City of Sterling, Illinois

Chapter 102: Zoning: DRAFT

Plan Commission Adoption:
City Council Adoption:

Mead & Hunt

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CITY OF STERLING ZONING ORDINANCE

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ARTICLE I: INTRODUCTION & DEFINITIONS

Section 102-101: Title

This chapter shall be known, cited and referred to as the "Zoning Regulations of the City of Sterling" except as referred to herein, where it shall be known as "this chapter."

Section 102-102: Authority

This chapter is enacted pursuant to the authority granted by the State of Illinois Statutes. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter. State Law Reference: Powers of home rule units, Ill. Const. art. VII, § 6.

Section 102-103: Purpose

The general purpose of this chapter is to promote health, safety, morals and the general welfare of the people of the City of Sterling. The provisions hereof shall be liberally construed in favor of the City and as minimum requirements for the purposes stated. Among other purposes, such provisions are intended, in accordance with the comprehensive plan, to:

A. Promote and protect the public health, safety, morals, comfort and general welfare of the people.

B. Promote the development and redevelopment of land and structures in the City of Sterling.

C. Provide adequate light, air, solar access, privacy and convenience of access to property.

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

E. Protect the character and the stability of the residential, business and manufacturing areas within the city and to promote the orderly and beneficial development of such areas.

F. Divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses.

G. Regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health.

H. Fix reasonable standards to which buildings or structures shall conform therein.

I. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.

J. Prevent additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under this chapter.

K. Limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial and manufacturing vehicles.

L. Protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.

M. Conserve the taxable value of land and buildings throughout the city.

N. Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

O. Define and limit the powers and duties of the administrative officers and bodies as provided in this chapter.

Section 102-104: Separability and Nonliability

It is hereby declared to be the intention of the Sterling Common Council that the several provisions of this chapter are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.

C. If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

D. The City does not guarantee, warrant or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 102-105: Abrogation

It is not intended that this chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

Section 102-106: Rules of Interpretation

A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Sterling.

B. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any State or Federal regulations.

C. No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except structures not requiring a building or zoning permit (swing set, clothesline, etc.), and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.

D. Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.

E. Except as provided in this chapter, under provisions for Section 102-327: Substandard Lots and Section 102-328: Nonconforming Use & Structures, no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this chapter.

Section 102-107: Jurisdiction

This chapter is applicable to all territory located within the corporate limits of the City of Sterling and those properties governed by an executed pre-annexation agreement.

Section 102-108: Reenactment and Repeal

This chapter, in part, carries forward by reenactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Code", Chapter 102 of the Code of Ordinances for the City of Sterling, adopted prior to the effective date of this chapter. It is not the intention of this chapter to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map.

All provisions of Chapter 102 of the City of Sterling Code of Ordinances which are not reenacted herein are hereby repealed.

The adoption of this chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that chapter was in effect.

Section 102-109: Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than 6 months after the effective date of this chapter, except where subject to developer's agreement provisions. This chapter shall become effective upon passage and posting according to law.

Section 102-110: Word Usage

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State and City Building Codes.

Section 102-111: Reserved
Section 102-112: Reserved
Section 102-113: Reserved
Section 102-114: Reserved

Section 102-109: Definitions

A. Abbreviations and Symbols. The following abbreviations are used in this Title and are intended to have the following meanings.

Table 1-1: Abbreviations and Symbols

Abbreviation	Definition
ac	Acre(s)
ACOE	United States Army Corps of Engineers
ADT	Average Daily Traffic
APF	Adequate Public Facilities
BFS	Building Form Standard
CAPF	Certificate of Adequate Public Facilities
DBH	Diameter at Breast Height, used in measuring tree size
DNR	Department of Natural Resources
d.u.	Dwelling unit
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FT / ft	foot or feet
g.d.	gross density
GFAR	Gross Floor Area Ratio
GSR	Greenspace Ratio
GSA	Gross Site Area
ISR	Impervious Surface Ratio
LSR	Landscape Surface Ratio
n.d.	net density
NFAR	Net Floor Area Ratio
OHWM	Ordinary High Water Mark
OSR	Open Space Ratio
RBL	Required Building Line
SRFBC	Sterling Riverfront Form-Based Code
SF / s.f.	Square foot or square feet
TND	Traditional Neighborhood Development
TOT	Time of Travel
=	equal
<	is less than
≤	is less than or equal to
>	is greater than
≥	is greater than or equal to

B. Specific Words and Phrases. Certain words used to explain land use regulations require special usage. Other words and terms must be defined as to the manner in which they relate to zoning and land use. Words not defined in this section shall be construed in the generally acceptable meaning as defined in the most recent edition of Webster's Seventh New Collegiate Dictionary. The following words, terms and phrases, wherever they occur in this chapter, shall have the meanings ascribed to them by this section. Definitions provided by this section include:

Abandonment. An action to give up one's rights or interests in property.

