

ARTICLE V

AGRICULTURAL DISTRICT (A)

5.11 Agricultural District (A)

- A. **Purpose:** The Agriculture zone is established as a zone in which agricultural and certain related uses are encouraged as the principal uses of land.
- B. **Permitted Uses:** The following uses shall be permitted only on a ten (10) acre minimum tract size:
1. Farming, including the usual buildings and structures used for agricultural purposes.
  2. Truck and flower gardening, nurseries, orchards, and greenhouses.
  3. Single family dwellings.
  4. Public elementary and high schools, or private schools with a curriculum the same as ordinarily given in public elementary and high schools.
  5. Roadside stands offering for sale only farm products which are produced on the premises.
  6. The usual accessory structures including buildings for seasonal or temporary storage of grain whenever such elevator and temporary storage are located upon or adjacent to a railroad right-of-way.
  7. Home occupation.
  8. Accessory buildings and uses customarily incidental to any of the above uses. A farm may contain dwelling for workers employed on the premises or direct relatives of farm owner but no more than one (1) dwelling unit per ten (10) acres of tillable land.
- C. **Special Uses:** Country clubs, golf courses, miniature golf courses, and driving tees.

D. **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:**

- a. Not less than thirty (30) feet for a local street, thirty-five (35) feet for a collector.
- b. Not less than twenty-five (25) feet from an interior side lot line abutting residential use or district.

2. **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 feet (25) from a rear lot line abutting residential use or district.

E. **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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**ARTICLE VI  
PLANNED DEVELOPMENTS**

**6.1 Purpose**

- A. The purpose of the planned development provisions which follow is to promote efficient land patterns which preserve natural resources, provide public amenities, and secure large parcels of permanent open space which will implement the greenbelt concepts in Maroa's Comprehensive Plan.
- B. These provisions are intended to encourage and accommodate more creative and imaginative design for land development than would otherwise be possible under the strict application of Maroa's conventional Zoning and Subdivision Ordinance provisions.
- C. It is the purpose of this Article that the land use patterns which result from these standards will:
  - 1. Foster quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;
  - 2. Promote more efficient land patterns in keeping with the Comprehensive Land Use Plan, which not only preserves open space and natural resources, but also provides for more economical networks of utilities, streets and other facilities;
  - 3. Promote diverse, high-quality, residential environments, which include a mixture of dwelling unit types;
  - 4. Promote a land use pattern with a mixture of residential and non-residential uses that will mutually support each other;
  - 5. Provide for the permanent preservation of open space for the continued use and enjoyment of the residents of each subdivision;
  - 6. Provide for usable and suitably located public and private recreational facilities;
  - 7. Encourage developers to provide amenities that enhance the quality of life, both within the planned development, as well as within the community as a whole;

8. Encourage a land use pattern which promotes the public health, safety, comfort, morals and welfare; and
9. Allow more than one principle building per zoning lot without necessarily requiring processing as a zoning variance or a subdivision when the above purposes can be achieved more efficiently through the planned development process.

**6.2 Special Use:**

- A. Planned developments are of such substantially different character from conventional subdivision or development on individual zoning lots and they require administrative processing as a special use, under the provisions of Article X, Administration and Processing, Section 10.13 of this Zoning Ordinance.
- B. Because planned developments are complex and of a different character than other special uses, the City has established more specific procedures, standards, and criteria for exceptions from the standards of the underlying zoning district than those included in Article V, District Regulations. The procedures, standards and criteria for exceptions which follow are intended to guide the recommendations of the City Council during their review of preliminary and final plans.

**6.3 Permitted Uses and Criteria:** Planned developments may include uses and structures not otherwise permitted in the underlying zoning district, provided landscape screening is employed between dissimilar land uses, and the petitioner shows that the planned development accomplishes the standards set forth in this Article, achieves the planning goals and objectives of the City of Maroa, as defined in the Comprehensive Land Use Plan, and is compatible with adjacent land uses.

**A. Residential Planned Developments:**

1. A residential planned development may be processed for only one type of dwelling unit, but is intended to allow a mixture of dwelling unit types, thereby offering a choice in lifestyle to residents of the development. Non-residential land uses of a religious, institutional, cultural, recreational, or commercial character may be permitted in a residential planned development, to the extent that they can be integrated with the residential land use. Where provided, nonresidential uses in a residential planned development shall:

- a. Not exceed fifteen (15) percent of the total developable acreage of the development, excluding lakes, streams, floodplains, wetlands and other natural features that will be set aside as open space.
  - b. Be compatible in appearance and scale with the residential structures.
2. Residential developments shall be processed as planned developments when any of the following apply:
- a. More than one dwelling unit type is proposed. For the purpose of this Article, dwelling unit type shall mean:
    - i. Single-family detached
    - ii. Single-family attached
    - iii. Two-family, or duplex
    - iv. Patio House
    - v. Townhome
    - vi. Quadraplex (four units)
    - vii. Apartment, Low-Rise
  - b. More than one principal building is proposed on a zoning lot.
  - c. More than one land use is proposed for the development.
  - d. A cluster subdivision, or zero lot line arrangement is proposed.
  - e. A multi-family development consisting of three (3) or more acres is proposed.

**B. Commercial:**

1. A commercial planned development may include any of the permitted or special uses listed in Article V, District Regulations for the (B) Business, (C) Commercial, or (OR) Office-Research Districts.
2. Commercial developments shall be processed as planned developments when any of the following apply:
  - a. More than one building is proposed on a zoning lot.

- b. Development exceeds three (3) acres in area, and includes more than one type of business use, such as retail, office and/or service uses, unless the types of business can be considered commonly associated in the discretion of the Planning and Zoning Board.
    - c. A commercial development includes residential dwelling units.
    - d. Commercial planned developments shall also be required for all properties falling within the areas designated on the adopted Comprehensive Plan as a "unified planned development," unless the requirements are waived by the Planning and Zoning Board.
  3. Commercial developments shall meet the "General Provisions for All Non-Residential Uses", and District Regulations of Article V.

**C. Industrial:**

1. An industrial planned development may include any of the permitted or special uses listed in Article V, District Regulations, for the (OR) Office-Research, (I-1) Light Industrial or (I-2) Heavy Industrial Districts.
2. A proposed industrial development shall be processed as a planned development when any of the following apply:
  - a. The development consists of ten (10) or more acres.
  - b. More than one building is proposed on a zoning lot.
  - c. The planned development includes other commercial or support services that warrant special consideration by the Planning and Zoning Board to assure that potential hazards associated with dissimilar land uses are minimized and involve an acceptable level of potential conflict.
3. Industrial developments shall meet the "General Provisions for All Non-Residential Uses" and District Regulations, in Article V.

6.4 **General Provisions:**

**A. General:**

1. Traditional development controls, as set forth in the Zoning and Subdivision Ordinances, may restrict imaginative development. Therefore, it is the intent of these provisions to permit review of integrated site proposals on their own merits, where they afford the City amenities and benefits which enhance the quality of life due to unified planning and design.
2. These provisions are not intended as a means to circumvent the procedures or standards of the Zoning and Subdivision Ordinances, and thereby allow a lower standard of development than would otherwise be permitted under the strict interpretation of these codes. Rather, they are intended to take advantage of particular site characteristics, to increase the flexibility and originality of design in large scale projects, to provide more open space and public amenities than would otherwise be required, to promote the protection of high-quality natural resources, and to establish better transitions between dissimilar land uses.
3. Unless otherwise recommended by the City Council, the following standards shall apply. The City Council may recommend exceptions from these standards when determined appropriate to achieve the objectives set forth in Section 6.1, above.
  - a. **Ownership:** The proposed planned development shall be under the unified control of the petitioner.
  - b. **Comprehensive Plan:** The proposed planned development shall conform to the land uses, planning and design guidelines, and intent of the Comprehensive Plan and other planning objectives established for the City of Maroa.
  - c. **Compatibility:** Uses permitted in a planned development shall be compatible with surrounding land uses.
  - d. **Subdivided:** Unless otherwise approved by the City Council, a plat of subdivision shall be required in accordance with procedures set forth in the City's Subdivision Ordinance, as may be amended from time to time.

- e. **Yards:** The required yards along the periphery of a planned development shall be at least equal in depth to those of the underlying zoning district, or the adjacent zoning district, whichever is greater. The City Council may recommend greater setbacks from the boundary line of a planned development when determined to be necessary to protect the privacy of residents within both existing and proposed subdivisions adjacent to the planned development.
  
- f. **Sidewalks:** Sidewalks shall be constructed on both sides of all streets in residential, business, and office planned developments unless an alternative system is provided internal to the development which provides adequate connection between the development and adjacent properties and activity areas. In addition, walks shall be planned to provide convenient access for pedestrians between residential blocks and from cul-de-sacs to adjacent blocks and public activity areas. When a planned development is adjacent to U.S. Route 51, a parallel pedestrian system, internal to the planned development, may substitute for walks along this highway.
  
- g. **Public Streets:**
  - i. All streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the City's Subdivision Code, as may be amended from time to time.
  
  - ii. The Planning and Zoning Board may recommend and City Council approve, reduced rights-of-way or pavement width in residential subdivision, if it is determined appropriate for maintaining the character of the area, or for preserving natural features.
  
- h. **Vehicular Access:** Points of vehicular ingress and egress to the site shall be minimized to maintain the safety and operational efficiency of Maroa's major roadways and collector roadways. Where possible, cross-access between properties shall be provided.
  
- i. **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 requirements of Article V, District Regulations, Section 5.5 of this Ordinance.

- j. **Underground Utilities:** All utilities (including electric, telephone, gas and cable TV) shall be installed underground.
- k. **Tree Replacement:** Where determined appropriate by the City Council, trees greater than six (6) inches in caliper, as measured twelve (12) inches above grade, which are identified to be removed for construction, shall be replaced in accordance with a tree replacement plan that is subject to review and approval by the City Council.
- l. **Performance Standards:** All activities associated with a business, office, or mixed use planned development shall conform with the standards established by Article XI, Performance Standards, of this Ordinance.
- m. **Preliminary Plan Approval:** Preliminary approval of a planned development by the City Council shall be null and void, in the event that the petitioner has failed to obtain final planned development approval for at least the first phase of the development within twenty-four (24) months of the date of the preliminary approval.
- n. **Final Plan Approval:** A valid application for final plan approval shall be submitted within eighteen (18) months of the date of City Council approval of the preliminary plan.
- o. **Recording of Plat:** Within thirty (30) days of the date of approval of any final plan, for all of a development, or a single phase, the petitioner shall record a plat, approved by the City Council as being consistent with the approved planned development, with the County Recorder.
- p. **Building Permits:** The developer shall submit an application for building permits within eighteen (18) months of the adoption of any development ordinance approving the final plan of any phase of the planned development.
- q. **Completion:** The planned development shall be initialed within two (2) years of final planned development approval, and shall be substantially completed within the period of time specified by the petitioner and set forth in the development ordinance prepared for the project, unless an extension is requested by the petitioner and approved by the City Council.

- r. **Compliance with Zoning or Other Ordinances:** Where there is a conflict, or difference between the provisions of this Article and those of other Articles of this Ordinance, or other ordinances, the provisions of this Article shall prevail. Except as otherwise set forth herein, all other applicable City Code Ordinance provisions shall apply.
- s. **Exceptions:** The City Council may recommend and approve exceptions to standards and criteria when determined necessary to achieve the planning objectives set forth in this Article.

**6.5 Residential Standards:**

- A. **Open Space/Greenbelt:** Open space shall be provided for City residents in the form of parks, greenbelts, open space and recreational facilities, consistent with regulatory and policy directives of Maroa and the provisions of this Article.
  - 1. Unless otherwise recommended and approved by the City Council not less than twenty-five (25) percent of the gross land area within a single family residential planned development shall be reserved and designated as open space, greenbelt and/or recreational facilities. This percent shall be increased to thirty (30) percent for planned developments with thirty (30) percent or more of the dwelling units other than single family detached.
  - 2. Where parks and greenbelts illustrated on the Comprehensive Land Use Plan, pass through a proposed residential subdivision, land, in lieu of cash, shall be provided according to the provisions of the Subdivision Ordinance.
    - a. The City Council 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.
    - b. Article V, District Regulations of the Zoning Ordinance includes standards and minimum requirements that are applicable to planned developments which incorporate greenbelts.

3. Designated open space, greenbelts or public recreational facilities reserved under a planned development shall be held and maintained by a home-owner's association, unless conveyed to a public authority approved by the City Council.
  4. All designated open space, greenbelts and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the Development Ordinance and final plat of subdivision(s) recorded for the planned development.
  5. The cost for improving open space or greenbelts, or constructing recreational facilities proposed as part of a planned development, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as described in the City's Subdivision Ordinance.
  6. Open space shall be suitably improved for its intended use. However, open space containing natural features worthy of preservation, including traditional agricultural uses, may be left unimproved.
  7. No portion of a planned development shall be conveyed or dedicated a public open space, greenbelt or recreation to any public body until such conveyance or dedication is reviewed and approved by the City Council.
- B. Minimum Lot Size:** Minimum lot size shall be as set forth in the City's Zoning Ordinance unless twenty-five (25) percent of the total gross acres have been set aside for: active recreational areas and/or facilities; open space; or preservation of major stands of trees, or other natural areas. The City finds that flexibility in its standards are warranted only when such amenities are proposed as part of a planned development.
1. Net development area shall be determined by subtracting the area set aside for non-residential uses from the gross development area, then deducting fifteen (15) percent of the remainder for streets, regardless of the amount of land actually required for streets.
    - a. In no case shall the net lot size for single-family dwellings, or net lot area for each multi-family dwelling unit be less than the following:

- i. Single-Family, detached: 6,000 square feet
  - ii. Single-Family, attached: 5,000 square feet
  - iii. Patio House: 5,000 square feet
  - iv. Townhome: 3,500 square feet
  - v. Two-Family or Duplex: 3,500 square feet
  - vi. Quadraplex: 3,000 square feet
  - vii. Apartments, Low-Rise: 2,000 square feet
2. For the purpose of this Article, recreational facilities and open space provided as part of the planned development shall include, but not be limited to the following:
- a. Parks
  - b. Greenbelts
  - c. Golf Course
  - d. Swimming Pools
  - e. Community Center
  - f. Health Club
  - g. Tennis Courts
  - h. Jogging Trails
  - i. Physical Fitness Courses
3. At the discretion of the City Council, the following may be included as open space or recreational facilities:
- a. Ponds required for storm water retention or detention basins, provided they are developed with trails, benches, and other substantial landscape features.
  - b. Land for parks, greenbelts, or preservation of natural features such as floodplains, steep slopes, wetlands, high quality native plant communities, major stands of trees, or riparian zones, as defined in Section 5.1, Article V of this Ordinance.

**C. Building Separation:** Residential structures shall be separated and arranged to protect the privacy of each dwelling unit and provide adequate space for emergency access and maintenance. Townhomes shall contain no more than six (6) units without a separation, side to side, of at least twenty (20) feet. Separation of townhomes front to front, or front to rear, shall be at least sixty (60) feet and front or rear to sides shall be at least forty (40) feet.

**6.6 Application And Approval:**

**A. Administrative:**

**1. Application:** Applications for planned developments shall be made on forms provided by the City Clerk, and shall be accompanied by plans, drawings, documents and other information required by this Article.

**2. Development Ordinances:**

- a. Planned developments shall be controlled by means of development ordinances adopted by the City Council subsequent to approval of final plans. Said development ordinance shall include graphics and other support documentation upon which City Council approval is based. The development ordinance shall specify any conditions of approval established by the City Council.
- b. Ordinances approving final plans may provide for exceptions from district regulations governing use, density, area, setbacks, height, parking, and subdivision design standards, as determined to be desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this Article.

**B. Pre-Application Procedure:**

**1.** Prior to the filing of an application for approval of a planned development, the petitioner shall contact the Planning and Zoning Board Chair to arrange an informal meeting. The committee may request the presence of the City Council consultants, as determined appropriate by the Chair.

