental or accent lighting
 - v. Paving materials
 - vi. Limits of seed and/or sod
 - c. Trees and shrubs shall be keyed into a plant list.
 - d. Upon installation, trees shall not be less than the following sizes:
 - i. **Shade:** Three (3)-inch caliper, minimum, as measured twelve (12) inches above grade.
 - ii. **Evergreen:** Six (6) feet tall, minimum.
 - iii. **Ornamental:** Six (6) feet tall, minimum, if multi-stem or two and one-half (2 1/2) inches in caliper, minimum, if single-stem.
 - e. All plant materials shall be kept alive and in good condition or shall be replaced.
 - f. Provision shall be made for perimeter landscaping through the use of plant materials, unless otherwise recommended by the Planning and Zoning Board and approved by the City Council. Such screening shall include:

- i. The first thirty (30) feet of a front yard. Parking and parallel drive aisles shall not be permitted in this minimum thirty (30) feet.
- ii. A minimum ten (10) foot wide perimeter yard around the side and rear property lines, where a business or industrial use abuts another business or industrial use.
- iii. A minimum twenty-five (25) foot wide perimeter yard around the side and rear property lines, where a business or industrial use abuts a residential or institutional use.
- iv. Shade and/or evergreen trees shall be installed in these yards, at a ratio of not less than one (1) tree for every thirty (30) lineal feet of perimeter yard. Trees may be informally clustered or grouped, rather than equally spaced.

7. Lighting:

- a. Exterior lighting proposed for use on the site shall be planned, erected and maintained so that light is confined to the property, and does not cause direct glare or light spillage on adjacent properties or public rights-of-way.
- b. A point-by-point photometric plan shall be submitted for parking lots containing more than forty (40) spaces that demonstrates the following:
 - i. Average maintained illumination between one (1) and three (3) footcandles.
 - ii. Not more than 0.5 footcandles beyond property lines except within thirty (30) feet of entrances/exits.
- c. Light fixtures shall be designed to aesthetically relate to the character of the development.
- d. Plans for parking lot, security, landscape and other building accent lighting shall be subject to review and approval by the City Council.

- 8. Mechanical Equipment:** All roof-mounted mechanical equipment including, but not limited to, heating, ventilating and air-conditioning units (HVAC) shall be fully screened from public view on all sides of the building.

- a. Screening shall be accomplished by the roof structure or parapet walls, unless otherwise recommended by the Planning and Zoning Board and approved by the City Council.
- b. Screening shall be designed to blend with, and complement the architecture of the building.
- c. The height of the parapet walls, roof structure, or other approved method of screening shall equal the height of the tallest roof top unit installed on the building.

9. Utility Meters/Transformers:

- a. Wall-mounted utility meters and ground-supported transformers shall be painted to match the building.
- b. If visible to the public, meters and transformers shall be screened by landscaping which, upon installation, shall equal the height of the tallest meter or transformer.

10. Trash Enclosure:

- a. Trash receptacles shall be enclosed by masonry walls or quality wood fencing, designed to match the building.
- b. Enclosures shall be constructed to be equal to or taller than the height of the tallest bin proposed for use.
- c. Trash enclosures shall be provided with gates to contain blowing trash, and a concrete pad and approach apron.

11. Outdoor Storage:

- a. All business, services, storage, merchandise display and processing shall be conducted entirely within an enclosed building, with the exception of:
 - i. Off-street parking and loading areas
 - ii. Open sales lots
 - iii. Outdoor sales of products for automobile service stations, provided they are related to servicing motor vehicles.

- b. All outdoor storage facilities for accessory uses and products shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities from adjacent properties and public rights-of-way.

5.6 Business District (B):

A. **Purpose:** The purpose of the (B) Business District is to provide areas for personal services and convenience shopping for adjacent neighborhoods as well as the entire community.

B. Permitted Uses:

1. Business and Service Uses:

- a. Art Gallery
- b. Art Supplies
- c. Antique Shop
- d. Beauty Parlor/Barber Shop/Hair Salon
- e. Bakery
- f. Banks and Financial Institution
- g. Bicycle Sales and Repair
- h. Book Store
- i. Camera Store
- j. Camping Equipment Sales
- k. Candy/Popcorn Shop
- l. Carpeting Store
- m. Catering Services
- n. China and Glassware Shop
- o. Coin Shops

- p. Convenience Food Store
- q. Commercial School or Dancing/Music School
- r. Currency Exchange
- s. Day Care Center
- t. Delicatessen
- u. Drug Store
- v. Dry Cleaner
- w. Electrical or Similar Retail Sales, Service or Repair
- x. Florist
- y. Funeral Parlor (mortuary)
- z. Gift Shop
- aa. Grocery Store
- bb. Greenhouse/Nursery Sales
- cc. Hardware Store
- dd. Hobby/Toy Shop
- ee. Interior Decorating
- ff. Laundromat
- gg. Locksmith
- hh. Meat Market/Butcher
- ii. Medical Practitioners (Physicians and/or Dentists)
- jj. Office Supply Store