Acre, Gross. The total area of a parcel of land. One acre equals 43,560 square feet.

Acre, Net. A measure of developable land area after excluding dedicated rights-of-way, waterways, and wetlands.

Acreage. Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or plotted.

Adequate Public Facilities. Utilities, roads and other infrastructure required by the Municipal Code and adopted policies of the City Council which are in place, or planned for within twenty-four (24) months, to serve the most suitable ultimate development of a property as depicted in the adopted Comprehensive Plan.

Adult arcade. An establishment to which the public or its members are permitted or intended to:

(1) View or participate in live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or
(2) View still or moving images distinguished or characterized by the depicting or describing of specified anatomical areas or by specified sexual activities, all through the use of coin-operated or electronically, electrically, or mechanically controlled devices to display the live performance or the images, to five or fewer persons per machine at any one time.

Adult book or adult video store. An establishment having as a substantial or significant portion of its stock-in-trade for sale, rent, lease, inspection or viewing, books, magazines and periodicals, films, motion pictures, video cassettes, slides or other photographic reproductions, all of which are distinguished or characterized by their emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas, unless demonstrated that either:

(1) Revenue from the sale, lease, inspection, viewing or rental of the matter depicting, describing or relating to specified sexual activities or specified anatomical areas comprises no more than 50 percent of the gross revenue from the sale and/or rental of all goods at the establishment; or
(2) The matter depicting, describing or relating to specified sexual activities or specified anatomical areas comprises no more than 35 percent of the items displayed in the establishment as stock-in-trade.

Adult cabaret. A public or private nightclub, bar, restaurant, or similar commercial establishment which regularly features either:

(1) Persons appearing in a state of nudity or partial nudity;
(2) Live performances distinguished or characterized by their emphasis on material depicting, describing or relating to specified sexual activities or specified sexual [anatomical] areas; or
(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by their emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult entertainment establishment. A business having as its substantial or significant business purpose the offering to the public or its members of a product or service including, but not limited to, entertainment, intended to provide sexual stimulation or sexual gratification, and which product or service is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including, but not

limited to, the following uses: adult arcade, adult book or adult video store, adult cabaret, adult merchandise retailer, adult mini-motion picture theater, and adult motion picture theater.

The term "adult entertainment establishment" shall not include:

(1) Any business operated by, or employing, licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;
(2) Any business operated by or employing licensed physicians or licensed healing arts, licensed clinical professional counselors, and licensed clinical social workers; or
(3) Any retail establishments whose primary business is the offering of wearing apparel for sale to its customers.

Adult merchandise retailer. A retail establishment deriving more than 50 percent of its gross revenue from the sale of merchandise designed or marketed for use in conjunction with specified sexual activities.

Adult mini-motion picture theater. An enclosed building, or an area within a building, having a capacity for less than 50 or more persons, and used regularly and routinely for presenting motion picture films, video cassettes, cable television, and/or any such visual media, all of which are distinguished or characterized by their emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas to its patrons.

Adult motion picture theater. An enclosed building, or an area within a building, having a capacity of 50 or more persons, and used regularly and routinely for presenting motion picture films, video cassettes, cable television, and/or any such visual media, all of which are distinguished or characterized by their emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas to its patrons.

Affordable Housing Unit. The U.S. Department of Housing and Urban Development (HUD) defines "affordable" as housing that costs no more than 30-percent of a household's monthly income. That means rent and utilities in an apartment or the monthly mortgage payment and housing expenses for a homeowner should be less than 30-percent of a household's monthly income to be considered affordable.

Agriculture and Related Activities. The use of land for agricultural purposes, including farming, dairying, grazing land, animal and poultry husbandry, greenhouses, nurseries, livestock and poultry confinement, and including the necessary accessory uses for packing, treating, storing, and shipping of farm products. The use of the word “farm” shall have the same meaning as the word “agriculture.”

Alley A service way providing a secondary means of public access to abutting property and not for general traffic circulation.

Alley Access Easement. The public right-of-way or easement for public access, for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking (e.g., garages), utility meters, and recycling and garbage bins. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

Alter. Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to, the erection, construction, addition, demolition, or removal of any structure or part of a structure. Normal maintenance of existing exterior features or materials, including cleaning and painting, shall not fall under this definition of alter.

Alteration, structural. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Animation. The rapid display of a sequence of images of 2-D or 3-D artwork or graphics in order to create an illusion of movement.

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

Attic story. Habitable space within a building situated within the structure of a pitched roof and above the uppermost regular story. Attic stories may have only dormer windows on their RBL façade. Attic stories are permitted for all sites in the Sterling Riverfront Form-Based Code and are counted as half stories.