2. The purpose of the pre-application meeting is to discuss the proposed development in conjunction with City planning and zoning objectives, as expressed in the Comprehensive Plan, and as set forth within this Article.
3. Not less than fifteen (15) days before the pre-application meeting, the petitioner shall provide two (2) copies of:
  - a. **Concept Plan:** A concept plan shall be submitted at a scale necessary to describe the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the planned development to adjoining uses, both existing and proposed, and to the topography and natural features of the adjoining land uses. The concept plan shall include:
    - i. North arrow, scale and date of preparation.
    - ii. Name, address and profession of the person or firm who prepared the plan.
    - iii. Proposed name of the planned development.
    - iv. Proposed land uses.
    - v. Total acreage, and percent of the site devoted to each land use.
    - vi. Proposed layout of streets, lots and blocks.
    - vii. Proposed school and park sites, if applicable.
    - viii. Proposed greenbelt, if applicable, and other open space or developed recreation areas.
    - ix. Proposed building footprints and estimated floor area for all non-residential structures, if any.
    - x. Wetlands, floodplains, floodways and surface waters, including lakes ponds, streams and drainage swales.
    - xi. Any other data reasonably necessary to provide an accurate overview of the proposed development as determined by the Mayor.
4. The Planning and Zoning Board shall evaluate the proposed concept plan and other documentation and shall advise the petitioner as to the compatibility of the planned development with the Comprehensive Plan, the Zoning Ordinance, Subdivision Ordinance, and the development goals and policies of the City of Maroa.  
Recommendations relative to a pre-application review are advisory only, and shall not constitute a waiver from the requirements contained in applicable ordinances.

5. The Planning and Zoning Board may, at its discretion, require plans and support documentation to be revised before referring the proposed planned development to the City Council. This may require additional meetings between the petitioner and the Planning and Zoning Board to assure that the proposed planned development conforms to the maximum extent possible with the applicable ordinance provisions, goals, and policies of the City of Maroa.
6. When determined desirable by the Planning and Zoning Board, City staff or its consultants shall prepare a written report, which shall be forwarded to the City Council. The report shall:
  - a. Evaluate the compatibility of the planned development with Maroa's Comprehensive Plan;
  - b. Identify and comment on exceptions from applicable ordinances which have been requested by the petitioner;
  - c. Summarize recommendations by the Planning and Zoning Board regarding the proposed planned development; and
  - d. Summarize the petitioner's proposed schedule for submitting preliminary and final plans in accordance with procedures set forth herein.

**C. Preliminary Plan:**

**1. Purpose:**

- a. The purpose of the preliminary plan is to obtain a recommendation and preliminary approval by the City Council indicating that all plans and programs which the petitioner intends to build and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering, site and landscape plans.
- b. The preliminary plan is more detailed than the concept plan required for pre-application. This plan is meant to assure the petitioner that final plans will be approved by the City Council, provided these plans substantially conform to the approved preliminary plans.

**2. Procedure:**

- a. A request for preliminary plan approval, signed by the owner of record of the land proposed for a planned development, shall be submitted to the Clerk, who will forward the request to the City Council. The City Council will refer the matter to the Planning and Zoning Board, for public hearing, report, and recommendation.
- b. Preliminary and final plans must be filed and processed consecutively, and not simultaneously, unless specifically exempted from this requirement by the City Council.
- c. Preliminary plats of subdivision may be processed along with the preliminary plan submittal, according to procedures and submittal requirements set forth in the City's Subdivision Ordinance, as may be amended from time to time.

**3. Distribution of Plans and Required Documentation:**

- a. Subsequent to referral by the City Council, the petitioner shall file ten (10) copies of plans and other support documentation, as identified below, with the City Clerk.
- b. Once all required drawings and information have been received, the Clerk, shall distribute the preliminary plan submittal to the Planning and Zoning Board, and to other reviewers as appropriate. This shall include, but not be limited to the following:
  - i. Planning and Zoning Board (Chair)
  - ii. Mayor
  - iii. City Clerk
  - iv. City Engineer
  - v. Fire Protection District
  - vi. City Attorney
- c. Required plans and support documentation shall be submitted no later than fifteen (15) working days before the next scheduled meeting of the Planning and Zoning Board, to assure adequate time for review.

4. **Required Submittals:** Unless specific submittal requirements are waived by the Planning and Zoning Board Chair, the following plans and drawings, as applicable, shall be submitted at the scale necessary to clearly indicate what is planned for the property:
- a. **Location map.**
  - b. **Site Plan:** The proposed site plan shall contain all the information required at the pre-application stage, as well as the following:
    - i. Location of the subject site by section, town and range, or by other approved legal description.
    - ii. Name and address of the site planner, engineer, architect and landscape architect.
    - iii. Name and address of the owner and/or trust beneficiary.
    - iv. Site data, including as applicable:
      - Total acreage, and acreage of each proposed lot, outlot, and open space, greenbelt or recreation areas.
      - Acres and percent of the planned development devoted to each land use.
      - Percent of land devoted to streets and public rights-of-way. Percent of land covered by buildings and parking.
      - Percent of the site devoted to usable open space.
      - Minimum lot size.
      - Existing zoning on and adjacent to the site.
    - v. Existing topography and proposed grading.
    - vi. Existing and proposed zoning.
    - vii. Municipal and school districts within which the project is located.
    - viii. Utility easements.
    - ix. Proposed lotting and footprints of all non-residential structures.
    - x. Maximum lot coverage by buildings and other impervious surfaces, for all uses within the planned development.
    - xi. Off-Street parking and loading areas, including number and dimensions of parking spaces, drive aisles, and loading zones.
    - xii. Configuration and acreage of all land proposed to be dedicated as open space or greenbelts, and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.

- xiii. Pedestrian and/or bicycle circulation systems.
  - xiv. Greenbelt or other open space systems, and submittal requirements for these systems set forth in Article V, Section 5.1 of this Ordinance.
  - xv. Proposed phasing.
  - xvi. Location of trash bins and enclosures for all multiple-family residential and non-residential uses, if any.
  - xvii. All other information determined necessary by the Planning and Zoning Board to clearly show the proposed elements of the planned development.
- c. **Grading Plan:** The grading plan shall show both existing and proposed contours and elevations and shall identify all areas proposed for excavation and/or filling of the property.
- d. **Landscape Plan:** The landscape plan shall be superimposed on the grading plan, and shall include:
- i. Any proposed fences, walls, berms and entry monuments.
  - ii. Contours for any landscaped berms.
  - iii. One or more sections through the site to illustrate the relationship between the landscape materials, the land form, proposed buildings, and nearby properties.
  - iv. Location of all trees and shrubs, keyed into a plan list, which identifies species, sizes and quantities for proposed plantings.
  - v. Method of screening trash collection facilities and enclosures.
- e. **Photometric Plan:** The photometric plan shall be development, and shall:
- i. Identify the location and heights of all light standards.
  - ii. Identify footcandle intensities on the site of the planned development, and ten (10) feet beyond proposed property lines.
  - iii. Include specifications for proposed lighting, including wattage, method of illumination, and color of light standards and luminaries.
- f. **Development Schedule:** A development schedule shall be submitted which addresses:

- i. Approximate dates for initiating project construction.
  - ii. Phasing, and anticipated date of completion for public improvements for each phase.
  - iii. The area and location of open space and/or greenbelt areas to be provided with each phase.
  - iv. The mix of uses proposed for implementation within each phase of a mixed use planned development
- g. **Architectural Drawings:** Preliminary architectural drawings for all primary buildings shall be submitted which include:
- i. Typical elevations (front, rear and side) for proposed residential and non-residential buildings, which identify materials and color styling proposed for all exterior elements of the building.
  - ii. Gross floor area for all non-residential buildings.
  - iii. Minimum habitable floor areas for residential buildings, excluding garages, basements, porches and patios.
  - iv. Proposed building heights.
  - v. Roof plan for all non-residential structures, which shows the proposed location and top elevation of all roof-mounted mechanical equipment.
  - vi. Cross-sections of all non-residential structures which show the relation of the roof structure and/or parapet wall to the proposed roof-mounted mechanical equipment.
- h. **Protective Covenants:** Proposed covenants shall be prepared and submitted which include:
- i. Architectural controls for residential dwellings, including:
    - Minimum floor area, excluding garages, basements, porches and patios.
    - Maximum lot coverage.
    - Minimum yards.
    - Materials.
    - Anti-monotony code.
    - Landscaping for individual lots.
    - Maintenance of common facilities.
  - ii. Tenant sign controls for all non-residential, multi-tenant developments.

- iii. Provisions for dedication and maintenance of all open space, greenbelt and recreation areas.
- i. **Utility Plan:** A proposed utility plan shall be superimposed on the proposed site plan, and shall show:
  - i. Approximate location and dimensions of all sanitary sewer, storm sewer, and water lines.
  - ii. Drainage ditches, culverts, water retention areas, and utility easements.
  - iii. Statement from the petitioner's engineer attesting to the capability of existing water and sewer systems to service the proposed development.
- j. **Traffic Impact Study:** A traffic study, prepared by a professional engineer licensed in the State of Illinois, when deemed appropriate by the Mayor, shall be submitted to:
  - i. Identify anticipated volumes of traffic to be generated by each phase of the planned development.
  - ii. Identify required public roadway improvements and/or traffic regulation devices needed to insure the proper safety of traffic to, through and around the planned development.
- k. **Written Statement:** A written statement shall be submitted by the petitioner which describes:
  - i. Why the petitioner is processing the project as a Planned Development.
  - ii. How the proposed planned development meets the objectives of the Comprehensive Plan and the Planned Development purposes noted in Section 6.1. of this Article.
  - iii. How the project is compatible with adjacent development or planned land uses.
  - iv. How the project will economically benefit or otherwise affect Maroa, including information regarding additional public facilities and/or services that will be needed as a result of the proposed project.
  - v. A comprehensive list of all requested exceptions to applicable ordinances.

- l. **School/Park:** A petitioner shall prepare an estimate of land and/or cash that will be required for the development, based on the adopted Land/Cash Ordinance for Parks, Schools and Public Areas, as may be amended from time to time.
  
- m. **Other:** The Planning and Zoning Board may require preparation and submittal of the following for review and evaluation:
  - i. Tax impact study, detailing the estimated cost which the planned development will have on all taxing bodies, and anticipated revenues which will be realized from each phase of development.
  - ii. A projected school population study estimating the number of students by age group, which will be generated by the development.
  - iii. Other information that is deemed necessary for evaluation of the proposed development against City plans, policies, ordinances and existing conditions.

5. **Public Hearing:**

a. **Scheduling:**

- i. Prior to scheduling the public hearing the petitioner shall submit ten (10) copies of the required submittals for preliminary plan review, as set forth in item 4, above.
- ii. Upon receipt of all required documentation, the Mayor shall coordinate the time, date and place of the public hearing with the petitioner and the Planning and Zoning Board.

b. **Content of Notice:** The notice of public hearing shall, at a minimum, include:

- i. A legal description of the subject property.
- ii. The address or common name of the subject property.
- iii. The name of the petitioner.
- vi. A description of the petitioner's request including, but not limited to, the requested zoning, acreage of the subject property, proposed mix of uses, and number and types of dwelling units, if any, and square footage of non-residential uses.
- v. Identification of requested exceptions from applicable ordinances.

- vi. The time, place and purpose of the public hearing.
- c. **Notice to the Public:** The petitioner shall give notices of the public hearing as follows:
  - i. **Property owners:**
    - The petitioner shall, by certified mail, return receipt requested, notify all property owners within two hundred fifty (250) feet in all directions of the petitioner's property. Said notices shall be mailed out not more than thirty (30), nor less than fifteen (15) days in advance of such hearing.
    - The petitioner shall file a sworn affidavit with the Mayor, which confirms that notices have been sent as required, and include a copy of the notice and the names and addresses of all to whom notices have been sent, and the certified mailing return receipts.
  - ii. **Publication:** Notice of said hearing shall be published, by the City Clerk, which confirms that notices have been sent as required, and include a copy of the notice and the names and addresses of all to whom notices have been sent, and the certified mailing return receipts.
  - iii. **Posting:**
    - The petitioner shall post and maintain, for a period of not less than ten (10) days prior to the hearing, the notice of public hearing.
    - Said notice shall be erected not more than fifteen (15) feet from the front lot line, and not less than four (4) feet above ground, nor more than six (6) feet above ground, and be placed and sized in such a manner so the words "Notice of a Public Hearing" shall be visible from the adjacent street.
- vi. **Other:** Supplemental or additional notices may be distributed, published or posted as the City Council may require.

d. **Conduct of Hearing:**

- i. The petitioner shall enter all plans, drawings and other support documentation into the record as official exhibits, and shall demonstrate compliance with the notice of public hearing, notice of surrounding property owners, and posting of the property.
- ii. The hearing may be continued by the Planning and Zoning Board from time to time, during which time drawings and support documentation may be revised and resubmitted.

6. **Planning and Zoning Board's Recommendation:** After the close of the public hearing, the Planning and Zoning Board shall recommend approval or denial of the proposed planned development. The recommendation may include conditions of approval intended for incorporation into final plans and supporting documentation.

7. **Statement of Findings of Fact:** The Chairperson shall have prepared a written Statement of Findings of Fact, which shall be submitted to the City Council with the Planning and Zoning Board's recommendation:

- a. The Zoning and Planning Board's Statement of Findings of Fact shall include but not be limited to:
  - i. Name and address of the petitioner, and the petitioner's attorney.
  - ii. The petitioner's request.
  - iii. A description of the project.
  - iv. A list of requested exceptions from zoning or planned development standards, if any, and the basis for recommending approval or denial of each exception.
  - v. A list of exhibits upon which the Planning and Zoning Board recommendation is based, including title, author and date of preparation or revision.
  - vi. Recommendation of the Planning and Zoning Board, including conditions of approval, if any.
  - vii. The roll call vote.
- b. The Statement of Findings of Fact shall also specify in what respects the proposal would, or would not be in the public interest, and shall, at a minimum, address:

- i. The extent to which the proposed planned development departs from the zoning, subdivision regulations, or planned development standards otherwise applicable to the subject property and the reasons why such departures are in the public interest.
- ii. Compatibility of the proposed planned development with adjacent properties and neighborhoods.
- iii. The desirability of the proposed planned development, or lack thereof, for the City's tax base and economic well-being.
- iv. The adequacy of the physical design and methods by which the proposed planned development would:
  - Make provision for public utilities and services.
  - Provide adequate control over vehicular traffic.
  - Provide for and protect designated open space and drainage systems.
- v. Compatibility with the Comprehensive Plan and the goals and policies for planning for the City of Maroa.

**8. City Council Review:**

- a. Subsequent to receiving the Planning and Zoning Board's Statement of Findings of Fact, the Mayor shall schedule the proposed planned development for review by the City Council.
- b. The petitioner shall present all exhibits and testimony applicable for review and action by the City Council.
- c. The City Council shall approve, approve with modifications, or disapprove the preliminary plan for the proposed planned development.

**9. Action by the City Council:**

- a. The preliminary plan may be disapproved or referred back to the Planning and Zoning Board for additional review of specified items, by motion of the Council.

- b. If the preliminary plan is approved, the City Council shall prepare a development ordinance for the preliminary plan. The ordinance shall identify all applicable exhibits and support documentation upon which City Council action is based, and shall include any conditions of approval.