- kk. Paint/Wallpaper Store
- ll. Pet Store/Grooming
- mm. Photography Studio
- nn. Planners (Architects, Attorneys, Engineers, Realtors, Insurance Agents, Brokers)
- oo. Printing Shop
- pp. Produce Stand
- qq. Repair Shop
- rr. Restaurant
- ss. Retail Store
- tt. Resale Clothing Store
- uu. Shoe Repair
- vv. Shoe Store
- ww. Specialized Food Shop
- xx. Sporting Goods Store
- yy. Studio
- zz. Tailor/Seamstress/Dressmaking
- aaa. Tile Store
- bbb. Travel Agency
- ccc. Upholstery
- ddd. Video Rental

3. **Offices:**

- a. Business, Professional, Institutional and Governmental
- b. Medical, Dental or Eye Clinic

4. **Religious/Institutional:**

- a. All Permitted Uses in R-1 District
- b. Private Clubs and Lodges

5. **Recreational/Civic:**

- a. All Permitted Uses in R-1 District
- b. Theater (indoor)

C. Permitted Accessory Uses: These uses include buildings or other structures customarily incidental to and commonly associated with a permitted or special use. These uses may be permitted provided they:

- 1. Are operated and maintained under the same ownership and on the same lot as the permitted or special use.
- 2. Do not include the conduct of any business, profession, trade or industry.

D. Special Uses:

1. **Business and Service Uses:**

- a. All Special Uses in the R-1 District
- b. Restaurant, with live entertainment and/or dancing

2. **Religious/Institutional:**

- a. All Special Uses in the R-1 District

3. **Recreational/Civic:**

- a. All Special Uses in the R-1 District

4. **Light Industrial:**

- a. Radio/TV Tower or Station
- b. Railroad or Public Utility Structure

E. **Lot Size:**

1. **Business:**

- a. **Minimum Lot Size:** Twenty thousand (20,000) square feet.
- b. **Minimum Lot Width:** Not less than one hundred (100) feet shall be maintained at the front property line.

- 2. **Special Uses:** Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this District, based upon the criteria listed in Article X, Section 10.13.

F. **Yard and Setback Regulations:** Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- 1. **Minimum Front and Corner Side Yards:** Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.
- 2. **Minimum Interior Side Yards:**
 - a. Not less than ten (10) feet from an interior side lot line abutting a nonresidential use or district.
 - b. Not less than twenty-five (25) feet from an interior side lot line abutting a residential use or district.
- 3. **Minimum Rear Yards:**
 - a. Not less than ten (10) feet from a rear lot line abutting a nonresidential use or district.

b. Not less than twenty-five (25) feet from a rear lot line abutting a residential use or district.

4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way for U.S. Route 51.

G. Structure Height:

1. **Permitted Uses:** Not more than thirty-five (35) feet in height.

2. **Special Use:** Maximum height limitations shall be specified with the granting of a special use permit.

5.7 Commercial Service District (C):

A. **Purpose:** The (C) Commercial Service District is designed to allow for a wide range of retail and service uses and to accommodate auto-oriented commercial activities.

B. Permitted Uses:

1. **Business and Service Uses:**

a. All Permitted Uses in B District

b. Farm and Garden Supply

c. Frozen Food Locker

d. Hotels/Motels

e. Restaurant

f. Service shop, Painting, Plumbing, Tinsmithing, Upholstering, Cabinet Making

g. Veterinary Clinic/Animal Hospital

2. **Offices:**

a. All Permitted Uses in B District

3. Vehicle Sales, Storage and Service:

- a. Automobile/Truck Rental
- b. Automobile Display and Sales (new/used)
- c. Automobile Storage Lot
- d. Automobile/Truck School
- e. Boat Dealer/Repair
- f. Camper/RV Sales and Service
- g. Car Wash (automatic and manual)
- h. Farm Implement Display, Sales or Service
- i. Mobile Home Dealer
- j. Motorcycle Sales and Service
- k. Oil Change Shop
- l. Repair (Engine, Body, Gas Station)
- m. Service Station (Full and Self Serve)
- n. Snowmobile Sales and Service
- o. Trailer Display and Sales/Rental

4. Religious/Institutional:

- a. All Permitted Uses in the B District

5. Recreational/Civic:

- a. All Permitted Uses in the B District
- b. Amphitheater
- c. Audition/Assembly Hall

- d. Batting Cage
- e. Billiard/Pool Hall
- f. Bowling Alley
- g. Game Room
- h. Gymnasium/Health Club
- i. Indoor Racquet Court
- j. Miniature Golf Course
- k. Skating Rink, Ice, Roller (1) Water Park
- l. Water Park

6. Light Industrial:

- a. All Permitted Uses in the B District

C. Permitted Accessory Uses: These uses include buildings or other structures customarily incidental to, and commonly associated with a permitted or special use. These uses may be permitted provided they:

- 1. Are operated and maintained under the same ownership and on the same lot as the permitted or special use.
- 2. Do not include the conduct of any business, profession, trade or industry.