Auditorium. A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

Automobile and trailer sales area. An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automobile laundry. A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam cleaning device.

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

Automobile repair, minor. Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under *Automobile repair, major.*

Automobile service station. A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles is offered for sale directly to the public on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles, trucks or trailers (new or used).

Automobile wrecking yard. Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, and including the commercial salvaging of any other goods, articles or merchandise.

Awning. Any structure made of cloth, metal, or other material attached to a building which is constructed so as to permit its being raised or retracted to a position against the building when not in use, or any structure designed to simulate such construction, such as a "back-lit" awning. For purposes of this chapter, an awning containing the name of the business, logo or a combination located on its largest plane, will be considered a wall sign.

Banner. Any non-rigid temporary lightweight fabric or similar material that is mounted to a pole or a building at one or more edges, (typically, although not exclusively rectangular in dimension) onto which characters and/or symbols are applied for the purpose of conveying a message. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Banner, Pole Display. A banner that is mounted on poles, lights (stanchions) etc. within a property, manufactured from a permanent-type material and professionally decorated.

Basement. A story partly or wholly underground, where more than one-half of its height is above the established curb level, or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

Bed & Breakfast (Homestay). A lodging establishment that provides three (3) or fewer rooms for rent. The B&B Homestay is the owner's personal residence, and is subordinate and incidental to the main residential use of the building. The only meal served to guests is breakfast. Individual guests are prohibited from staying from staying at a particular B&B establishment for more than fourteen (14) days in any one-year period.

Bed & Breakfast (Inn). A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, is the innkeepers principal residence while renting rooms, and serves breakfast at no extra cost. A lodger is a person who rents a room in a B&B inn for less than thirty (30) days.

Billboard. See *Sign, Off-Premise*.

Block. A tract of land bounded by streets, or, in lieu of streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

Block corner. This refers to the outside corner of a block at the intersection of any two streets. Some of the requirements of the Building Form Standards are specific to block corners. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave), are not considered block corners for the purposes of this Code.

Boarding House. See *Lodging house*.

Brownstone. See *Rowhouses*.

Bufferyard. Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Section 102-520.

Buildable area. The space remaining on a zoning lot after the minimum open space requirements have been complied with.

Buildable Area. The area of the lot that building(s) may occupy, which includes the entire area of the lot behind the RBL, exclusive of any setbacks and required open space. The buildable area sets the limits of the building footprint. Additions to structures must be within the designated area.

Building. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

Building Corner. This refers to the outside corner of a building where the primary building mass is within an angle less than 180 degrees. Some of the proscriptions of the Building Form Standard are specific to building corners. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees, are not considered building corners for the purposes of this Code.

Building Form Standards (BFS). The part of the SRFBC that establishes basic parameters regulating building form, including the envelope, placement (in three dimensions) and certain permitted/required Building Elements, such as storefronts, balconies, stoops, porches, and doors. The Building Form Standard establishes both the boundaries within which things may be done and specific things that must be done. The applicable BFS for a site is determined by its designation on the Regulating Plan. This produces a coherent street-space and allows the building greater latitude behind its street façade.

Building, Principal. The building in which is conducted the principal use of the zoning lot on which it is located. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

Building envelope. A component of a group or large development which conforms to the lot lines of developments which are not group or large developments, in that required minimum setback distances are measured from the building envelope line.

Building line. The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building marker. Any sign indicating only the name of the building, and the date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building setback line. A line parallel to the street line at a distance from it regulated by the front yard requirements set up in this chapter.

Building separation. The narrowest or minimum required distance between structures or buildings.

Bulk. Indicates the size and setbacks of buildings or structures and location of buildings or structures with respect to one another, and includes the following:

(1) Size and height of buildings.
(2) Location of exterior walls at all levels in relation to lot lines, streets or other buildings.
(3) Gross floor area of buildings in relation to lot area (floor area ratio).
(4) All open spaces allocated to the buildings.
(5) Amount of lot area per dwelling unit.
(6) Required parking areas.

Canopy. A permanent roof-like structure, other than an awning, of a fire resistive framework with an approved fire resistive covering that projects from the façade of a building and overhangs the right of way or open space outside the building, normally used to shelter pedestrians from rain or snow, or as a decorative architectural feature. For purposes of this chapter, an awning containing the name of the business, logo or a combination located on its largest plane, will be considered a wall sign.

Canopy, illuminated. A canopy which is electrically illuminated as a sign. This does not include illumination that cannot be seen through the fabric, plastic or structural protective cover.

Carport. A roofed-over area attached to the principal building for vehicle storage, which may be open on three sides.