**D. Final Plan:**

**1. Process:**

- a. Within eighteen (18) months of the adoption of the preliminary plan development ordinance, the petitioner shall file all required final plan submittals for applicable phases of construction with the Mayor. The submittal shall address all conditions of approval that are set forth in the preliminary plans and development ordinance.
  - b. The request for final approval of a planned development shall be submitted to the Mayor who, upon receipt of all required submittals, will forward the request to the Planning and Zoning Board for its review and recommendation. Final plan approval may be obtained in phases, in accordance with the petitioner's development schedule.
  - c. Final plats of a subdivision may be processed along with the final plan submittal in accordance with the City's Subdivision Ordinance.
  - d. Final plan submittals shall demonstrate compliance with the preliminary plan development ordinance. The petitioner shall file ten (10) copies of plans and other required supporting documentation with the Mayor. Once all required drawings and information have been received, the Mayor shall distribute the final plan submittal to the Planning and Zoning Board and to other designated reviewers.
  - e. Required plans and documentation shall be submitted no later than fifteen (15) working days before the next scheduled meeting of the Planning and Zoning Board to assure adequate time for review.
- 2. Submittals:** Required submittals shall include, but not necessarily be limited to the following, as applicable:

- a. An accurate legal description of the entire area under immediate development within the planned development.
  - b. A final site plan which includes:
    - i. Identification of all use areas, including open space, greenbelts and recreation areas;
    - ii. Approved building setbacks and separation;
    - iii. Footprints of all non-residential buildings.
  - c. An accurate legal description of each separate un-subdivided use area, such as open space and greenbelts.
  - d. Tabulations of each use area, including land area, and number of dwelling units per acre, if any.
  - e. Final landscape plan, superimposed on a grading plan.
  - f. Final utilities and drainage plan.
  - g. Final agreements, by-laws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and its open space, greenbelts, or other recreational facilities.
  - h. Final development and construction schedule.
  - i. Detailed elevations of buildings.
  - j. Final engineering drawings.
  - k. A certificate from the County which documents that no delinquent taxes exist, and that all special assessments constituting a lien on the whole or any part of the property of the planned development have been paid.
3. The final plan shall be processed as follows:
- a. The Planning and Zoning Board shall review the final plan and plat submittal at a public meeting, and shall recommend approval if it is in substantial compliance with the preliminary plan development ordinance. Their recommendation may include such additional

conditions as may be appropriate, based on the formal documentation submitted.

b. If the final plan and plat are substantially different from the approved preliminary plan, the Planning and Zoning Board shall either:

- i. Recommend disapproval of the final plan submittal; or
- ii. Recommend to the City Council that a new public hearing be held in conformance with the procedures established for approval of the preliminary plan.

c. With a recommendation of approval, the Planning and Zoning Board shall submit to the City Council, a written Statement of Findings of Fact and recommendations which:

- i. Confirms that final plan submittals are in conformity with the preliminary plan development ordinance; and
- ii. Identifies any additional conditions of approval.

4. If the City Council decides to approve the final development plan, it shall prepare a formal plan development ordinance. If the City Council determines that the final development plan shall be disapproved, it shall do so by a motion of the Council. In lieu of denial, the City Council may grant the petitioner additional time to remedy any deficiencies.

5. No plats shall be recorded, and no building permits issued, until final plan submittals have been approved by the City Council. Final plats shall be recorded by the petitioner within thirty (30) days of the date of final plan approval.

E. **Guarantees:** In all cases where special use permits for a planned development are granted, the City Council shall require such evidence and guarantees as it may determine necessary as proof that the conditions stipulated in connection with the planned development are being, and will be complied with.

**6.7 Changes In The Planned Development:**

A. The planned development shall be implemented only according to the approved formal plan development ordinance and recorded final plats of subdivision recorded for the planned development. The recorded final plats and supporting data, together with all recorded documents and amendments, if any, shall be binding on the owners, successors, heirs, and assigns.

B. Changes to a planned development may be made as follows:

**1. Major Changes:**

a. Changes which alter the concept or intent of the planned development may be approved by the City Council only by submission of a new final plan and final plats of subdivision for the planned development. All revisions shall be reviewed by the Planning and Zoning Board at a public hearing.

b. Major changes include, but are not limited to, the following:

i. Increases in density.

ii. Increases in the heights of buildings.

iii. Reductions in approved open space, greenbelts, or preservation areas.

iv. Modification to the approved uses, and a change by more than ten (10) percent in the acreage allocated to each use.

v. Rearrangement of lots, blocks, and building tracts.

2. **Minor Changes:** Minor changes may be approved by the City Council, after review and recommendation of the Planning and Zoning Board at a public meeting, provided said changes do not alter the spirit and intent of the approved planned development. Minor changes include:

a. Minor modifications to the location of buildings, provided all setbacks established for the planned development are met.

b. Minor changes to the location and configuration of streets and rights-of way, which are made to preserve natural features.

c. Minor changes to the location and configuration and size of approved open space, greenbelts and recreational facilities, due to circumstances that were not foreseen at the time the final plans were approved.

3. **Incidental Field Changes:** Incidental field changes may be approved by the Mayor, after review by appropriate staff.

a. **Recording:** Major changes which are approved for the final planned development shall be recorded as amendments to the recorded copy of the final plat of subdivision(s).

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**ARTICLE VII**  
**OFF-STREET PARKING AND LOADING**

- 7.1 **PURPOSE:** The purpose of these regulations is to alleviate or prevent the congestion of public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.
- 7.2 **GENERAL PROVISIONS:**
- A. **Scope of Regulations:** Off-street parking and loading provisions of this Article shall apply as follows:
1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located.
  2. When the intensity of use of any building, structure or premises is increased through gross floor area, seating capacity or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required shall be provided for such increase in intensity of use.
  3. Whenever the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for such new use.
- B. **Damage or Destruction:** For any conforming or legally nonconforming building or use which is in existence on the effective date hereof, which is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. In no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Article for equivalent new uses or construction.
- C. **Submission of Site Plan:** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include a site plan, drawn to scale and fully dimensioned, showing parking or loading facilities to be provided in compliance with this Article.

**D. Time of Completion:** Off-street parking and loading facilities, as required by this Article, shall be constructed at the time of erection, establishment, alteration, or enlargement of the building, structure or use of land for which they are required to serve and be available for use no later than the time the premises are utilized for their intended use.

**7.3 REGULATIONS AND REQUIREMENTS:**

**A. Location of Parking Facilities:** Unless otherwise approved as part of a special use permit, all required off-street parking and loading facilities, which serve a building, structure or land uses, which are erected, established, altered, enlarged, or intensified after the effective date of this Ordinance, and all such parking facilities which are established or increased voluntarily pursuant to this Ordinance, shall be located on the same lot as the building, structure, or use of land to be served.

**B. Joint Parking Facilities:**

1. In any zoning district where compatible, collective off-street parking facilities are available to serve different buildings, structures or uses, joint parking may be permitted by the City as a Special Use, according to procedures set forth in Article X of this Zoning Ordinance.
2. The total number of spaces provided may be less than the sum of the separate parking requirements specified in the Schedule of Off-Street Parking Requirements, Section 7.5 of this Ordinance, for each building or use, provided that:
  - a. The parking to be provided for individual land uses shall reflect the actual peak demand for parking as defined by Ordinance.
  - b. The land uses and the shared parking facility shall be located close enough to one another, so that individuals would be willing to walk to each use from most points in the parking facility.
  - c. Parking spaces to be shared shall not be reserved for certain individuals or groups on a 24-hour basis.
  - d. Any subsequent change in land uses within the shared parking area shall require a new occupancy permit, and proof that sufficient parking shall be made available.

**C. Yard Requirements:**

1. **Single-Family Residential:** For purposes of this Ordinance, required parking for single-family detached and attached dwellings, may include one space in a garage and one space on the driveway, provided however, driveways are at least nine (9) feet wide.
2. **All Other Districts:** Perimeter yards for off-street parking and off-street loading facilities shall be as set forth in Article V, Section 5.5, for all non-residential uses. There shall be no parking in minimum yards.

**D. Access:**

1. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
2. All areas providing for off-street parking facilities shall open directly upon an aisle or driveway not less than nine (9) feet wide for single-family, and twelve (12) feet wide for all other dwelling units, or provide such additional width and design as shown in the "Off-Street Parking Chart."

**E. Floor Area:** For the purpose of determining off-street parking and off-street loading requirements, floor area shall be calculated as the sum of the gross horizontal area of the several floors of the building or buildings, excluding:

1. Areas used for off-street parking and loading facilities.
2. The horizontal areas of the basement that are devoted exclusively to uses accessory to the operation of the entire building.
3. The horizontal areas of boiler and mechanical rooms used for heating, ventilating and air conditioning equipment.

**F. Computation:**

1. When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction of one-half ( $1/2$ ) or less may be disregarded while a fraction in excess of one-half ( $1/2$ ) shall be counted as one parking space.
2. If a particular use is not listed in the Schedule of Off-Street Parking Requirements, Section 7.5 below, the Mayor shall determine the requirements of said use by assigning the same requirements as another use which is deemed to be similar in nature to, and compatible with, said unlisted use.

**G. Size:**

1. Required parking for single-family residential uses, including single-family detached, attached or duplex dwellings, shall be at least nine (9) feet in width by twenty-one (21) feet in length.
2. Required parking for all other uses shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles.
3. The number and dimension of parking spaces to be set aside for the handicapped shall be provided in accordance with the standards of the Illinois Capitol Development Board, as set forth in "Accessibility Standards, Illustrated", as may be amended from time to time.

**H. Design:**

1. **Surface:** The surface of a parking lot shall be striped to clearly define spaces and drive aisles. Proposed striping shall be subject to approval by the City Engineer.
2. **Curbing:** All off-street parking facilities consisting of twelve (12) or more spaces, shall be improved with curbing, as approved by the City Engineer.
3. **Lighting:** Required submittals and standards for parking lot lighting are included in Article V, Section 5:5, for all non-residential uses, of this Zoning Ordinance:

- a. Parking lot lighting shall be required for lots with more than twelve (12) spaces which are used at night.
- b. Lighting shall be extinguished one-half hour after the close of business, except as may otherwise be permitted or required by the City Council.

**4. Screening and Landscaping:**

- a. Screening of required off-street parking and off-street loading spaces shall be provided according to standards set forth in Article 5, Section 5.5, for all nonresidential uses of this Zoning Ordinance.
- b. Unless otherwise approved by the City Council, an area equal to but not less than one (1) nine (9) foot by eighteen (18) foot space for every twenty-five (25) parking spaces, shall be set aside for a landscaped island, or a landscaped area between the parking lot and the building it serves, to create visual relief and soften the expanse of pavement:
  - i. All interior landscaped islands shall be curbed to prevent the destruction of such areas by vehicles.
  - ii. An area between two (2) and five (5) feet above ground shall be kept clear of plant growth, except for tree trucks, in order to assure that pedestrians and automobiles will be visible to a motorist at all times.
  - iii. Interior landscaping shall include, at a minimum, one deciduous street tree for each twenty-five (25) parking spaces. Trees shall be not less than three (3) inches in caliper, as measured twelve (12) inches above grade, when installed.
  - iv. All landscaping shall be permanently maintained in good condition with at least the same quality of landscaping as initially installed.

**5. Access Control and Signage:**

- a. There shall be no more than one (1) entrance and one (1) exit or one (1) combined entrance and exit along any street unless additional entrance/exit is approved by the City Council.
  - i. One-way driveways shall be clearly marked with appropriate entrance and exit signs.

ii. If, in opinion of the City Engineer, traffic in the vicinity of the site warrants the restriction of turning movements or access to and from a parking facility, signs or driveway modification necessary to accomplish said restrictions shall be provided.

b. Accessory, or directional signs may be double-sided, but shall be limited to four (4) square feet of sign area per sign face. Signs shall not be greater than four (4) feet in height. The City Engineer may, however, approve exceptions to these requirements if additional height and area is necessary to include essential informational copy.

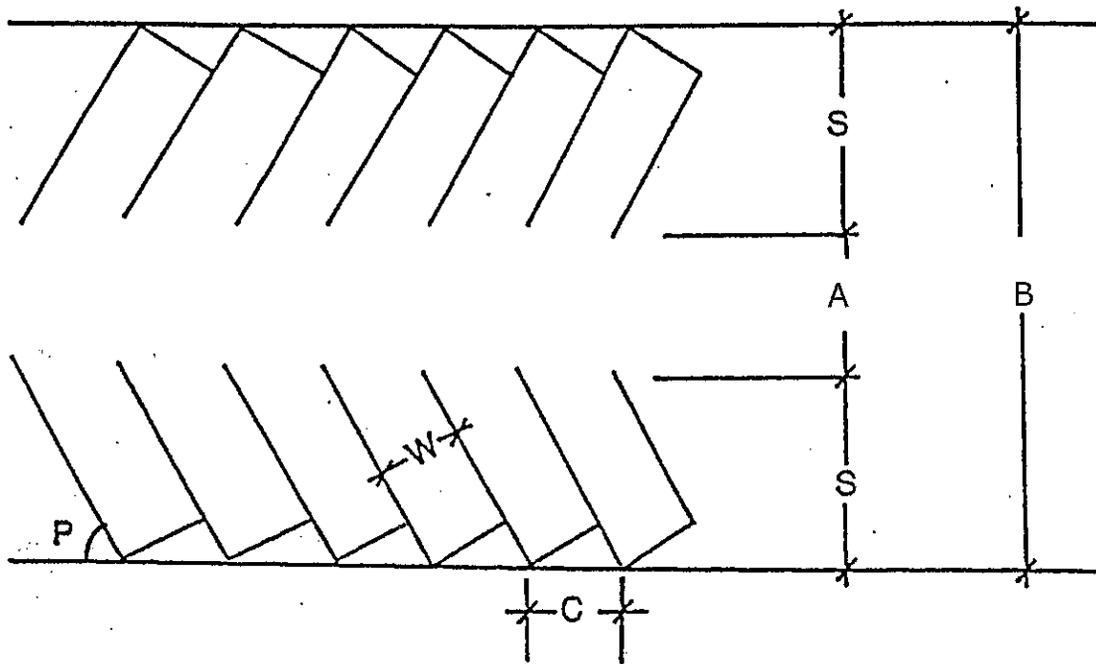
**6. Repair and Service:**

a. No motor vehicle work or service of any kind shall be permitted within any off-street parking facility that is four (4) or more spaces in size.

b. No gasoline or motor oil shall be sold in any accessory off-street parking facility.

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**7.4 OFF-STREET PARKING CHART**



Parking Aisle	Curb Length	Stall Depth	Stall Width	Aisle Width	Bay Width
P	C	S	W	A	B
90°	9.0'	18.0'	9.0'	24.0'	60.0'
60°	10.4'	20.0'	9.0'	16.0'	56.0'
45°	12.7'	19.1'	9.0'	12.0'	50.2'
0° <sup>1</sup>	24.0'	24.0'	9.0'	12.0'	

**NOTES:** These standards are for a 9'x 18' parking space

<sup>1</sup>Parallel parking. Assumes one-way traffic flow

**7.5 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS:**

Accessory off-street parking spaces shall be provided as required for the following uses:

**Residential:**

**Congregate Care Housing:** 1 space per each 2 bedrooms, plus spaces for accessory uses according to this Ordinance

**Group Housing:** 1 space per dwelling unit

**Senior Citizen Housing:** 1.5 spaces per dwelling unit

**Single-Family Residential:** 2 spaces per dwelling unit

**Townhomes, Two Family Dwellings, and Multiplexes:** 2.25 spaces per dwelling unit

**Two- and Three-story Apartments:** 2 spaces per dwelling unit

**Retail and Service Use:**

**Automobile Sales:** 2.5 spaces per each 1,000 square feet of floor area, plus 1 space per each 2,000 square feet of outdoor sales area

**Banks and Financial Institutions:** 5 spaces per 1000 square feet of floor area, plus 5 stacking spaces for each drive-up window provided

**Bed and Breakfast:** 1 space per sleeping room, plus 2 spaces for the permanent residents

**Boat Dealers:** 5 spaces per 1000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area

**Convenience Food Stores:** 6 spaces per 1000 square feet of floor area

<b>Delicatessens:</b>	6 spaces per 1000 square feet of floor area
<b>Farm and Garden Supply:</b>	5 spaces per 1000 square feet of floor area, 1 space per each 1000 square feet of outdoor sales area, plus 1 space per each two employees
<b>Funeral Parlors:</b>	15 spaces for each area where a funeral or wake may take place, 1 space per employee, plus 1 space per vehicle owned, leased or rented
<b>Furniture Store:</b>	4 spaces per 1000 square feet of floor area
<b>Grocery Store:</b>	6 spaces per 1000 square feet of floor area
<b>Hair Styling Salons:</b>	2 spaces per chair, plus 1 space per employee
<b>Hotels/Motels:</b>	1 space per room, 1 space per employee, plus additional spaces of accessory uses as required by this Ordinance
<b>Kennel:</b>	1 space per 400 square feet of floor area, but no fewer than 4 spaces
<b>Laundromat:</b>	1 space per two washing machines
<b>Lumber yards:</b>	3 spaces per 1000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area
<b>Mobile Home Dealers:</b>	5 spaces per 1000 square feet of floor area, plus 1 space per each 2000 square feet of outdoor sales area
<b>Nursery Retail Sales:</b>	5 spaces per 1000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area
<b>Photography Studio:</b>	4 spaces per 1000 square feet of floor area