D. Special Uses:

1. Business and Service Use:

- a. All Special Uses in the B District
- b. Race Track, Vehicular, Horse, Dog
- c. Fairgrounds

2. Religious/Institutional:

- a. All Special Uses in the R-1 District

3. Recreational/Civic:

- a. All Special Uses in the R-1 District
b. Theater (drive-in)

4. Light Industrial:

- a. All Special Uses in the B District

5. Planned Developments

E. Lot Size:

1. Commercial:

- a. Minimum Lot Size: Thirty thousand (30,000) square feet.
b. Minimum Lot Width: Not less than one hundred (100) feet shall be maintained at the front property line.
2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this District, based upon the criteria listed in Article X, Section 10.13.F.

F. Yard and Setback Regulations: Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

1. Minimum Front and Corner Side Yards: Not less than thirty (30) feet for a local street and thirty-five (35) feet for a collector.
2. Minimum Interior Side Yards:
- a. Not less than ten (10) feet from an interior side lot line abutting a non-residential use or district.

- b. Not less than twenty-five (25) feet from an interior side lot line abutting a residential use or district.

3. Minimum Rear Yards:

- a. Not less than ten (10) feet from a rear lot line abutting a non-residential use or district.
 - b. Not less than twenty-five (25) feet from a rear lot line abutting a residential use or district.
4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way for U.S. Route 51.

G. Structure Height:

- a. **Permitted Uses:** Not more than thirty-five (35) feet in height.
- b. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.8 Office-Research District (OR):

A. Purpose: The (OR) Office-Research District is intended to include general and professional offices, corporate headquarters and product development and research activities. It is also intended to permit low intensity service activities and the storage and distribution of finished products as well as to permit civic and governmental structures in a mutually compatible environment.

B. Permitted Uses:

1. Business and Service Uses:

- a. Bank and Financial Institutions
- b. Hotels/Motels
- c. Office Supply Store
- d. Photocopying and Printing

- e. Printing Shop
- f. Restaurants (without drive-through, entertainment or dancing)
- g. Travel Agency

2. **Offices:**

- a. All Permitted Uses in the B District
- b. Technology and Research Centers

3. **Religious/Institutional:**

- a. All Permitted Uses in the B District

4. **Recreational/Civic:**

- a. All Permitted Uses in the B District

C. **Permitted Accessory Uses:** These include uses, buildings or other structures customarily incidental to, and commonly associated with a permitted or special use. These uses may be permitted provided they:

- 1. Are operated and maintained under the same ownership and on the same lot as the permitted or special use.
- 2. Do not include the conduct of any business, profession, trade or industry.

D. **Special Uses:**

1. **Business and Service Uses:**

- a. All Special Uses in the B District
- b. Adult Business Uses

2. **Religious/Institutional:**

- a. All Special Uses in the R-1 District

3. Recreational/Civic:

- a. All Special Uses in the R-1 District

4. Light Industrial:

- a. All Special Uses Listed in the B District

5. Planned Developments:

E. Lot Size:

1. Office-Research:

- a. Minimum Lot Size: Twenty thousand (20,000) square feet.
 - b. Minimum Lot Width: Not less than one hundred (100) feet shall be maintained at the front property line.
2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district, based upon the criteria listed in Article X, Section 10.13.

F. Yard and Setback Regulations: Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

- 1. Minimum Front and Corner Side Yards: Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.
- 2. Minimum Interior Side Yards:
 - a. Not less than ten (10) feet from an interior side lot line abutting a non-residential use or district.
 - b. Not less than twenty-five (25) feet from an interior side lot line abutting a residential use or district.
- 3. Minimum Rear Yards:
 - a. Not less than ten (10) feet from a rear lot line abutting non-residential use or district.

b. Not less than twenty-five (25) feet from a rear lot line abutting a residential use or district.

4. **Setback From Major Highways:** Not less than fifty (50) feet from right-of-way for U.S. Route 51.

G. Structure Height:

1. **Permitted Uses:** Not more than forty-five (45) feet in height.

2. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.9 Light Industrial District (I-1):

A. **Purpose:** This (I-1) Light Industrial District is intended to accommodate industrial, warehousing and distribution, storage and sales activities where only a nominal amount of pollution is treated.