Cellar. A story having more than one-half its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

Figure 1.1

Central Business District (CBD). The area generally defined as: beginning at the centerlines of Fourth Avenue extended and the northerly right-of-way (ROW) of the Union Pacific Railroad; then north along the centerline of Fourth Avenue to East Fifth Street; then west along the centerline of East Fifth Street to the centerline of Avenue C; then south along the centerline of Avenue C to the northerly ROW of the Union Pacific Railroad; then east along the northerly ROW of the Union Pacific Railroad to the place of beginning.

Certificate of Adequate Public Facilities (CAPF). Written determination by the City Manager, or their designee that the requirements of this Title pertaining to Adequate Public Facilities are achieved.

Certificate of Compliance. A certificate detailing existing signs which is issued by the city within 180 days of adoption of the Ordinance from which this article is derived or of an annexation.

Changeable Copy. See *Sign, Changeable Copy*.

Clinic and medical *health center.* A medical or dental center or clinic is an establishment where three or more licensed doctors of medicine engage in the practice of medicine, or dentistry, operating on a group or individual basis, with pooled facilities, such as coordinated laboratory, X-ray and allied departments, for the diagnosis and treatment of humans, which need not but may include a drug prescription counter (not a drugstore) for the dispensing of drugs and pharmaceutical products to the patients of the organization.

Club or lodge, private. A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available.

Commercial Indoor Lodging. Commercial indoor lodging facilities include land uses which provide overnight or other short-term housing to transients in individual rooms or suites of rooms in exchange for compensation. Such land uses may provided in-room or in-suite kitchens, private bathrooms, or indoor recreational facilities for the exclusive use of their customers. Such land uses may also be considered tourist rooming houses.

Commercial message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Common Lot Lines. Lot lines shared by adjacent private lots (See also rear lot lines).

Communication antenna. A freestanding structure, 35 feet or less in height, or an apparatus located on an existing structure designed to transmit or receive telephone, personal wireless service, radio or television communications as authorized by the Federal Communications Commission.

Communication tower. A structure greater than 35 feet in height and which does not exceed 200 feet in height (including antenna) which supports communication (transmission or receiving) equipment.

Community residence. A group home or specialized residential care home serving unrelated persons which is licensed, certified or accredited by appropriate local, state or national bodies, further defined as follows:

Community residence, Large. A community residence serving seven to ten persons, in a family-like atmosphere, who share a common kitchen. Such persons may be supervised by as many as two on-site professionals at all times.

Community residence, Small. A community residence serving six or fewer persons, in a family-like atmosphere, who share a common kitchen. Such persons may be supervised by as many as two on-site professionals at all times.

Condominium. A form of property ownership providing for individual ownership of a unit within a structure where the land, other parts of the structure, and other facilities are held in common with other owners pursuant to Ill. Stats.

Curb level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level.

Damage, Substantial. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Day Care Center. Day care center means a licenses facility where a person, other than a relative or guardian, provides, for compensation or consideration or both, care and supervision of four (4) or more children under seven (7) years of age, for less than twenty-four (24) hours a day.

Day Care Center, Adult. A daytime community-based program for functionally impaired adults that provides a variety of health, social, and related support services in a protective setting

Day Care Center, Family. Provides care for four (4) through eight (8) children.

Day Care Center, Group. Provides care for nine (9) or more children.

Demolish. Any act or process which destroys or removes in part or whole a landmark or structure within a historic district or any landmark or structure designated as a historic structure or historic site.

Density. A term used to describe the number of dwelling units per acre.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition of extraction of earthen materials.

Display, Merchandise. Displayed merchandise on sidewalks.

Display, Outdoor. Outdoor display consists of the display of merchandise or equipment offered for sale or rent on the property outside of an approved structure.

Display Surface. Display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

Disrepair. Contains one or more of the following traits: excessive peeling paint, eroding message(s), dead landscaping (in season), missing pieces (access doors, excessive masonry decay, etc.), missing panels (message panels), and/or excessive rust.

Dooryard. The area, within the street-space, between the façade of the building (generally the RBL) and the property line. stoops, balconies, and for appropriate commercial uses, temporary displays, café seating and other encroachments as specified by the City may be placed within the dooryard area.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including mobile homes or house trailers, boarding or lodging houses, hotels or motels.

Dwelling, Attached. A dwelling that is joined to another dwelling at one (1) or more sides by a shared wall or walls.

Dwelling, Detached Single-Family Home. A detached building designed for or occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built, structure built in compliance with the State of Illinois Uniform Dwelling Code (UDC) or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the U.S. Department of Housing and Urban Development (HUD) code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences, but includes modular, mobile, and manufactured homes.

Dwelling, Duplex. These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence or upper unit and lower unit. The two residences are located on the same lot. These dwelling unit types may not be split into additional residences.

Dwelling, Multi-family. A building or portion thereof, designed or altered for occupancy by three or more families, living independently of each other. A condominium containing more than two dwelling units shall be considered a multiple-family dwelling.