**Plumbing and Heating Supply:** 4 spaces per 1000 square feet of floor area

**Printing and Publishing:** 3 spaces per 1000 square feet of floor area

**Private Clubs and Lodges:** 5 spaces per 1000 square feet of floor area

**Produce Stand:** 5 spaces for each stand

**Repair Shop:** 4 spaces per 1000 square feet of floor area

**Restaurants, Fast Food:** 13 spaces per 1000 square feet of floor area, plus 7 stacking spaces for each drive-up window through which food and/or drink is dispensed

**Restaurants, Sit-down/  
Family:** 10 spaces per 1000 square feet of floor area

**Restaurants, with Live  
Entertainment and  
Dancing:** 13 spaces per 1000 square feet of floor area

**Retail Stores:** 5 spaces per 1000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area

**Shoe Repair Shops:** 4 spaces per 1000 square feet of floor area

**Snowmobile and  
Motorcycle Sales/Service:** 5 spaces per 1000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area

**Veterinary Clinic and  
Animal Hospital:** 4 spaces per 1000 square feet of area

Offices

**Offices (Business,  
Professional,  
Governmental):**

3 spaces per 1000 square feet of floor area for buildings with 5000 square feet or more of floor area

Automotive/Service:

**Car Wash (Manual):**

1 space per employee, plus 4 spaces per washing bay (includes bay), 1 of which shall be located directly in front of each bay

**Car Wash (Automatic):**

1 space per each employee, plus stacking spaces equal to 5 times the capacity of the washing bays

**Oil Change Shop:  
Repair:**

3 spaces per service bay, excluding service bay  
4 spaces per repair stall (including repair stall,  
5 spaces per 5000 square feet of floor area devoted to office and/or retail sales, plus 1 space per each vehicle owned, leased or rented

**Service Station  
(Full Serve):**

1 space per each gasoline service bay (not including the bay), 2 spaces per repair service bay (not including the bay), 1 space per employee, plus 1 space per vehicle owned or leased

**Service Station  
(Self-Serve):**

1 space per each gasoline service bay (not including the bay), 1 space per employee, plus 5 spaces per 1000 square feet of floor area devoted to retail sales

**Religious/Institutional:**

<b>Cemetery:</b>	1 space per full-time employee
<b>Child Care Centers:</b>	1 space per each employee, plus 1 space per each 15 children
<b>College or University:</b>	1 space per each employee, plus 1 space per each 4 students
<b>Church or Synagogue:</b>	1 space per each 4 seats, or 1 space per each 90 lineal inches seating capacity in main chapel or auditorium, based on design capacity
<b>Convalescent Center:</b>	1 space per each 4 beds, plus 1 space per employee
<b>Elementary School:</b>	1 space per each faculty member and other full-time employee; plus 1 space per each 2 classrooms for visitors
<b>High School:</b>	1 space per each full-time employee, plus one space per each 7 students, based on design capacity
<b>Hospitals or Clinics:</b>	1 space per each 2 beds, 1 space per each 2 employees, plus 1 space per each 2 doctors on staff
<b>Library:</b>	1 space per 300 square feet of floor area
<b>Police or Fire Station:</b>	1.5 spaces per each employee
<b>Post Office:</b>	4 spaces per 1000 square feet of floor area, plus 1 space for each 3 employees.
<b>Religious Retreats:</b>	1 space per 5 residents plus 1 space per non-resident employees, plus visitor parking as recommended by the City Council.
<b>Trade School:</b>	1 space per each 5 students, plus 1 space per each two employees

Recreational/Civic:

<b>Art Gallery:</b>	4 spaces per 1000 square feet of floor area
<b>Auditorium/ Assembly hall:</b>	1 space for each four seats or 1 space per each 50 square feet of floor area, where there is no fixed seating
<b>Ball Fields:</b>	1 space per 4000 square feet of playing field
<b>Billiard/Pool halls:</b>	5 spaces per 1000 square feet of floor area
<b>Bowling Alley:</b>	5 spaces per lane, plus additional spaces for accessory uses as required by this Ordinance
<b>Community Center:</b>	4 spaces per 1000 square feet of floor area, plus 1 space per employee
<b>Game Room:</b>	5 spaces per 1000 square feet of floor area
<b>Golf Course:</b>	65 spaces per 18 holes, 45 spaces per 9 holes, 1 space per each employee, plus additional spaces for accessory uses as required by this Ordinance
<b>Golf driving range:</b>	2 parking spaces per tee, plus one parking space per employee, plus additional parking for accessory uses as required by this Ordinance
<b>Government Building:</b>	5 spaces per 1000 square feet of floor area used by the public
<b>Gymnasium/ Health Club:</b>	3 spaces per each 1000 square feet of floor area
<b>Indoor Racquet Court:</b>	3 spaces per court, plus one space per 200 square feet of floor area

<b>Miniature Golf Course:</b>	2 spaces per hole, plus 5 spaces per 1000 square feet of floor area
<b>Museum:</b>	4 spaces per 1000 square feet of floor area
<b>Recreational Buildings:</b>	Not less than 5 spaces per 1000 square feet of floor area, plus 1 space per each 2 employees
<b>Riding Stables:</b>	2 spaces per each horse stall
<b>Swimming Pool:</b>	10 spaces per 1000 square feet of pool surface area (not including wading pools or whirlpool baths) plus 5 spaces per 1000 square feet of floor area devoted to accessory use.
<b>Skating Rinks:</b>	5 spaces per each 1000 square feet of floor area
<b>Tennis Courts:</b>	2 spaces per court, 1 space per employee, plus additional parking for accessory uses as required by this Ordinance.
<b>Theaters (indoor):</b>	1 space per each 4 seats
<b><u>Light Industrial:</u></b>	
<b>Light Industrial:</b>	1 space per each 1000 square feet of floor area
<b>Research and Development:</b>	3 spaces per 1000 square feet of floor area up to 50,000 square feet
<b>Self-Storage Facility:</b>	4 spaces per 1000 square feet of floor area devoted to office space, 1 space per employee, 2 spaces per each resident manager, plus 1 space per each 50 storage units
<b>Warehouse:</b>	1 space per each 2000 square feet of floor area

7.6 **OFF-STREET LOADING:** Every building which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall be required to have off-street loading zones in accordance with requirements of this Ordinance:

A. **Location of Off-Street Loading Facilities:** All required off-street loading facilities which serve a building, structure, or use of land erected, established, altered, enlarged or intensified after the effective date of this Ordinance shall be located on the same lot as the building, structure or use of land to be served, unless established in accordance with the following provisions:

1. **Central Loading Facilities:** Central loading facilities, which serve more than one lot, may be established in accordance with the following requirements:

- a. Each lot to be served shall have direct access to the central loading facility without crossing streets or alleys.
- b. The total number of off-street loading zones provided is not less than the sum of the separate requirements for each use as specified below in Section 7.7 of this Ordinance.
- c. Each lot to be served shall be no more than three hundred (300) feet from the central loading facility.

2. **Control of Central Loading Facilities:** Whenever the required off-street loading is collectively provided in central loading areas, written covenants and easements running with the land assuring the retention, maintenance, and use of said central loading facility shall be executed by the parties concerned. Such covenants and easements shall be reviewed by the Mayor and City Attorney, approved as to content and form by the City Council, and filed in the Office of the Recorder of Deeds of Macon County, Illinois.

B. **Yard Requirements:** Required loading areas shall not be located in a required minimum yard.

C. **Floor Area:** For the purpose of determining off-street loading requirements, floor area shall be calculated as described in Section 7.3 E.

**D. Computation:**

1. The total number of off-street loading spaces required for any building, structure or use shall be based upon standards set forth in Section 7.7 below.
2. If, in determining the number of off-street loading zones required, the computation results in a requirement of a fractional zone, any fraction of less than one-half (A) may be disregarded, while a fraction of one-half (Y2) or more shall be counted as one (1) loading area.
3. If a particular use is not listed in the Schedule of Off-Street Loading Requirements, the Mayor shall determine the loading requirements of said use by assigning the same loading facility requirements as another use which is deemed to be similar in nature to, and compatible with, said unlisted use.

**E. Design:**

1. **Surfacing:** Loading areas shall be striped to clearly define these areas, and discourage automobile parking. Proposed striping shall be subject to approval by the City Engineer.
2. **Curbing:** All loading areas shall be improved with concrete curbing, as approved by the City Engineer.
3. **Screening:**
  - a. Landscape screening shall be provided for all unenclosed loading areas that are adjacent to a residential or institutional use, or are visible from a public right-of-way according to standards set forth in Article V, Section 5.5, for all non-residential uses of this Ordinance.
  - b. Landscaping shall be permanently maintained in good condition with at least the same quality of landscaping as initially installed.

**F. Minimum Loading Facilities:**

1. Buildings, structures, or parcels of land which require off-street loading facilities, but which have less area than the minimum prescribed for such required facilities, shall be provided with not less than one (1)

nine (9) foot by eighteen (18) foot loading area to accommodate delivery and other service vehicles.

2. The loading zone shall not be less than nine (9) feet by eighteen (18) feet in size, and shall be exclusive of required parking spaces or drive aisles, and shall be signed and striped to discourage automobile parking.

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**7.7 SCHEDULE OF OFF-STREET LOADING REQUIREMENTS:** Off-street loading berths shall be provided on the basis of gross floor area in accordance with the following:

Use	Gross Floor Area in Square Feet	Required Number and Minimum Horizontal Dimensions of Berths
Multiple-Family Dwellings	30, 000 to 200, 000 For Each Additional 200, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Hospitals, Sanitariums, Nursing Homes	10, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Auditoriums, Bowling Alleys, and Civic Buildings	10, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Hotels and Motels	10, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Hotels, Clubs and Lodges when containing any of the following: Retail Shops, Convention Halls, Auditoriums, Exhibition Hall or Business or Professional Offices	10, 000 to 20, 000 20, 000 to 150, 000 For each additional 150, 000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 1 Additional (12' x 60')
Theaters (Indoor)	8, 000 to 25, 000 For each additional 50, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Retail/Wholesale Stores and Service Uses	5, 000 to 10, 000 10, 000 to 25, 000 25, 000 to 40, 000 40, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 3 (12' x 60') 4 (12' x 60') 1 Additional (12' x 60')
Establishments dispensing food or beverages for consumption on the premises	5, 000 to 10, 000 10, 000 to 25, 000 25, 000 to 40, 000 40, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 3 (12' x 60') 4 (12' x 60') 1 Additional (12' x 60')
Banks and Offices – Business Professional and Governmental	10, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 1 Additional (12' x 60')
Industrial Uses	5, 000 to 40, 000 40, 000 to 100, 000 For each additional 100, 000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 1 Additional (12' x 60')

**ARTICLE VIII**  
**SIGNS**

**8.1 General Provisions:**

- A. Applicability:** The regulations set forth in this Article shall apply to and govern signs in all zoning districts in the City of Maroa. No sign shall be erected, repaired, altered, relocated or maintained except in conformance with the regulations for the district in which it is located, unless the sign is otherwise specifically regulated by special use provision or provisions relating to variance.
- B. Purpose:** The purpose of these regulations is to:
1. Encourage the effective use of signs as a means of identification for businesses in the City of Maroa.
  2. Regulate signs in such a way as to support and compliment land use objective set forth in the Comprehensive Land Use Plan and this Zoning Ordinance.
  3. Ensure that all signs within the City are compatible with existing land uses and buildings within the general vicinity of the sign and the community as a whole, with regard to size, location, color, construction, materials, and manner of display.
  4. Permit such signs that do not confuse, mislead, obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, morals or general welfare of the City of Maroa.
- C. Off-Site:** It is the intent of this Article to prohibit all off-site advertising of any kind whatsoever, except where such off-site advertising is specifically permitted under the terms of the Highway Advertising Control Act of 1971 (Ill. Rev. Stat. 1991, Ch. 121, Sec. 503.01, et. seq.).

- 8.2 Definitions:** The following words, terms and phrases used in this Article shall be defined according to the following:

**Abandoned Sign:** A sign which no longer directs attention to or advertises any person, business, lessor, owner, product, idea, place, activity, institution or service which is conducted or available.

- Advertising Message:** The words on a sign describing products or services being offered or available to the public.
- Animated Sign:** A sign that incorporates or includes action.
- Area of Sign:** Sign area shall be the gross surface area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however if any portion of the required structural supports become enhanced for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. For computing the area of any sign which consists of individual letters or separate graphic elements, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters or elements.
- Awning:** A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework when an awning contains, embodies or displays any words, trademark, logo illumination or similar representation, these elements shall constitute as “sign”.
- Background Area:** The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with wall sign.
- Banner:** A sign made of paper, plastic or fabric of any kind which is intended to be hung either with or without a frame, with or without applied

characters, letters, illustrations or ornamentations, excluding national, state, or governmental flags.

**Beacon:** A stationary or revolving light (also known as a “searchlight” ) which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. This term is not intended, however, to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

**Billboard:** A non-point-of-sale sign which advertises a business service, organization, event, person, place, or thing, unless such sign is more specifically defined herein. Where such signs exceed 300 square feet, even those advertising at a point of sale, they shall be considered principal structures.

**Building Face of Wall:** The wall and window area of a building in one plane or elevation.

**Building Frontage:** The linear length of a building facing the right-of-way.

**Building Sign:** See earlier text.

**Business Frontage:** The frontage of a lot on a public right-of-way or privately owned circulation road.

**Canopy:** A structure other than an awning made of cloth metal or other materials with frames affixed to a building and carried by a frame which is supported by the ground. When a canopy contains, embodies or displays any words, trademark, logo lighting or similar representation, those elements constitute a sign.

- Changeable Copy:** Letters, numerals or other graphics which are not permanently affixed to a structure and/or set for permanent display, and are intended to be alterable through manual or electronic means.
- Directional Sign:** A sign of noncommercial nature which directs the reader to public parks, buildings, historical structures or areas, schools and other public institutions; or provides information concerning traffic circulation or parking.
- Façade:** The face of a building from grade to the top of the roof or parapet in height, and from side wall to side wall or front wall to rear wall in width.
- Flashing Sign:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as the public service time, temperature and date signs, or electronically controlled message centers shall be classified as "changeable copy signs", not "flashing signs".
- Free-Standing Sign:** Any sign supported by structures or supports that is placed on, or anchored in, the ground, and are independent from any building or other structure.
- Height of Sign:** The vertical distance measured from the upper surface of the nearest street curb (other than an elevated roadway), to the highest point of the sign.
- Illuminated Sign,  
External:** Any sign externally illuminated by a source of light which is cast upon the surface or face of the sign to illuminate by reflection only.
- Illuminated Sign,  
Internal:** Any sign, all or any part of which:

1. Is made of incandescent neon, or other types of lamps attached thereto.
2. Has a border of incandescent or fluorescent lamps thereto, attached and reflecting light thereon.
3. Is transparent, and lighted by electricity or other form of illumination.

**Non-Conforming Sign (Legal):**

A non-conforming sign shall be any sign which:

1. Was lawfully erected and maintained prior to such time as it came within the purview of this Article and any amendments hereto, and which fails to conform to all applicable regulations and restrictions contained in this Article; or
2. A non-conforming sign for which a permit has been issued.

**Obscene:**

Statements, words, suggestions, or pictures of an indecent or immoral character, such as will offend public morals or decency.

**Parapet:**

That portion of the wall of a building that rises above the roof level.

**Pennant:**

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

**Portable Sign:**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to:

1. Signs designed to be transported by means of wheels.
2. Signs converted to "A" or "T" frames.
3. Menu and sandwich board signs.
4. Balloons or inflatable figures used as signs.

5. Umbrellas used for advertising.
6. Signs attached to, or painted on vehicles parked or visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations.

**Projection Sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Residential**

**Development Sign:** Permanent residential development signs at major entrances designed to identify a residential subdivision, or containing no advertising.

**Roof Sign:** Any sign erected, constructed, and maintained entirely or partially upon or over the roof of any building, with the principal support on the roof.

**Roof Sign Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Setback:** For the purpose of this Article, the setback of a sign shall be defined as the shortest horizontal distance between a property line and the closest edge of a sign, including the structure and base:

1. Where a property line extends into a street right-of-way, the setback of a sign shall be the shortest horizontal distance between the closest edge of a sign, including the structure and base, and the back of the curb of the adjacent street.
2. Where a sign is located along an access drive, the setback of a sign shall be the shortest horizontal distance between the closest edge of a sign, including the structure and base, and the back of curb of the adjacent access drive.