B. Permitted Uses:

1. **Business and Service Uses:**

a. Banks and Financial Institutions

b. Building Materials, Storage, Warehousing and Retail Sales

c. Electrical or Similar Retail Sales, Service or Repair

d. Farm and Garden Supply

e. Frozen Food Locker

f. Repair Shop

g. Service Shop, Painting, Plumbing, Tinsmithing, Upholstering, Cabinet Making

2. **Offices:**

a. All Permitted Uses in the OR District

3. Light Industrial:

- a. Bottling Works
- b. Lumber Yard
- c. Carting, Express, or Storage Yard
- d. Contractor's Yard
- e. Grain Elevator
- f. Light Industrial
- g. Milk Distribution Station
- h. Research and Development
- i. Self-Storage Facility
- j. Warehouse

C. Permitted Accessory Uses: These uses include buildings or other structures customarily incidental to, and commonly associated with a permitted or special use. These uses may be permitted provided they:

- 1. Are operated and maintained under the same ownership and on the same lot as the permitted or special use.
- 2. Do not include the conduct of any business, profession, trade or industry.

D. Special Uses:

1. Business and Service Uses:

- a. All Special Uses in the B District
- b. Day Care Center/Nursery School

2. Light Industrial:

- a. All Special Uses in the B District

3. Planned Development:

E. Lot Size:

1. Light Industrial:

- a. Minimum Lot Size: Forty-three thousand five hundred and sixty (43,560) square feet.
- b. Minimum Lot Width: Not less than one hundred and fifty (150) feet shall be maintained at the front property line.
- 2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district, based upon the criteria listed in Article X, Section 10.13.

F. Yard and Setback Regulations: Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

- 1. Minimum Front and Corner Side Yards: Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.
- 2. Minimum Interior Side Yards:
 - a. Not less than ten (10) feet from an interior side lot line abutting a non-residential use or district.
 - b. Not less than twenty-five (25) feet from an interior side lot line abutting a residential use or district.
- 3. Minimum Rear Yards:
 - a. Not less than ten (10) feet from a rear lot line abutting a non-residential use or district.

b. Not less than twenty-five (25) feet from a rear lot line abutting a residential use or district.

4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of-way or U.S. Route 51.

G. Structure Height:

1. **Permitted Uses:** Not more than forty-five (45) feet in height.

2. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

5.10 Heavy Industrial District (I-2):

A. Purpose: This (I-2) Heavy Industrial District is intended to provide for uses permitted in the I-1 Light Industrial District plus other more intensive uses so long as they do not exceed the performance standards of Article XL Most of the uses, traditionally considered as heavy industrial, will require a special use permit to assure that the public health, safety and welfare, as well as the economic viability and environmental quality of Maroa are protected.

B. Permitted Uses:

1. All Permitted Uses in the I-1 District

C. Permitted Accessory Uses - These uses include buildings or other structures customarily incidental to, and commonly associated with a permitted or special use. These uses may be permitted provided they:

1. Are operated and maintained under the same ownership and on the same lot as the permitted or special use.
2. Do not include the conduct of any business, profession, trade or industry.

D. Special Uses:

1. **Business and Service Uses:**

a. All Special Uses in the I-1 District

2. **Industrial:**

- a. Acid or Chemical Manufacturing
- b. Airport/Landing Field
- c. Auto Wrecking or Junk Yard
- d. Batch Plants
- e. Explosives Manufacturing/Storage
- f. Gasoline/Propane Bulk Storage
- g. Lime, Phosphate or Limestone Storage or Handling
- h. Oil Well
- i. Radio/TV Tower or Station
- j. Railroad or Public Utility Structure
- k. Refuse Storage, Sorting or Transfer
- l. Slaughter or Processing of Poultry or Poultry Products

3. **Planned Development:**

E. **Lot Size:**

1. **Heavy Industrial:**

- a. **Minimum Lot Size:** Forty-three thousand five hundred and sixty (43,560) square feet.
- b. **Minimum Lot Width:** Not less than one hundred and fifty (150) feet shall be maintained at the front property line.

- 2. **Special Uses:** Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district, based upon the criteria listed in Article X, Section 10.13.

F. Yard and Setback Regulations: Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

1. **Minimum Front and Corner Side Yard:** Not less than thirty (30) feet for a local street, and thirty-five (35) feet for a collector.
2. Not less than twenty-five (25) feet from an interior side lot line abutting a residential use or district.
3. **Minimum Rear Yards:**
 - a. Not less than ten (10) feet from a rear lot line abutting a non-residential use or district.
 - b. Not less than twenty-five (25) feet from a rear lot line abutting a residential use or district.
4. **Setback From Major Highways:** Not less than fifty (50) feet from the right-of way for U.S. Route 51.

G. Structure Height:

1. **Permitted Uses:** Not more than forty-five (45) feet in height.
2. **Special Uses:** Maximum height limitations shall be specified with the granting of a special use permit.

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