Dwelling, One-family. A dwelling designed exclusively for use and occupancy by one family.

Dwelling, One-family attached. A dwelling unit having its own ground floor entrance and joined to one or more one-family attached dwellings by party walls.

Dwelling, Townhouse. This dwelling unit type consists of attached, single-family residences, each having a private, individual access. This dwelling unit type is located on its own lot or within a group development and may not be split into additional residences.

Dwelling, Twin Home. These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on separate lots, but connected by a common or party wall, and the separate lots may also be referred to as zero lot line lots. The twin-home is distinguished from the duplex by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences.

Dwelling, Two-family. A building designed or altered to provide dwelling units for occupancy by two families.

Dwelling Unit, Upper Story. Dwelling units which are located above the ground or lower floor of a building used for an office, commercial or institutional land use.

Dwelling unit. One or more rooms in a residential structure which are arranged, designed, used or intended to be used by one family, plus not more than three lodgers, for living or sleeping purposes, and which include complete kitchen facilities permanently installed.

Eave. The part of a roof that meets or overhangs the walls of a building.

Eave Height. Eave height shall be measured from the exposed grade adjacent to the wall and the bottom of the top layer of roofing material at its outermost point from the building wall.

Educational institution. A public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Electronic Message Center. See *Sign, Electronic Message.*

Extraterritorial Area. The area outside of the City Limits in which the City of Sterling may exercise extraterritorial powers of planning, land division, and/or zoning review.

Façade. Building face; the building elevations facing the street-space. (Building walls facing interior courts, common lot lines, and alleys are not façades.)

Family. Either two or more persons, each related to the other by blood, marriage or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or five or fewer persons, all of whom are not necessarily related to each of the other by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). However, an unrelated family shall not include persons living together in a nursing home, sorority, fraternity or other similar organizations, or a dormitory.

Fence. A barrier constructed of materials other than living shrubbery or solid masonry erected for the purpose of protection, confinement, enclosure, or privacy.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior and exterior.

First Floor. (See ground story.)

Flag. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction; provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole, the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

Floor area, gross (for the purpose of determining floor area ratio). The sum of the gross horizontal areas of the several floors of such building measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, gross floor area shall include:

(1) Basement space if at least one-half of the basement story height is above the established curb or ground level.

(2) Elevator shafts and stairwells at each floor.

(3) Floor space used for mechanical equipment where the structural headroom exceeds 7 1/2 feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers.

(4) Attic floor space where the structural headroom exceeds 7 1/2 feet.

(5) Interior balconies and mezzanines.

(6) Enclosed porches, but not terraces and breezeways.

(7) Accessory buildings.

Floor area, gross (for the purpose of determining requirements for off-street parking and off-street loading). The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted in this subsection); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities or the production or processing of goods or to business or professional offices.

Floor area ratio (FAR). The total floor area of the buildings on the zoning lot divided by the area of such zoning lot or, in the case of a planned development, by the net site area.

Fly. A fly is a piece of fabric, which moves or floats in the air and is supported by cables or ropes attached to buildings or support posts.

Footcandle. A common unit of measurement used to calculate adequate lighting levels of workspaces in buildings or outdoor spaces. This is the unit of illuminance when the foot is taken as the unit of length. It is the illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen. One (1) foot candle equals one lumen per square foot, or the equivalent of 10.75 nits.

Footcandle, Horizontal. The footcandles falling on a horizontal surface. All horizontal footcandles are in the same plane for the same surface. They can be added together arithmetically when more than one source provides light to the same surface.

Footcandle Ratio: The ratio or uniformity between average footcandles and minimum footcandles (such as 3:1) or maximum and minimum footcandles (such as 6:1). The maximum/minimum ratio generally is preferred. The lower the ratio, the more uniform is the lighting.

Fraternity or sorority house. A building erected or arranged to house a group of either male or female students for living purposes (but not a boardinghouse), who are associated or formally organized, not for profit, for a common purpose or interest.

Freestanding. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs and pole (pylon) signs.

Frontage. All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway or other similar barrier.

Garage, private. Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one- or two-car capacity may be so rented.

Garage, public. A building, other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure.

Garden, Community. A community garden is a single piece of land gardened collectively by a group of people. Most plots are annual rentals available for the summer season from about May 25 to the 3rd Sunday in October. Plot sizes range from 200 SF to 10,000 SF. To help defray the costs of tilling, staking, providing water, and administration, gardeners may pay nominal rental fees.

Garden, Solar. A Solar Garden is a community shared solar array with grid-connected subscribers. Homes and businesses, even if shaded by trees, receive a bill credit as if the panels were on their own roof using "virtual net metering".