**Sign:**

A sign is any name, identification, description, advertisement, display or illustration which is affixed to or painted or represented directly upon a building, structure or other outdoor surface or piece of land; and which directs attention to an object, ideal, product, philosophy, place, activity, person, institution, service organization or business; and which is located on a permanent or temporary basis, on the premises at or on which the object, idea, product, philosophy, place, activity, person, institution, service, organization or business is located, offered or sold:

1. The term "sign" shall not refer to any display of official court or public notices, nor shall it include the emblem or insignia of a nation, political unit, school or religious group. The term "sign" shall not include any name, identification, description, advertisement, display or illustration located completely within an enclosed building or structure unless the content thereof shall be exposed to view from the outside of the building.
2. For the purpose of this Article, a building, or portion of a building, or any item or material (opaque, transparent, colored or illuminated) physically attached to a building which departs from standard architectural treatment in an attempt to attract attention to the premises by reason of color scheme and/or illumination, or part of a building or facade not required structurally or for maintenance, and which is intended to direct attention to products, goods, services, events or entertainment, shall be considered a "sign" and be subject to all pertinent regulations, including sign area as defined herein.

**Sign, Animated:**

A sign that incorporates or includes movement of physical parts, light of letters and figures, whether manipulated by physical or electrical means.

<b>Sign Face:</b>	The entire area of a sign on which copy could be placed.
<b>Temporary Sign:</b>	Any sign that is used only temporarily, and not permanently mounted. This includes any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time.
<b>Unlawful Sign:</b>	A sign which does not meet the terms of this Article or which the City has declared to be unlawful because it poses a danger to public safety by reason of dilapidation or abandonment; a nonconforming sign for which any permit required under any previous ordinance was not obtained.
<b>Vehicular Sign:</b>	Any advertising or business sign attached to a motor vehicle, which is parked or placed in position for display to the public.
<b>Wall Sign:</b>	A sign which is placed against a building or other structure and which is attached to the exterior front, rear or side wall of a building.
<b>Window Sign:</b>	A sign that is posted on the interior or exterior of a window of a building or structure which is intended to be read from the exterior of the building or structure.

**8.3 General Regulations:**

**A. Signs Regulated by this Article:** Any sign not specifically permitted under the terms of this Article or of the Highway Advertising Control Act of 1971 (III. Rev. Stat. 1981, Ch. 121, Sec. 501, et. seq.) shall be prohibited. Such signs include, but are not limited to:

1. Inflatable signs and tethered balloons.
2. Pennants.

3. Strings of lights, except those exempt by the terms of this Article (see Decorative Lighting).
  4. Beacons, except as permitted for grand openings.
  5. Flashing lights.
  6. Obscene signs.
- B. Authorization by Owner:** Except as provided in Section 8.3 C, below, no person shall erect, alter, or relocate any sign within the City without first obtaining the express consent of the owner of the land upon which the sign shall be erected, altered or relocated, in addition to obtaining a sign permit from the City.
- C. Signs Not Requiring Permits:** No permits shall be required for the following signs when erected or displayed as set forth below and in accordance with all other requirements of the zoning district in which they are located. Except as noted, such signs shall not be illuminated, except as expressly permitted before, and shall not be placed in or otherwise erected upon any public right-of-way, not be attached to any building, tree or structure.
1. **Interior Signs:** Any sign which is completely within an enclosed building and which is not visible from outside the building.
  2. **Monuments and Markets:** Tablets, grave markers, headstones, statuary, or remembrances of persons or events which are non-commercial in nature.
  3. **Decorations and Displays:** Non-commercial decorations or displays celebrating the occasion of legal or religious holidays and which are erected and/or maintained for a period of less than forty-five (45) days. Such decorations or displays may be illuminated.
  4. **Vehicular Signs:** Signs on a truck, bus, trailer or other vehicle while such vehicle is operated in the normal course of a business which is not primarily for the display of such signs.
  5. **Real Estate Signs:** Free-standing signs which are used to offer for sale, lease or rent the property upon which the sign is placed.

6. **No Trespassing Signs:** No trespassing and no dumping signs not exceeding two (2) square feet in area per sign.
  7. **Temporary Signs:** Temporary signs not exceeding eight (8) square feet in area and which pertain to drives or events sponsored by civic, charitable, philanthropic, educational or religious organizations, provided that such signs are posted only during said drive or immediately prior to said event, but for no longer than thirty (30) days.
  8. **Political Signs:**
    - a. Signs or posters announcing or describing candidates seeking public political office, announcing or describing political issues and data pertinent thereto.
    - b. Such signs shall contain a sign surface area not to exceed sixteen (16) square feet. Signs or posters relating to such candidates for office or issues shall be erected not more than sixty days prior to the election at which such candidates are to be elected or issues voted upon, and shall be taken down not more than three (3) days after the date of the election to which they were related.
  9. **Garage/Rummage Sale Signs:** Temporary signs announcing the sale of new or used personal property from a private residence where the sale activity is occasional and infrequent and not associated with a permanent commercial establishment.
  10. **Employment or Help Wanted:** Employment or help wanted signs which are placed on the premises of the establishment which intends to employ the personnel described in the sign.
    - a. Employment or help wanted signs shall, in the aggregate, not exceed four. (4) square feet for any one establishment.
    - b. No more than two (2) such signs shall be displayed for any one (1) establishment.
  11. **Window Signs:** Temporary window signs describing or advertising a retail sale, promotion, or special sale or event, shall be subject to regulations contained in Section 8.4 C(5).
- D. Illumination:** In addition to other applicable requirements set forth in this Article, all illuminated signs must comply with the following provisions:

1. With the exception of changing signs (automatic) as defined herein, all illuminated signs within one hundred (100) feet of any residential zoning district shall be turned off between the hours of eleven (11:00) P.M. and seven (7:00) A.M. unless the establishment is engaged in the operation of business during such period, in which case the sign may be lit during the hours of operation only.
2. Illumination shall be installed or applied only through a translucent surface; or recessed into the sign structure; or if the light source is external to the sign, directed to and concentrated on the sign.
3. Signs shall be shaded as necessary to avoid casting a bright light upon property located in any residential district or upon any public street or park.
4. Floodlights, gooseneck reflectors or other external sources of illumination shall be contained within a protective casing.
5. Illumination shall be constant in intensity and color, and shall not consist of flashing, animated, chasing, scintillating or other illumination conveying the sense of movement. Signs which exhibit only time and temperature may be permitted.

**E. Vertical and Horizontal Extension:**

1. Any sign placed flat against a wall, mansard roof, canopy or awning shall not extend more than six (6) inches beyond any vertical corner edge of such wall, canopy, awning, roofline or parapet;
2. In addition to the above requirements, placement of any wall sign must meet the following provisions:
  - a. Signs shall not cover, wholly or partially, any wall opening, nor project beyond the edges of the wall or roof surface to which it is affixed.
  - b. Signs shall not project from the wall on which they are mounted, in such a manner as to pose an obstruction or hazard to pedestrians or vehicles.

- F. **Sign Placement in Public Areas:** Except for official signs erected by an agency or unit of government, no sign shall be erected on any free, utility pole, traffic standard or other public sign standard.
- G. **Planned Development Signs:** Signs located within a planned development shall be governed by those standards set forth in the underlying zoning district. Such standards may, however, be modified by the City Council in accordance with the provisions of the Planned Development Section of the Zoning Ordinance of the City of Maroa as now and hereafter amended.
- H. **Flags:** Unless authorized by the City Council, flags other than those of any nation, state, political subdivision, or non-commercial flags which represent a not-for-profit affiliation or institution shall be prohibited. There shall be a maximum of three (3) flag poles for each zoning lot:
1. The height of a flag pole shall be in proportion to the scale of the building to which it relates, and in no case shall be higher than the following height limitations:

Building, 1-2 stories	20 foot pole
Building, 3-5 stories	25 foot pole
Building, 6-10 stories	35 foot pole
  2. The vertical length of a permitted flag on a flag pole shall not exceed one-third (1/3) the length of the pole upon which it is hung. All flags are to be maintained in an orderly fashion. Torn flags shall be taken down and replaced.
- I. **Inspection:** Every new sign requiring a permit in the City of Maroa shall be subject to a general inspection; electrical inspection; footing inspection; and any other inspections) deemed necessary by the City.
- J. **Maintenance:** Every sign in the City of Maroa, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of nonfunctioning, broken or defective parts, painting, repainting, cleaning and any other acts required for the maintenance of such sign. All signs and sign supports shall be kept painted, or otherwise treated, to prevent rust, rot or deterioration.

**K. Abandoned and Obsolete Signs:**

1. Any sign which no longer identifies a bonafied business, activity, event, service conducted, or product sold on the premises where the sign is located, shall be taken down by the owner of the building, structure or property upon which said sign is located.
2. If such sign is not removed, the City shall issue written notification to the owner of the building, structure or property, and the sign shall be removed within ten (10) days of receipt of such notification.

**L. Non-Conforming Signs:** It is reasonable that special conditions be placed upon the continuance of existing non-conforming signs. This special non-conforming program permits the current owner to continue using the non-conforming sign while at the same time assuring that the district in which the non-conforming sign exists will eventually comply:

1. **Continuance of Non-Conforming Signs:** Subject to the termination provisions of this Article, any non-conforming sign may be continued in operation and maintained after the effective date of this Ordinance provided, however, that no such sign shall be changed in any manner; and, provided further, that the burden of establishing a sign to be non-conforming under this Article rests entirely upon the person or persons, firm or corporation claiming a non-conforming status for a sign.
2. **Termination of Non-Conforming Signs:**
  - a. **By Abandonment:** Abandonment or cessation for a period of ninety (90) days or the change of the principal use to which the non-conforming sign is accessory shall terminate immediately the right to maintain such sign.
  - b. **By Violation of the Ordinance:** Any violation of the provisions of this Article shall terminate immediately the right to maintain a non-conforming sign.
  - c. **By Destruction, Damage, or Obsolescence:** The right to maintain any non-conforming sign shall terminate and shall cease to exist whenever the sign:

- i. Is damaged or destroyed, from any cause whatsoever, to the extent that its repair or replacement cost exceeds fifty (50) percent of its replacement cost as of the date it became non-conforming; or
    - ii. Becomes obsolete or substandard under any applicable ordinance of the City; or
    - iii. Becomes a hazard or a danger to the safety or welfare of the general public.
  - d. **By New Ownership, or Change in Tenancy or Use:** Transfer of ownership, or change in the use or tenant shall terminate immediately the right to maintain a non-conforming sign. The new owner has 180 days from close of sale to bring the non-conforming sign into compliance.
  - e. **By New Development on the Zoning Lot:** Where new construction occurs on a zoning lot, any non-conforming sign which may exist on said lot shall be removed or modified as necessary to conform to the requirements of this Article. This shall occur before permits are issued for site development and building construction on the premises.
  - f. **By Redevelopment:** Non-conforming signs which are moved or affected by the redevelopment of a property; facade improvement program; or roadway widening shall not be reinstalled, but shall instead be brought into conformance with all elements of this code.
3. **Notification to Remove:**
- a. If the City finds that a sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Article, the City shall issue written notice of such condition or violation to the person to whom the permit for said sign has been issued.
  - b. All notices issued by the City shall describe the sign and its location and shall specify the manner in which the sign is in violation of the ordinance(s) of the City of Maroa. All notices issued by the City shall be sent by certified mail to the current owner. Any time period provided for in this Article shall be deemed to commence on the date of the receipt of the certified mail.

- c. If the party to whom such notice is issued fails to remove or alter the sign so as to comply with the provisions of this Article, within ten (10) days of the receipt of the certified mail, the City may remove or alter the sign at the expense of the owner.
- d. The cost of removing the sign may be recovered by the City of Maroa through any appropriate legal proceeding or by assessment against the property. The cost of removal shall be deemed to include any and all incidental expenses, as well as all direct and indirect costs, incurred by the City in connection with removal of the sign.
- e. The City may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
- f. The City shall not issue any sign permit to any person who refuses to pay costs or expenses incurred by the City in removing or altering any sign for which they have previously obtained a permit, regardless of whether legal proceedings have been initiated for the purpose of recovering such costs.

**M. Vehicles With Signs:** Any vehicle or trailer regularly and customarily used to transport persons or property for a business or activity, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of, or directing people to, a business or activity located on any premise, shall be exempt from the regulations of this Article, except for the following:

1. The parking of any vehicle bearing a sign shall be limited to the premises upon which the business or activity to which the sign refers is located, provided the overnight parking of such a vehicle shall be permitted at the private residence of the vehicle operator.
2. The intentional parking of any vehicle bearing a sign in such a way or in such a location that the vehicle functionally serves as a sign, advertising or directing viewers to the business or activity to which the signage refers, shall be prohibited.
3. The parking of any vehicle bearing a sign in public view which is not in operating condition and/or lacks a current registration shall be prohibited.

N. **Development Ordinances:** The City Council may execute ordinances for individual developments which contain specific language and regulations for project-related signage. Where this occurs, and sign requirements set forth in the development ordinance for the specific project conflict with the standards of this Article, the terms of the development ordinance shall take precedence, unless the owner decides, subsequent to the adoption of the development ordinance, to conform to the more restrictive regulations of this Article of the Zoning Ordinance.

#### 8.4 Signs Regulated By Zoning District:

##### A. **All Districts:**

1. **Planned Development and Subdivision Identification Signs:** Free-standing signs shall be permitted for the purpose of identifying planned developments or subdivisions in any zoning district which are three (3) acres or more, subject to the following conditions:

- a. **Number:** There shall be a maximum of one (1) such free-standing sign allowed, provided that:
  - i. Where a planned unit development has multiple entrances along public streets, additional signs may be granted by the City Council;
  - ii. Development identification signs as provided for herein shall be approved by the City Council;
- b. **Residential:**
  - i. Residential development identification signs shall be maintained by a Homeowners' Association or similar organization.
  - ii. Identification signs for residential subdivisions may be installed on masonry entry monuments, which may be constructed on both sides of the entry street.
  - iii. The height shall not exceed five (5) feet.
  - iv. The sign area shall not exceed forty (40) square feet per side, limited to two (2) sides, or eighty (80) square feet total.
  - v. Residential development identification signs and entry monuments shall comply with all setback requirements set forth herein.

**c. Non-Residential:**

- i. Non-residential identification signs shall not exceed forty-five (45) square feet per side, limited to two (2) sides, or ninety (90) square feet total.
- ii. Non-residential planned development signs shall not exceed fifteen (15) feet in height.
- iii. Non-residential identification signs shall comply with all setback requirements set forth in item (d) below.
- iv. Tenant identification may be provided on free-standing development identification signs for retail centers, provided:
  - a. Identification is limited to a tenant which occupies 15,000 square feet or more of gross floor area; and
  - b. Not more than four (4) such tenants are listed on each side of said sign.
- v. Tenant identification may be provided on free-standing development identification signs for all other non-residential uses, provided not more than two (2) tenants are listed on each side of the sign.

**d. Setbacks:**

- i. All development identification signs in any zoning district shall be set back not less than:
    - a. Fifteen (15) feet from any property line.
    - b. Fifteen (15) feet from the back of curb of an adjacent access drive.
    - c. Twenty (20) feet from the back of the curb of an adjacent public street.
  - ii. The sign shall not impede normal pedestrian movement nor obstruct the line-of-sight for motor vehicle traffic.
- e. Illumination:** Development identification signs may be illuminated. However, low-level landscape lighting shall be permitted in residential districts, subject to review and approval by the City. Said landscape lighting shall be adjusted to avoid direct illumination of the sign.

- f. **Landscaping:** Development identification signs shall be landscaped with trees and shrubs to blend the signs or monuments into the landscape of which they are a part.
2. **Directional Signs:** Signs which provide only direction or information for vehicular movement to churches, public places, shopping centers and places of public accommodation, shall be permitted as follows:
- a. Directional signs shall not exceed four (4) square feet in area, unless otherwise approved by the City Council.
  - b. The maximum height of any free-standing directional sign shall not exceed four (4) feet, as measured from the top of the adjacent curb, unless otherwise approved by the City.
  - c. There shall be no maximum number of signs, but the number and location of all directional signs shall be as determined by the City as necessary for safety.
  - d. Unless otherwise determined by the City, directional signs shall be set back at least fifteen (15) feet from the edge of curb of any street or access drive.
  - e. Directional signs may be illuminated.
3. **Construction Signs:** Construction signs shall be allowed in all zoning districts for the purpose of identifying the construction of individual buildings of projects as follows:
- a. Construction signs shall not be erected any earlier than four (4) months prior to the actual commencement of construction.
  - b. All construction signs shall be confined to the construction site.
  - c. All construction signs shall be removed within thirty (30) days of completion of construction and, in all cases, prior to the issuance of an occupancy permit, unless otherwise approved by the City.
  - d. Upon removal of the construction sign, advertisement of the sale, lease or rent of the property may be achieved through the use of a real estate sign, in accordance with Section 8.4, B(1) of this Article.