Grade, street. The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the director of public works shall establish such street grade or its equivalent for the purpose of this chapter.

Green Space Ratio (GSR). The percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. See Minimum green space ratio.

Green Space Ratio, Minimum. The minimum amount of permeable surface required on a zoning lot expressed as a percentage of the total lot area.

Gross Density. The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross Floor Area. The total floor area on all levels of a building.

Gross Site Area (GSA). The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

Ground Story. The first level of a building at or above grade (see BFS specifications for details). The next story above the ground story is the second floor.

Guest House. A guest house is a second residential structure or a portion of an accessory structures (such as a carriage house) used to house guests on the same zoning lot as the principal residence. The guest house shall not be rented or offered for rent independent of the principal residence. Guest houses shall be subject to the same setbacks as the principal structure.

Hardship, Unnecessary. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Height, Building. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Historic District. An area designated by the City Council on recommendation of the commission that contains two or more contiguous historic sites or sites occupied by historic structures.

Historic Preservation Plan. A comprehensive document that includes a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development in the area, and a specific statement of preservation objectives for the area.

Historic Site. Any parcel of land of historic significance due to its substantial value in tracing the history or prehistory of humanity, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improved parcel, or part thereof, on which is situated a historic structure and any abutting improved parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

Home, Mobile. This dwelling unit type consists of a fully detached, single-family residence, which has not received a Federal Manufactured Housing Certificate and which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences.

Home, Twin. Refer to a side-by-side single-family attached dwelling.

Home Occupation. A use customarily carried on in a business establishment that is permitted to be carried on in a residence. Said use is incidental to the primary residential purpose, thus the residential character of the property is not changed

Hospital and *sanitarium*. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of three or more nonrelated individuals from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital" does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, shelter or boarding homes.

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

Hotel and *motel*. See Commercial Indoor Lodging.

Impervious Surface. Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, gravel, and similar paved surfaces are considered impervious. Areas with “landscaped pavers” and “pervious pavement” which are intended for vehicular traffic are considered to be impervious so long as they allow the movement of stormwater through the surface.

Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including but not limited to, streets, alleys, sidewalks, curbs, lighting fixtures, and signs.

Individual Channel Letter. Channel Letters are individual extruded metal structures with plastic faces and typically include internal neon or LED illumination that form a sign.

In-Family Suite. An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided.

Inflatable Advertising. See Sign, Inflatable.

Intensity. A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

Junk Yard. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk.

Kennel, commercial. Any lot or premises or portion thereof on which more than four dogs, cats and other household domestic animals over four months of age are kept or on which more than two such animals are boarded for compensation or kept for sale.

Kiosk. A bulletin board located on a property or building for posting temporary information or posters, notices, and announcements. Laboratory, commercial. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

Lakeshore. Those lands lying within the following distances from the ordinary high water mark of navigable waters. 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

Land Disturbing Construction Activity. Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens, harvesting of trees; and landscaping modifications.

Land Owner. Any person holding title to land.

Land Use. The type of development and/or activity occurring on a piece of property.

Land Use, Commercial. Use of land for the retail or wholesale sale of goods or services.

Land Use, Industrial. Use of land for manufacturing or assembly of raw materials into products.

Land Use, Institutional. Use of land for public or quasi-public uses, including schools, churches, civic, park, and utility operations or activities.

Landscaped Area. The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscaping materials. For purposes of this section, landscaping shall be defined as living plant material or nonliving durable materials such as earth berms, fences, timbers or rocks, purposely installed or preserved for functional or aesthetic reasons.

Landscape Surface Area Ratio (LSR). The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Loading and unloading space or berth, off-street. An open, hard-surfaced area of land, other than a street or a public way, the principal use of which is for the standing, loading or unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lodging House or Rooming House. A building with guestrooms where lodging is provided for compensation pursuant to previous arrangements, but not open on a daily, overnight or per meal basis to transient guests.

Lot. Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot area. The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

Lot, corner. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

Lot coverage. The area of a zoning lot occupied by the principal buildings and accessory buildings.

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

Lot frontage. The front of a lot shall be that boundary of a lot along a public street. For a corner lot the owner may elect either street line as the front lot line.

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

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

Lot line, front. The front property line of a zoning lot.

Lot line, interior. A side lot line common with another lot.

Lot line, rear. The lot line or lot lines most nearly parallel to and remote from the front lot lines. In the SRFBC, the rear lot line is generally a common lot line parallel with the RBL and possibly along alleys.

Lot line, side. Lot lines other than front or rear lot lines are side lot lines.

Lot, Nonconforming. See Lot, Substandard.

Lot of Record. A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the City or by Whiteside County; and has been recorded in the office of the Register of Deeds.

Lot, reversed corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Substandard. A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

Lot, through. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot width. The mean horizontal distance between the side lot boundaries, or the minimum distance between the side lot lines within the buildable area.

Lumen. A lumen (LM) is the basic unit of measurement for light; also referred to as light flux. If a uniform point source of 1 candela is at the center of a sphere of 1-foot radius (one footcandle) which has an opening of 1 square foot at its surface, the quantity of light that passes through is called a lumen. The sphere has a total surface area of 12.57 square feet. Since, by definition, a lumen flows to each square foot of a surface area, a uniform point of 1 candela produces 12.57 lumens

Luminaire. A complete lighting unit consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Cutoff. Any luminary that does not emit light at an angle greater than 90 degrees from vertical and has less than ten (10%) percent of maximum candlepower above 75 degrees.

Manufacture. The making of anything by any agency or process.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Memorial Plaque. A sign designating names of buildings and/or date of erection, and other items such as architect, contractor or others involved in the building's creation cut into or attached to a building surface.

Menu Board. A freestanding sign permanently affixed to the ground in connection with placing an order from a vehicle at a drive-thru restaurant.

Mixed Use. Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development.

Modification. Any rehabilitation or reconstruction of any sign amounting to 50 percent or more of the estimated value of the sign.

Motel. See commercial indoor lodging.

Multiple-Tenant Commercial Center. See *Shopping Center.*

Murals. Artwork or other pictorial display on a building or structure. Murals approved by the City of Sterling Mural Commission shall not be considered signage.

Nameplate. A sign indicating the name, address or profession of the person or persons occupying the lot or a part of the building.

Nit. A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source. This unit of measurement is commonplace in the lighting industry for electronic message signs. Approximately 10.75 nits is the equivalent of 1 foot candle.

Noxious matter. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

Octave band. Dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Open Area. The area within the buildable area and behind the parking setback line accessible to occupants of the particular building or site as private open space and (primarily) open to the sky. Additional specifications for the open area may be included in each Building Form Standard. Open area shall not be built upon, parked or driven upon (except for emergency access.)

Open Space, Public. Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Open Space, Private. Open space which is usually privately owned and is not usually accessible by members of the general public.

Owner. The owner of record of fee simple title to any lot that is a part of Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those who have a lien upon the property by provision or operation of law.

Parapet Height. Where used to limit building height in the SRFBC, parapet height shall be measured at the top of the parapet, including any coping.

Parking area, private. An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the buildings for which the parking area is developed and is accessory.

Parking area, public. An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1 1/2 tons in capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking, Shared. Parking available to the public on an unreserved basis for free or at the same fee for all users. Time limits may be imposed to ensure turn-over. Hours of public availability may also be restricted.

Parking Setback Line. Where indicated in the BFS, a line/plane indicated on the Regulating Plan which generally extends vertically and parallel with the RBL. All parking shall be behind this line, excepting where it is below grade, within a building, or is otherwise indicated on the Regulating Plan. The parking setback line is a permissive minimum distance from the RBL and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Particulate matter. Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

Pedestrian Pathway. Interconnecting paved ways that provide pedestrian and bicycle passage through blocks running from a street-space to another street-space, an alley or a block interior parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way, and shall provide an unobstructed view straight through their entire length.

Pedestrian Spines. Paved pathways that provide clearly distinguished pedestrian and bicycle passage from a public sidewalk or right of way to a non-residential building entrance.

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 series, designed to move in the wind. A pennant shall be considered a temporary sign.

Performance standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by or inherent in uses of land or buildings.

Permeable surface. The land areas on a parcel or zoning lot that allows the movement of stormwater through the surface. Does not include parking areas, patios, sidewalks, and driveways the surfaces consist of a variety of pavement, pavers, or other devices that provide stormwater infiltration while serving as a structural surface.

Person. Any association, company, corporation, firm organization or partnership, singular or plural, of any kind.

Planned Unit Development. A parcel of land, or contiguous parcels of land, of a size sufficient to create its own environment, controlled by a single landowner, or by a group of landowners, in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of any overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

Porch. The ground floor platform attached to the front or street-space side of the main building. A roofed-over structure, projecting out from the wall of a main structure and commonly open to the weather in part. Required porches, as defined in the Building Form Standards for the SRFBC must be roofed and, where required by building Codes, enclosed by balustrades (railings) and posts that extend up to the roof.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along alleys and common lot lines (where more than 10 feet away from the RBL). It may be as high as 6 feet above the adjacent ground.

Projecting. A type of on-building sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.

Public Art. Art that is visually or physically accessible to the public (within the public realm e.g. a street-space) and that is acquired by City funds, donated to the City, or provided by a private entity as a community benefit, including monuments and statues, building ornament, and visible public infrastructure such as bridges, etc.

Public utility. Any person or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation or water.