- e. The content of construction signs shall be limited to identification of:
    - i. Project, including its name and/or logo.
    - ii. Builder or developer, architect, engineer, planner and contractor.
    - iii. Lending institution.
    - iv. Opening date.
    - v. Type of dwelling units being offered, if applicable, and the price of such units, as well as financing and amenities.
    - vi. Leasing agent.
  - f. No more than one (1) construction sign shall be allowed per street frontage per project, unless otherwise approved by the City Council, after review and recommendation by the Planning and Zoning Board at a public meeting.
  - g. The maximum size of any construction sign shall not exceed one hundred (100) square feet per sign face. Construction signs may be double-sided.
  - h. Construction signs shall not exceed fifteen (15) feet in height.
  - i. Construction signs shall be set back not less than:
    - i. Fifteen (15) feet from any property line.
    - ii. Fifteen (15) feet from the back of curb of an adjacent access drive.
    - iii. Twenty (20) feet from the back of the curb of an adjacent public street.
  - k. Construction signs shall not be illuminated.
4. **Signs Not to Constitute Traffic Hazards:**
- a. All signs, or other advertising structure, canopy or awning shall be erected or maintained in such a manner as to maintain free and clear vision of motorists.
  - b. No sign or other advertising structure, canopy or awning shall be permitted which distracts the attention of the driver of the vehicle by reason of the position, shape, or color thereof.

**B. Residential Districts:**

**1. Real Estate Signs:**

- a. A sign, for the purpose of advertising the sale of property, may be installed in a residential district, provided a real estate sign shall:
  - i. Not be illuminated or electrically operated, nor include any moving parts.
  - ii. Not exceed an area of four (4) square feet.
  - iii. Not exceed a total height of five (5) feet.
  - iv. Be limited to on-site advertising, only.
  - v. Be located on the subject property, and set back not less than twenty (20) feet from any lot line.
  - vi. Be constructed of wood and/or metal.
  - vii. Be removed no later than ten (10) days subsequent to the signing of a purchase contract.
  
- b. **Number:** There shall be a maximum of one (1) real estate sign allowed per zoning lot, unless the lot is a corner lot, in which case a maximum of two (2) signs shall be permitted. In no case, however, shall more than one (1) sign be installed per street frontage.

**2. Home Occupation/Nameplate Signs:** Home occupation/nameplate signs shall be permitted as follows:

- a. There shall be a maximum of one (1) such sign per zoning lot.
  
- b. Home occupation/nameplate signs shall contain only the name, address, telephone number and occupation of the occupant.
  
- c. The maximum size of any home occupation/nameplate sign shall be two (2) square feet.
  
- d. Home occupation/nameplate signs shall be installed flat against the face of a building, rather than in a front or side yard.
  
- e. Home occupation/nameplate signs shall not be illuminated.

3. **Garage/Rummage Sale Signs:** Garage and Rummage Sale signs shall be permitted as follows:
- a. Only one (1) such sign shall be allowed on the premises where the sale is taking place, unless such property has frontage on two (2) public streets, in which case two (2) signs are permitted, one (1) at each frontage.
  - b. Three (3) additional locations (not to include the public right-of-way or any buildings or structures thereon) may be selected for placement of rummage sale or garage sale signs announcing the same sale. Any sign to be placed on property owned by others must have verifiable permission of that property owner.
  - c. No rummage sale or garage sale sign shall exceed four (4) square feet in surface area.
  - d. No garage/rummage sale sign shall exceed five (5) feet in height.
  - e. No such sign shall be placed or otherwise erected for more than three (3) consecutive days at a location permitted under this Article.
  - f. No garage sale or rummage sale signs shall be posted or displayed on a tree, street light poles, street signs, traffic sign poles or otherwise erected upon any public right-of-way. Nor shall they be displayed on or within vehicles, or be placed in such a location to cause an obstruction to the clear view of traffic.
  - g. No sale items shall be located and no activities shall be conducted on a public sidewalk, parkway area or other public property. Further, no sale items shall be left out for display later than 7:00 P.M. on any day.
  - h. No more than three (3) rummage or garage sales shall be conducted on the same premises in any calendar year. One (1) rummage or garage sale shall be limited to a period of not more than three (3) consecutive days. The sale shall be conducted without the use of outdoor speakers, other amplification equipment, or illuminated advertising devices.

4. Church Signs - Church signs shall be permitted as follows:

- a. There shall be a maximum of one (1) church sign per zoning lot, provided a maximum of two (2) church signs shall be permitted when the church to which the sign refers is located on a corner lot.
- b. Church signs shall not exceed an area of forty-five (45) square feet per side, nor a height of fifteen (15) feet.
- c. Church signs shall be set back a minimum of fifteen (15) feet from all property lines and from the back of the curb of adjacent access drives and, in no case, less than twenty (20) feet from the back of the curb of an adjacent public street.
- d. Church signs may include changeable copy.
- e. Church signs may be illuminated.

C. Non-Residential:

1. Wall Signs: Identification for Businesses, Industrial and Office Research districts shall be permitted as follows:

- a. There shall be a maximum of one (1) such wall sign for each business establishment provided, however that a maximum of two (2) such wall signs shall be permitted when:
  - i. The business establishment to which the sign refers is located on a corner lot.
  - ii. The business establishment to which the sign refers has more than one (1) business frontage. For the purposes of this Article, a business frontage shall mean a public right-of-way, a customer access drive, or a parking lot which serves the commercial establishment.
  - iii. A business establishment occupies the entire structure of which it is a part and chooses to erect a second wall sign in lieu of a free-standing sign where such free-standing sign is permitted.

- vi. The use is an office building or an office complex provided, however, not more than one (1) free-standing sign is installed in lieu of any wall signage otherwise permitted under the terms of this Article.
- b. The required conditions to erection, relocation, and maintenance of free-standing signs are as follows:
  - i. The total height, including the base of a free-standing sign shall not exceed fifteen (15) feet.
  - ii. The sign area shall not exceed forty-five (45) square feet per side, limited to two (2) sides, or ninety (90) square feet total.
  - iii. The sign shall be located within a minimum setback of fifteen (15) feet from any property line or from the back of the curb of an adjacent access drive. In all cases the free-standing sign shall be set back twenty (20) feet from the back of the curb of an adjacent public street.
  - iv. The sign shall not impede normal pedestrian movement nor obstruct the driver line-of-sight for motor vehicle traffic.
  - v. The sign may be illuminated.
- 3. **Signs Accessory to Automobile Service Stations and Service Station/Mini-Mart Only:** The following signs are permitted as accessory only to automobile service stations subject to the conditions specified below:
  - a. Racks for the orderly display of cans of engine oil may be located on or at the ends of each pump island or adjacent to the station building.
  - b. Two (2) tire racks, not to exceed five (5) feet in height; six (6) feet in length; and five (5) feet in depth, shall be permitted at each gasoline or tire service station for the purpose of displaying new tires. Such racks shall comply with all setback and yard requirements and shall only advertise the products contained thereon.
  - c. Items for sale on the premises shall not be displayed within twenty-five (25) feet of any property line, and any display of such items must comply with all applicable regulations. Products may be displayed under pump island canopies or between pumps within the area of the pump island base.

- b. The maximum size of any business identification wall sign shall not exceed five (5) percent of the building facade area upon which the sign is to be located, to a maximum of two hundred (200) square feet.
- c. Business identification signs may be illuminated.
- d. Tenant wall signs within a retail commercial shopping center under unified control shall be unified in design. Where signs are reviewed as part of a planned development or special use request, plans and other documentation shall be submitted for approval by the City Council which:
  - i. Show the sign area will not exceed regulations of this Article.
  - ii. Identify the number of lines of copy proposed.
  - iii. Identify the maximum and minimum letter height for each line of copy.
  - iv. Show that signs would be centered horizontally and vertically on the sign frieze or background.
  - v. Address whether logos will be permitted.
  - vi. Define proposed color styling.
  - vii. Identify the allowable length of the storefront facade.
  - viii. Identify required separation between signs.

**2. Free-Standing Signs:**

- a. In addition to signs otherwise permitted in non-residential districts, one (1) free-standing sign may be permitted where it is determined by the City that otherwise permitted signage would be inadequate in identifying the business use, and that one (1) of the following conditions is met:
  - i. The use is a restaurant or service station.
  - ii. The business use is located on a parcel which, by virtue of topographic conditions, substantially restricts the visibility of the premises. Required landscaping, mounding and required building setbacks shall not be deemed an obstruction to visibility.
  - iii. The use employs a free-standing sign in lieu of a wall sign due to unique requirements of the business.

- d. One (1) double-faced sign presenting the pricing of gasoline products sold upon the premises shall be permitted as follows:
  - i. Each sign shall not exceed ten (10) square feet per side.
  - ii. No letter or numeral on any pricing sign shall exceed ten (10) inches by fourteen inches (10" x 14") in size.
  - iii. No pricing sign shall exceed a height of fifteen (15) feet.
  - vi. Pricing signs may be combined as part of the permitted free-standing business identification sign. Total area of such a combined sign shall not exceed forty-five (45) square feet per side.
  
4. **Awning or Canopy Signs:** Letters may be painted or otherwise permanently affixed to any permissible awning or canopy subject to the following conditions:
  - a. Lettering and/or symbols shall not project above, below, or beyond the physical dimensions of the awning or canopy.
  - b. Awning or canopy sign area shall count toward the total wall sign area.
  - c. Awning or canopy sign that is illuminated shall require a special use permit.
  
5. **Temporary Window Signs:** Each commercially-zoned establishment may have one (1) or more temporary window signs, subject to the following provisions:
  - a. Temporary window signs shall not exceed twenty-five (25) percent of the total display glass area of any building facade in which such signs are displayed.
  - b. Temporary window signs shall be limited to those describing or advertising a retail sale promotion or special sale or event.
  - c. Temporary window signs shall not be included in the computation of total allowable sign surface area.
  
6. **Beacons:** Beacons shall be permitted for grand openings as defined in Section 8.2 of this Article, subject to the following:

- a. Only one (1) beacon shall be allowed per grand opening.
  - b. Permits shall be obtained in accordance with procedures set forth in Section 8.5 of this Article.
7. **Portable Signs:** Portable signs shall be permitted for grand openings, as defined in Section 8.2 of this Article, subject to the following:
- a. Only one (1) portable sign shall be allowed per grand opening.
  - b. Display of a portable sign shall be limited to fourteen (14) consecutive days.
  - c. Permits shall be obtained in accordance with procedures set forth in Section 8.5 of this Article.
8. **Changeable Copy:** Changeable copy shall only be permitted for:
- a. Church bulletin signs, in accordance with Section 8.4 B(4).
  - b. Free-standing and wall signs for public agencies and theaters, provided sign area does not exceed that allowed by the provisions of this Article.
  - c. Public service display of time and temperature.
9. **Real Estate:**
- a. A sign, for the purpose of advertising the sale of property, may be installed provided, however that a real estate sign shall:
    - i. Not be illuminated or electrically operated, nor include any moving parts.
    - ii. Not exceed an area of sixteen (16) square feet.
    - iii. Not exceed fifteen (15) feet in height
    - iv. Be limited to on-site advertising, only.
    - v. Be located on the subject property, and set back not less than fifteen (15) feet from any lot line for non-residential property and five (5) feet for a residential property.
    - vi. Be removed no later than ten (10) days subsequent to the signing of a purchase contract

- b. **Number:** There shall be a maximum of one (1) real estate sign allowed per zoning lot, unless the lot is a corner lot, in which case a maximum of two (2) signs shall be permitted. In no case, however, shall more than one (1) sign be installed per street frontage.

**8.5 Permit Application And Fees:** Except as otherwise provided in this Article, it shall be unlawful for any person to erect, re-erect, alter, relocate, affix or paint (does not refer to maintenance) any sign without first having obtained a sign permit therefore. Where electrical and/or construction is required in connection with erecting, re-erecting, altering, affixing or painting a sign, the Mayor shall review the plans with the Building Inspector prior to issuing the sign permit.

**A. Application Procedure:** Application for a sign permit shall be made in writing on forms provided by the City and shall include:

1. Site plans for free-standing signs only, in triplicate, drawn to scale and fully-dimensioned, showing:
  - a. A north arrow.
  - b. A dimensioned site plan of the parcel or lot upon which the sign is to be located.
  - c. The name, address and telephone number of the person erecting the sign.
  - d. The name, address and telephone number of the person applying for the sign permit.
  - e. The name, address and telephone number of the owner of the property upon which the sign is to be erected.
  - f. The location and setback of the sign upon the parcel or lot upon which it is to be erected.
2. Three (3) copies of all signage drawings, including free-standing signs, with elevation and section showing sign faces; exposed surfaces and horizontal dimension in scale as to size, proportion and color, and indicating the dimension between the lowest elevation of the sign and grade; the projection from buildings or sign structures; and a description of the sign including, but not limited to, illumination and colors.

3. Three (3) copies of structural and electrical plans.
4. The written consent of the owner of the building, structure or property upon or to which the sign is to be erected.
5. Such other information as the City shall require to show full compliance with this and all other laws and ordinances of the City.
6. Each application for a sign permit shall be reviewed by the Mayor for the purpose of determining compliance with the provisions of this Article and all other applicable laws and ordinances of the City.

**B. Issuance or Denial of Sign Permit:**

1. The City shall issue a sign permit for the erection, re-erection, alteration, relocation, affixing or painting of a sign within the City when the required permit application is properly made, all appropriate fees have been paid, and the City has determined that the sign will comply with the provisions of this Article and all other applicable laws and ordinances of the City.
2. When any application for sign permit is denied by the Mayor, the City shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial. Appeal from the Mayor's decision to deny a permit application may be made by the applicant in accordance with the ordinance of the City.

**C. Exceptions:** Any requested exception from the terms of this Article shall be reviewed and evaluated by the Planning and Zoning Board as a special use as set forth in Article X.

**D. Limitations:** Sign permits shall allow the erection, re-erection, alteration, relocation, affixing or painting of a sign only on the property designated in the permit and only by the person to whom the permit was issued and shall not be transferable. A separate sign permit must be obtained for each sign for which a permit is required.

**E. Permit Fees:** Every sign permit application shall be accompanied by a fee as set forth in Article X, to reimburse the City for expenses incurred in connection with its sign inspections and services. This fee will be waived for non-profit and governmental organizations.

**ARTICLE IX**  
**NON-CONFORMITIES**

- 9.1 **Non-Conforming Lots Of Record:** Any lot of record, on the effective date of the enactment of this Ordinance, which does not comply with the requirements of the district in which it is located as to lot area and lot width, may be used for the erection of a building intended for a use permitted in the district in which the lot is located, provided such building complies with all setback and other applicable requirements of this Ordinance.
- 9.2 **Non-Conforming Buildings Or Structures:** A lawfully existing, non-conforming building or structure which does not contain any non-conforming use, but does not comply with the applicable lot size requirements or building standard regulations in the district in which it is located, may be continued except as otherwise permitted by this Article. Non-conforming buildings and structures shall be subject to the following regulations:

**A. Enlargement, Repair or Alteration:**

1. A non-conforming building or structure may be enlarged, maintained, repaired or structurally altered. No such enlargement, maintenance, repair, or structural alteration shall create either additional non-conformity or increase the degree of the existing non-conformity of all or any part of the building or structure. Damaged or destroyed buildings or structures shall be subject to the restrictions contained in Paragraph B of this section.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Paragraph B of this section) in accordance with the order of the Mayor who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

**B. Damage or Destruction:**

1. In the event that a non-conforming building or structure is damaged or destroyed to the extent that the cost of restoration shall exceed fifty (50) percent of the marked value of such building or structure, no repairs or reconstruction shall be made unless such restoration or construction shall be made to conform to the regulations for the

district in which it is located.

2. If such damage or destruction does not exceed fifty (50) percent of the market value of the building or structure, repairs and restoration must begin within twelve (12) months from the date of the damage or destruction or such restoration shall conform to all the provisions of this Ordinance and for the district in which it is located.

**9.3 Non-Conforming Uses:** When the applicable district regulations do not allow as a permitted use either an existing use of part or all of a building or other structure, or an existing use of land not involving a building or structure, such existing use may be continued except as otherwise permitted by this Article.

**A. Change:**

1. A non-conforming use of a building or other structure, all or substantially all of which was designed or intended for a use which is not permitted in the district of which it is located, shall not be changed to any use other than one permitted in the district in which the land is located. When the non-conforming use has been changed to a permitted use, it shall not thereafter be changed back to a non-conforming use.
2. The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.
3. A non-conforming use in effect at the time an amendatory ordinance becomes effective shall be discontinued and not re-established, except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is located.

**B. Discontinuance:** In the event that operation of a non-conforming use of land, building or structure is discontinued for twelve (12) months, such non-conforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district of which it is located. Intent to resume active operation shall not affect the foregoing restriction.

C. **Non-Conforming Accessory Uses:** No non-conforming accessory use shall continue after the principal use to which it is necessary has been abolished.

**9.4 Registration Of Non-Conforming Uses, Buildings And Structures:**

A. The Mayor shall maintain a system of registration of all nonconforming uses, buildings and structures.

B. Such registration system shall include a provision for notifying owners:

1. That a particular use, lot size or standards governing a building, structure or parcel of land does not conform to the regulations of the zoning district in which the use, building or structure is located.
2. Of the status of a use, building or a structure as a non-conformity.
3. Of the specific regulations applicable to such non-conforming use, building or structure.

**9.5 Existing Special Uses Exempt:** Where a use exists on the date that this Ordinance becomes effective and is permitted by this Ordinance as a special use in the district in which it is located, such use shall not be deemed a non-conforming use, but shall, without any further action, be deemed a lawful special use in such district. However, no such lawful special use shall be substantially expanded unless a supplemental special use permit is secured in accordance with Article X, of this Ordinance.

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**ARTICLE X**  
**ADMINISTRATION AND PROCESSING**

**10.1 Organization:**

A. **Administration:** The administration of this Zoning Ordinance is hereby vested in the following:

1. Zoning Official
2. Planning and Zoning Board
3. City Council

B. **Scope of this Article:** This Article outlines the authority of each of the administrative officers, elected officials and appointed commissioners identified above, and describes the procedures and substantive standards with respect to the following administrative functions:

1. Issuance of Zoning Certificates
2. Issuance of Occupancy Certificates
3. Appeals
4. Variations
5. Amendments
6. Special Uses
7. Planned Developments
8. Fees
9. Enforcement and Penalties

**10.2 Zoning Official:** The Zoning Official, or such individual that has been, or shall be duly appointed by the City Council, shall be in charge of the administration and enforcement of this Ordinance, and shall perform, or see to the performance of the following duties:

- A. Issue all zoning certificates, and make and maintain records thereof.
- B. Issue all certificates of occupancy, and make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Zoning Ordinance.
- D. Maintain permanent and current records of this Zoning Ordinance including, but not limited to, all maps, amendments, special uses, planned developments, variances, appeals, applications and records of hearings.
- E. Receive, file and forward for action, all appeals and applications for appeals, variations amendments, special uses, and planned developments.
- F. Provide clerical and technical assistance that may be required by the Plan Planning and Zoning Board in the exercise of their duties.
- G. Initiate, at least every other year, a study of the provisions of this Zoning Ordinance and make reports of recommendations for change to the Planning and Zoning Board.
- H. Inform the City Council of all violations of this Ordinance and all other matters requiring prosecution or legal action.
- I. Discharge such other duties as may be required by this Article. 10.3 PLAN

**10.3 Planning and Zoning Board:**

- A. **Establishment:** The Planning and Zoning Board of the City of Maroa has been constituted according to 65 ILCS 5/11-13-3 and 65 ILCS 5/11-12-4.
- B. **Jurisdiction:** The Planning and Zoning Board is hereby vested with the following jurisdiction and authority with reference to this Zoning Ordinance:
  - 1. To establish a time for, conduct public hearings on, and prepare written findings of fact and recommendations to the City Council on the following matters:
    - a. Application for amendments to the Zoning Map or the text of this Zoning Ordinance.

- b. Special use permits.
  - c. Special use permits for planned developments, including any requests for exceptions from required standards of the Zoning Ordinance.
  - d. Zoning requests pertaining to newly annexed property, including review of all plats and plans in connection therewith.
  - e. Plats of subdivision, including review of such plats for conformance to the Comprehensive Land Use Plan, this Zoning Ordinance, and the Subdivision Regulations of the City of Maroa, as may be amended from time to time.
2. To review the recommendations of the Zoning Official as to the effectiveness of this Zoning Ordinance, and report its conclusions and recommendations to the City Council, no less frequently than every other year.
  3. To review the Zoning Map for accuracy on an annual basis, so that the Zoning Map may be updated annually, and published in the manner required by the Illinois Revised Statutes.
  4. To hear, decide, and consider all other matters referred by the City Council, or upon which the Plan Commission is required to act pursuant to the provisions of this Zoning Ordinance, or as prescribed by applicable provisions of the City Code or the Illinois Revised Statutes.
  5. To establish a time for, conduct public hearings on, and prepare written findings of fact and recommendations to the City Council concerning applications for variations, in the manner prescribed by, and subject to, the standards established in this Zoning Ordinance.
  6. To hear and decide appeals from any final order, requirements, decision or determination made by an administrative official charged with the enforcement of this Zoning Ordinance.
  7. To hear and decide all matters referred to it by the City Council, or upon which the Planning and Zoning Board is required to act under this Zoning Ordinance, or as prescribed by applicable provisions of the Illinois Revised Statutes.

**10.4 Reserved for Later Use**

**10.5 City Council:** The City Council is the elected legislative authority of the City of Maroa, and has reserved to itself the final authority on subdivisions, special uses, planned developments, amendments, and variations, to be exercised pursuant to its legislative discretion.

**10.6 Zoning Certificate:**

- A. No permit pertaining to the use of land or buildings shall be issued until the Zoning Official certifies in such permit that the application, with accompanying plans and specifications, conforms to:
1. All regulations of the Zoning Ordinance, as may be modified by exceptions granted by the City Council, and as set forth in a development ordinance adopted for the property.
  2. Conditions of approval which may have been read by the City Council, must also be set forth in an adopted ordinance.
- B. When a permit is not required by Maroa's Building Code for an improvement or use, but the use or improvement requires conformance with the regulations of the Zoning Ordinance, an application for a zoning certificate shall be filed with the Clerk.
- C. All applications for zoning certificates shall be accompanied by:
1. Two (2) copies of the current plat of the parcel of land, lot(s), block(s) or parts or portions thereof which constitute the proposed zoning lot, drawn to scale showing the actual dimensions and monuments, as certified by a registered Illinois land surveyor, as a true copy of the piece or parcel, lot(s), block(s) or portions thereof, according to the registered or recorded plat of such land.
  2. Two (2) copies of additional drawings, drawn to scale in such form as may be prescribed by the Zoning Official, showing the:
    - a. Proposed zoning lot.
    - b. Building footprint.
    - c. Height of the building or structure.

- d. Building lines, in relation to lot lines.
  - e. Proposed use for building, structure or land.
  - f. Other information required to determine compliance with the Zoning Ordinance including signage provisions.
- D. The Zoning Official may waive all or any portion of the requirements in paragraphs (1) and (2) above, where it is determined that the information is not necessary because of existing evidence in City records.
- E. An application for a zoning certificate shall be issued only when the application shows conformance with the regulations of this Ordinance, as may be modified by approvals or conditions granted by the City Council, and included in a development ordinance.
- F. Any permit or certificate issued under the provisions of this Ordinance may be revoked whenever there has been any false statement, misrepresentation or omission of a material fact in the application, plat, plans, drawings or other information on which the permit or approval was based.

**10.7 Occupancy Certificates:**

- A. No building, or addition thereto, constructed after the effective date of this Zoning Ordinance, and no addition to a previously existing building shall be occupied, and no land unused and vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy certificate has been issued by the Zoning Official. No change in use in a Zoning District shall be made until an occupancy certificate has been issued, stating that the use or occupancy complies with the provisions of the Zoning Ordinance, or modifications thereof and conditions of approval that may be granted by the City Council as part of a development ordinance.
- B. Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land, where no building permit is required, shall be made to the Clerk.
- C. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Zoning Ordinance shall be:

1. Issued until construction has been completed and the premises inspected and certified by the Zoning Official, to be in conformance with the plans and specifications upon which the zoning certificate application was based.
  2. Issued, and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Zoning Official to be in compliance with all applicable standards.
- D. A temporary occupancy certificate may be issued by the Zoning Official for a period not to exceed one (1) year pending the completion of a building, or alteration thereof. Such temporary occupancy certificate shall not be construed as waiving the duties and obligations of the owners or occupants to complete the construction or alteration within the time period established in the temporary occupancy certificate.
- E. Any permit or approval issued under the provisions of this Zoning Ordinance may be revoked whenever there has been any false statement, misrepresentation or omission of material fact in the application, plat, plans, drawings or other information on which the permit or approval was based.
- F. An occupancy certificate shall be issued, or a written notice shall be given, to the applicant stating the reasons why a certificate cannot be issued, no later than ten (10) working days after the Zoning Official is notified in writing that the building or premises is ready for inspection for occupancy.

**10.8 Certificate For Continued Occupancy Of Nonconforming Uses:**

- A. Certificates for the continued occupancy of non-conforming uses existing on the effective date hereof, or made non-conforming by this Zoning Ordinance, shall state that the use is a non-conforming one and does not conform with the provisions of this Ordinance.
- B. The Zoning Official shall notify the owners of the property being used as a non-conforming use, and shall furnish said owner with a certificate of occupancy for such non-conforming use.

**10.9 Notice Requirements For Appeals, Variations, Amendments And Special Use Permits:**

**A. Publication of Notice:** No public hearing before either the Planning and Zoning Board on any appeal, or request or petition for variation, amendment, planned development or special use shall be held unless the notice of time and place of the hearing is published at least once in one or more newspapers with a general circulation within the City.

1. The notice shall be prepared by the petitioner or other person designated by the City Clerk and submitted to the City Clerk not less than thirty (30) days before the scheduled hearing.
2. Once received, the City Clerk shall cause said notice to be published not more than thirty (30) nor less than fifteen (15) days before the hearing.

**B. Notice to Adjacent Owners:**

1. Each petition of application for an appeal, variation, amendment, planned development, or special use shall include a list of all owners, as disclosed by the records of the Macon County Recorder of Deeds or the tax records maintained by the Macon County Clerk, of all property contiguous to the parcel, exclusive of road rights-of-way.
2. The applicant or petitioner or other person designated by the City Clerk may cause notice of the public hearing to be mailed to property owners at the addresses identified on the list, not less than ten (10) days before the hearing. Said mailing may be by first-class mail. Failure of notice for any reason to any or all contiguous property owners, shall not invalidate any subsequent action by the Planning and Zoning Board or City Council.

**C. Content of Notice:** The notice of public hearing shall include at least the following:

1. The address and/or location of the property for which the appeal, variation, amendment, planned development or special use is requested.
2. A brief statement of the nature of the request.

3. Existing zoning classification.
4. Proposed zoning, if applicable.
5. Requested exceptions from regulations of the Zoning Ordinance, if applicable.
6. The name and address of the legal and beneficial owner of the property for which the variation is requested.
7. A legal description of the subject property.

**D. Continuation of Public Hearings:** The Planning and Zoning Board shall hold at least one public hearing on the proposed variation, amendment, planned development or special use. However, public hearings may be continued by either the Planning and Zoning Board from time to time and without further notices being published.

#### **10.10 Appeals:**

**A. Authority:** The Planning and Zoning Board shall hear and decide upon all appeals from administrative decisions or actions related to this Zoning Ordinance, pursuant to procedures set forth herein.

#### **B. Initiation:**

1. An appeal from a final order, requirement, decision or determination to issue, not to issue, revoke, rescind or extend a permit or certificate requiring compliance with the provisions of this Zoning Ordinance may be taken to the Planning and Zoning Board by any person aggrieved, or by any officer or department of the City.
2. Such an appeal shall be taken within forty-five (45) days after the decision complained of, by filing with the Zoning Official and with the Planning and Zoning Board, a written notice of appeal specifying the ground thereof.
3. The City Clerk shall transmit to the Planning and Zoning Board all papers related to the decision which led to the appeal.

#### **C. Notice of Appeal:**

1. The Notice of Appeal shall, at a minimum, contain the following

information:

- a. Name, address and phone number of the individual filing the appeal.
  - b. Location of the property involved in the decision which has occasioned the complaint.
  - c. Identification of the section or provision of the Zoning Ordinance that is in dispute.
  - d. Written decision of the Zoning Official, or the reason given by said officer, in support of the decision from which the appeal is taken.
  - e. Description of the proposed use of the property, including a plat, survey or site plan.
  - f. Brief narrative argument and summary of the factual evidence upon which the appeal is based.
2. An appeal shall stay all proceedings related to the action on which the appeal is based, including, but not limited to, plan review, processing of permits, or construction, unless it is demonstrated to the Zoning Official of the Planning and Zoning Board that a stay would cause imminent peril to life and/or property.

**D. Hearing:**

1. The City Clerk shall transmit the application of the appeal to the Planning and Zoning Board, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Board, after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Planning and Zoning Board shall prescribe.
3. Notice requirements for public hearings on appeals are set forth in Section 10.9, above.

**E. Decision:** The Planning and Zoning Board shall reach its decision within a reasonable period of time after the conclusion of the hearing of the appeal:

1. The Planning and Zoning Board may affirm or may reserve, wholly or in part, or may modify the order, requirement, decision, or determination as, in its opinion, ought to be made in the matter.
2. Records of all actions of the Planning and Zoning Board, relative to appeals, shall be maintained by the City.
3. The decision of the Planning and Zoning Board shall be a final administrative decision, based on the evidence presented at the hearing of the appeal. A concurring vote of four (4) shall be required for reversal of or modification of the order, requirement, decision or determination of the Zoning Official.

**10.11 Variations:**

**A. Authority:** The City Council shall decide variations from the provisions of this Ordinance that are in harmony with its general purpose and intent, and may vary them where the Planning and Zoning Board has made a finding of fact based on the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any regulation of this Zoning Ordinance.

**B. Initiation:** An application for a variation may be made by any individual, office, department, board, bureau or commission requesting or intending to request application for a building permit, zoning certificate, or occupancy certificate.

**C. Processing:** An application for a variation shall be filed with the City Clerk, who shall forward such application to the Planning and Zoning Board and Zoning Official for processing in accordance with applicable statutes of the State of Illinois and provisions of this Zoning Ordinance. The application shall be accompanied by:

1. The name, address and phone number of the applicant.
2. The legal description, common address and permanent index number of the property to be benefited by the variation.

3. Identification of the provisions of this Zoning Ordinance, from which the variation is sought.
4. A description of the proposed use and/or variation, including a dimensioned site plan or plat, unless specifically waived by the Zoning Official. The Planning and Zoning Board may, however, overrule such waiver and require the submission of a dimensioned site plan before making their findings and recommendations.
5. A brief summary of the factual evidence upon which the applicant will rely to show that the standards for variation will be met.

**D. Hearing:**

1. The City Clerk shall transmit the application to the Planning and Zoning Board, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Board, after due notice is provided.
  - a. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that Zoning District.
  - b. The plight of the owner is due to unique circumstances.
  - c. The variation, if granted, will not alter the essential character of the locality.
2. For the purpose of supplementing the above standards, the Planning and Zoning Board, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish, the following:
  - a. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

- b. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same Zoning District.
- c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- d. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.
- e. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
- f. That the proposed variation will not:
  - i. Impair an adequate supply of light and air to adjacent properties.
  - ii. Substantially increase the hazard from fire or other dangers.
  - iii. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the City.
  - iv. Diminish or impair property values within the neighborhood.
  - v. Unduly increase traffic congestion in the public streets and highways.
  - vi. Create a nuisance.
  - vii. Result in an increase in public expenditures.
- g. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

**E. Decisions:**

1. Within forty-five (45) days after the close of the hearing on a proposed variation, the Planning and Zoning Board shall prepare a written statement of findings of fact and recommendations, and shall submit this statement to the City Council. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed variation.

2. The Planning and Zoning Board is not required to recommend for approval the full variation requested. The Planning and Zoning Board may recommend, and the City Council may approve, a variation of less extent than that contained in the request.
3. The Planning and Zoning Board may recommend, and the City Council may require, such conditions and restrictions upon the premises benefited by a variation as may be necessary in their opinion to comply with the standards set forth in this section, to reduce or minimize injurious effect of such variation upon other property in the neighborhood and/or to implement the general purpose and intent of this Zoning Ordinance.
4. A concurring vote of a majority of those members present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for variation.
5. The decision of the City Council shall be final, and subject to judicial review only in accordance with applicable State Statutes.
6. No variation shall be granted, except by ordinance duly passed and approved by the City Council, after public hearing and written findings of fact and recommendation(s) from the Planning and Zoning Board. The terms of relief granted shall be specifically set forth in the ordinance.

**10.12 Amendments:**

**A. Purpose:**

1. Amendments to the text or map of the Zoning Ordinance may be granted to:
  - a. Promote the public health, safety, morals, comfort, and general welfare of the City of Maroa.
  - b. Conserve the value of property throughout the City.
  - c. Lessen or avoid congestion in the public streets and highways.

2. Amendments shall be classified as follows:

- a. Text Amendments, which are amendments to the text of this Zoning Ordinance.
- b. Map Amendments, which are amendments to Zoning Map, adopted pursuant to this Zoning Ordinance.

**B. Authority:** The City Council may, after receiving a recommendation from the Planning and Zoning Board in the manner hereinafter set forth, approve, approve with conditions, or deny a text or a map amendment, pursuant to the procedures set forth herein.

**C. Initiation:** Amendments may be proposed by the City Council, the Planning and Zoning Board or any property owner or interested person or organization.

**D. Processing:** A petition or application for an amendment shall be filed with the City Clerk, and should include at least the following information:

**1. Text Amendments:**

- a. Name, address and telephone number of the petitioner or applicant.
- b. The proposed text amendment.
- c. A statement of how the proposed amendment relates to the Comprehensive Land Use Plan, as may be amended from time to time, or otherwise promotes the public health, safety and general welfare of the City of Maroa.

**2. Map Amendments:**

- a. Name, address and telephone number of the petitioner or applicant.
- b. The proposed map amendment, including:
  - i. Legal description of the property to be affected.
  - ii. Common address and permanent index number.
  - iii. Identification of existing zoning.

- vi. Identification of proposed zoning.
- v. Existing use of the property.
- vi. Proposed use of the property.
- vii. Location map showing property lines, streets, and such other items as the Zoning Official may require.
- viii. A written statement of how the proposed amendment:
  - Relates to the Comprehensive Land Use Plan.
  - Promotes the public health, safety and general welfare.
  - Fulfills the standards set forth in Section F, below.

**E. Hearing:**

1. The City Clerk shall transmit the application to the Planning and Zoning Board, shall hold a public hearing at such time and place as shall be established by Planning and Zoning Board, after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall preserved in such a manner as the Planning and Zoning Board shall prescribe.
3. Notice requirements for public hearings on amendments are set forth in Section 10.9, above.

**F. Standards:** The Planning and Zoning Board should not recommend, nor should the City Council grant, an amendment to alter the zoning district boundary lines, unless it determine, based upon the evidence presented to the Planning and Zoning Board, that:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare of the City, and complies with the policies and Comprehensive Land Use Plan and other official plans of the City of Maroa or if the amendment does not comply with the Comprehensive Plan, reasons why a waiver should be granted.
2. The trend of development in the area of the subject property is consistent with the requested amendment.
3. The requested zoning' classification permits uses which are more suitable than the uses permitted under the existing zoning classification.

4. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
5. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be substantial detriment to adjacent property.

**G. Decision:**

1. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning and Zoning Board shall prepare a written statement of findings of fact and recommendations and submit this statement to the City Council. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed text or map amendment.
2. The City Council may, by ordinance, grant, or grant with modification, a text or map amendment. If an application is not acted upon by the City Council within three (3) months of the date upon which a Findings of Fact have been filed by the Planning and Zoning Board, it shall be deemed to have been denied.
3. The Planning and Zoning Board may recommend, and the City Council may approve, conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in Section 10.12 F, above. Changes in restrictions or conditions shall be processed in the manner established by this Article for amendments.
4. A concurring vote of a majority of those members of the Planning and Zoning Board present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for an amendment.
5. In those instances where the City Council does not concur with a recommendation of the Planning and Zoning Board to approve or deny a map or text amendment, the favorable vote of two-third (2/3) of the members of the City Council shall be necessary to grant an ordinance granting the amendment.

6. No amendment shall be granted except by ordinance duly passed and adopted by the City Council, after public hearing and written recommendation from the Planning and Zoning Board.

**H. Written Protest:**

1. A map or a text amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the City Council in the case of a written protest against any proposed text amendment or map amendment when said protest is signed and acknowledged by the owners of twenty (20) percent of the:
  - a. Frontage proposed to be altered.
  - b. Frontage immediately adjoining or across an alley from the property.
  - c. Frontage directly opposite the frontage proposed to be altered.
2. The written protest shall be served by the protestor(s) on the applicant for the proposed amendment, and a copy served on the City attorney, and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed amendment.

**10.13 Special Uses:**

**A. Purpose:**

1. The development and execution of this Ordinance is based upon the division of the City of Maroa into districts, within any one of which the use of land and buildings, and the standards for height and location of buildings or structures, as related to the land, are essentially uniform.
2. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the potential impact of those uses upon neighboring lands and upon the public need for the particular use or particular location.

3. Such special uses fall into two categories:

a. Uses operated by a public agency or publicly-regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administrative buildings, or the private use of existing public buildings.

i. It is stressed that public uses are associated with the public interest.

ii. In the case of a request for a special use by a unit of local government, for a public use within its statutory mandate, the review shall not be based on determining the need for the publicly mandated use on the specific site but, rather for assessing the impact of the proposed public use upon neighboring lands, and upon the City's streets or utilities.

b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the City as a whole, or the natural environment or resources.

**B. Authority:** The City Council may, after receiving a recommendation from the Planning and Zoning Board in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.

**C. Initiation:** A special use request may be made by any person, or by an office, department, board, bureau or commission requesting or intending to request a building permit, or occupancy certificate.

**D. Processing:** A petition or application for an amendment shall be filed with the City Clerk, and shall include at least the following information:

1. Name, address and telephone number of the applicant.
2. Legal description of the property for which the special use is requested.
3. Description of the existing use of the affected property.
4. The present zoning classification for the affected property.

5. Description of the proposed special use.
6. A dimensioned site plan or plat, showing the location of:
  - a. All buildings.
  - b. Parking areas.
  - c. Traffic access and circulation.
  - d. Open spaces and yards.
  - e. Landscaping.
  - f. Refuse and service areas.
  - g. Utilities.
  - h. Signs
  - i. Other information as determined by the Planning and Zoning Board as necessary for determining if the proposed special use meets the intent and requirements of the Zoning Ordinance.
7. A written statement that addresses the:
  - a. Economic effects on adjoining properties.
  - b. Effects of such elements as noise, glare, odor, fumes and vibration on adjoining properties.
  - c. General compatibility with adjacent and other properties in the district.
  - d. Effects of traffic generated by the proposed use.
  - e. Relationship to the Comprehensive Land Use Plan.
  - f. How the proposed special use fulfills requirements of Section F, below.

**E. Hearing:**

1. The City Clerk shall transmit the application for a special use to the Planning and Zoning Board, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Board, after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall be preserved in such a manner as the Planning and Zoning Board shall prescribe.
3. Notice requirements for public hearings on amendments are set forth in Section 10.9, above.

**F. Standards:**

1. The Planning and Zoning Board should not recommend, nor should the City Council approve a special use, unless it shall find, based upon the evidence presented to the Planning and Zoning Board in each specific case, that the special use:
  - a. Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.
  - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
  - c. Will not be hazardous or disturbing to existing or future neighborhood uses.
  - d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - e. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the City of Maroa.

- f. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - g. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
  - h. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
  - i. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the City of Maroa.
2. The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the City Council, pursuant to the recommendations of the Planning and Zoning Board.

**G. Decision:**

1. Within forty-five (45) days after the close of the hearing on a proposed special use, the Planning and Zoning Board shall prepare a written statement of findings of fact and recommendation and submit this statement to the City Council.
2. The City Council may, by ordinance, grant or grant with modification, a requested special use. If an application is not acted upon by the City Council within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.
3. The Planning and Zoning Board may recommend, and the City Council may approve, conditions and restrictions upon the premises benefited by a special use as may be necessary in their opinion to:
  - a. Comply with the standards set forth in Section 10.13 F, above.
  - b. Reduce or minimize injurious effect of such special use on other property in the neighborhood.

- c. Implement the general purpose and intent of the Zoning Ordinance.
4. No special use shall be granted, except by ordinance duly passed and adopted by the City Council after public hearing and written recommendation from the Planning and Zoning Board and considering the following:
  - a. Without further public hearing, the City Council may grant, deny or amend the recommendation for special use.
  - b. Every special use granted by ordinance of the City Council, shall be accompanied by findings of fact, and shall refer to any exhibits containing plans and specifications of the proposed special use, which shall remain a part of the permanent records of the Planning and Zoning Board.
  - c. The findings shall specify the reason or reasons for approving or denying the special use.
  - d. Any terms of relief granted as part of a special use shall be specifically set forth in the findings and ordinance.
5. A concurring vote of a majority of those members of the Planning and Zoning Board present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for a special use.
6. Changes in restrictions or conditions shall be processed in the manner established by this Article for special uses.

**H. Written Protest:**

1. A special use shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the City Council in the case of a written protest against any proposed special use when said protest is signed and acknowledged by the owners of twenty (20) percent of the:
  - a. Frontage proposed to be altered.
  - b. Frontage immediately adjoining or across an alley from the property.

- c. Frontage directly opposite the frontage proposed to be altered.
2. The written protest shall be served by the protester or protesters on the applicant for the proposed special use, and a copy served on the applicant's attorney, if any, with a copy to the City attorney by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed special use.

**10.14 Time Limitations:**

- A. Variations or Special Uses, - An approval pursuant of the provisions of this Zoning Ordinance of a variation, special use, or special use for a planned development shall become null and void should a building permit to begin construction not be applied for within eighteen (18) months of the approval of the ordinance, or the recording of a final plat for a planned development, unless this time limit is expressly extended, by the City Council.

**B. Map Amendments:**

1. Where a map amendment has been granted, and no building permit for development has been applied for within eighteen (18) months, the Planning and Zoning Board may initiate a public hearing, after due notice according to Section 10.9, above, of this Article has been given, and written notice sent to the applicant at the address contained in the application.
2. Within forty-five (45) days of the close of the hearing, the Planning and Zoning Board shall prepare and submit findings of fact and recommendations to the City Council that such map amendment shall be permanently affirmed or repealed, or that the property subject to said map amendment be reclassified by another map amendment to a more appropriate district classification.

**10.15 Fees:**

- A. The City Council shall establish a schedule of fees, charges and expenses for zoning certificates, occupancy certificates, appeals, application for variations, amendments, planned developments, special uses, or subdivision review, and other administrative matters pertaining to this Zoning Ordinance.

- B. The approved schedule of fees shall be filed and posted in the office of the Zoning Official, and may be altered or amended by the City Council from time to time.
- C. All consulting fees incurred by the City, including but not limited to, engineering, planning and legal fees in consideration of the petition for variations, amendments, special use permits and site plan review, pursuant to the terms of this Ordinance, shall be paid by the petitioner or applicant.
- D. No action shall be taken on any appeal, or application for variation, amendment, or special use until all applicable fees, charges and expenses have been paid in full.

**10.16 Enforcement And Penalties:**

- A. Any person, persons, firm or corporation or anyone acting in their behalf, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Article shall be guilty of an offense punishable by a fine not less than twenty-five (25) dollars, nor more than five hundred (500) dollars for each offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Zoning Ordinance.
- B. A separate offense shall be deemed committed for each day a violation is permitted to exist after notification thereof.
- C. In the event that any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Zoning Ordinance, the City attorney, in addition to other remedies, may institute any proper action or proceedings in the name of the City to:
  - 1. Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
  - 2. Restrain, correct or abate such violation.
  - 3. Prevent the occupancy of said building, structure, or land.
  - 4. Prevent any illegal act, conduct, business or use in, or about, said premises.

**ARTICLE XI**  
**PERFORMANCE STANDARDS**

**11.1 Noise:**

- A. At no point on or beyond the boundary of any zoning lot shall the sound level resulting from any use or activity not hereafter specifically exempted, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth by this Ordinance.
- B. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. The flat network "slow" meter response of the sound meter shall be used. Impulsive type noises shall be measured with an Impact Noise Analyzer and the peak values so measure shall not exceed the maximum permitted sound pressure levels by more than three (3) decibels. The reference level for the decibel is 0.0002 microbar.

<u>Octave Band Center Frequency (Hertz)</u>	<u>Maximum Permitted Sound Level Pressure in Decibels,</u>
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

- C. The following uses and activities shall be exempt from the noise level regulations:
  - 1. Noises not directly under the control of the property user.
  - 2. Between the hours of 7:00 a.m. and sunset, noises customarily resulting from construction and the maintenance of grounds.
  - 3. The noise of safety signals, warning devices, aircraft and railroads, snow plowing, and mosquito abatement.

4. Church bells, chimes and carillons.

**11.2 Vibration:**

- A. No operation or activity under the control of the property user other than railroad train operations shall cause or create vibration in excess of the limits provided below.
- B. Vibration levels may not exceed those shown in either column of the following table when measured at the lot line, or at any point in a residential or institutional district:

	<u>Maximum Particle Velocity at Lot Line</u>	<u>Maximum Particle Velocity in District</u>
Steady Vibrations	0.015	0.003
Impulsive Vibrations	0.03	0.006
Intermittent Vibrations	0.075	0.015

- C. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. Particle velocity is to be determined by the formula:  $(8.28) \times (F) \times (A)$ , where F = the frequency or the vibration in cycles per second and A = the maximum single amplitude displacement of the vibrations in inches. For purposes of this Ordinance:

**Steady Vibrations:** Vibrations in discrete impulses more frequent than one-hundred (100) per minute.

**Impulsive Vibrations:** Vibrations in discrete impulses which do not exceed one-hundred per minute, but exceed eight (8) per twenty-four (24) hours.

**Intermittent Vibrations:** Vibrations in discrete impulses which do not exceed eight (8) per twenty-four (24) hour period.

- 11.3 **Odor:** The emission of odors or odor-causing substances which exceed the odor threshold at or beyond the lot lines is prohibited. The measurement of the odor threshold shall be in accordance with the American Society for Testing and Materials Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Materials, 1957).
- 11.4 **Smoke And Particulate Matter:** The emission, from all sources within a commercial or manufacturing zoning lot, of particulate matter containing more than five (5) percent by weight, or particles having a particle diameter larger than forty-four (44) microns is prohibited. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one-half (1/2) pound per acre of lot size during any one hour. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting or other acceptable means. The emission of smoke or particulate matter of a density greater than No. 1 on the Ringelmann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringelmann No. 2 or No. 3 will be permitted for five (5) minutes during any eight hour period, for the purpose of building fires or soot blowing.
- 11.5 **Toxic And Noxious Matter:** No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit lawful spraying of pesticides on public or private property.
- 11.6 **Fire And Explosive Hazards:**
- A. The storage, utilization or manufacture of solid materials or products with the potential for free or active burning to intense burning (excluding household items in quantities customarily found in the home) shall be subject to approval of the local Fire Protection District.
  - B. Activities involving the transportation, storage or utilization of materials or products which decompose by detonation are prohibited unless specifically licensed by the City of Maroa.

- C. The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitation, exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers:
1. Said materials or products shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the City of Maroa and the local Fire Protection District.
  2. All such buildings shall be set back at least forty (40) feet from all lot lines, or in lieu thereof; all such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the City of Maroa and the local Fire Protection District.

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