Reader Board. See Sign, Changeable Copy.

Recreational purpose. That a temporary structure is intended for the relaxation and enjoyment of the owner and not used for any commercial purpose.

Recreational Vehicle (RV). The term "motor home" is often used interchangeably with "RV." A motor home, however, is an informal phrase, used to describe a variety of recreational vehicles (RVs), while recreational vehicle (or RV) is a technical and legal term. The U.S. Department of Transportation categorizes RVs by class. For the purposes of this Code, the term recreational vehicle or RV will include the following vehicle-types and units:

Class A RV. Class A RVs are motor homes, regardless of the type of chassis beneath them and whether or not the vehicle contains "slide-outs" (additional living spaces that slide out when the vehicle is stopped for camping). Class A also includes commercial passenger and school buses that are converted into RVs (these are often the largest mobile homes available). Class A RVs are generally luxurious mobile homes with a solid body, a panoramic front window, berths that convert from living room or dinette areas, and bathroom facilities.

Class B RVs. Class B RVs are campervans or conventional vans with raised roofs (either "pop up" or "fixed"). They often have small kitchens with refrigerators and gas grills. Larger models may have a water heater, heat and air conditioning, a portable toilet, or an internal shower. Smaller models usually have a portable toilet and an external shower, which can be used with an awning to ensure privacy.

Class C RVs. Unlike a Class A mobile home, which is built on a single chassis, a Class C vehicle is attached to a truck and hauled behind. Class C RVs are characterized by a distinctive alcove which fits over the truck cab, providing either a double berth for sleeping or, sometimes, an "entertainment" section, with a TV and video games.

Other RV Types. Other types of RVs or motorhomes include:

- Truck Campers. Similar to the C-class vehicles described above, these are smaller RVs, carried in the beds of pickup truck.
- Pop-up Campers. Collapsible campers with pull-out berths and tent walls, towed in a compact unit behind a vehicle.
- Travel Trailers (or caravans). Non-collapsible, light-weight trailers with simple amenities, towed behind a vehicle.

Regulating Plan. Part of the Sterling Riverfront Form-Based Code that is the coding key for the regulations that apply to each parcel. The Regulating Plan also shows how each parcel relates to adjacent street-space, the overall Form District, and the surrounding neighborhoods.

Required Building Line (RBL). Is one of two lines or planes indicated in each Sub-District Building Form Standard and Site Layout. Each RBL is measured from the right-of-way line or property line to the nearest foundation or building wall of the building or structure. The two RBL lines define a Required Building Zone (RBZ) within which the building façade shall be placed. The RBZ is a requirement, not a permissive minimum as is a set-back. The minimum length of building that is required to be built within the RBZ is shown on the appropriate Building Form Standard.

Required Building Zone (RBZ). Two RBL lines as specified in the Building Form Standard define a Required Building Zone (RBZ) within which the building façade shall be placed. The RBZ is a requirement, not a permissive minimum as is a set-back. The minimum length of building that is required to be built within the RBZ is shown on the appropriate Building Form Standard.

Restaurant. Any land, building or part thereof, other than a boardinghouse, where meals are provided for compensation, including a cafe, cafeteria, coffeeshop, lunchroom, drive-in stand, tearoom and dining room.

Retail. Establishments providing goods or services to the general public.

Retail, Service. establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.

Retail, Specialty. Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.

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

Road, Access (Private). A private thoroughfare permanently reserved or otherwise intended to provide access to more than one zoning lot or to more than one principal building on a zoning lot.

Roof, Mansard. An architectural designation of a roof/wall design which exhibits a vertical or nearly vertical face. For the purposes of this article, the vertical or nearly vertical face shall be considered a wall.

Rowhouses. A group of three or more attached, two-story, single-family residences, each having a private, individual access and common or party wall on one or both sides. They may be located on their own lots or within a group or large development and may not be split into additional residences.

Scale. The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Setback. The minimum horizontal distance property line to the nearest part of the applicable building, structure or sign, or any projection thereof, measured perpendicularly to the property line.

Setback, Front.

Setback, Side.

Setback, Rear.

Setback, Corner Side.

Shopping Center. A commercial, industrial or office research development in which there exists a number of separate activities, in which there are appurtenant shared facilities (such as parking, trash, or pedestrian areas), and which is designed to provide a single area in which the public can obtain varied products and/or services. Distinguishing characteristics of a multiple tenant/multiple storefront commercial, industrial, or office research development may, but

need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial or industrial use of single structure.

Sign. Any object, device, display, structure, or part thereof either independently or in conjunction, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, projected images, or in-window signs. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or message specific to the use are not considered signs. Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Title.

Sign, A-Frame. A portable sign typically located on a sidewalk advertising information—menu, sales, etc.—for the adjacent commercial establishment.

Sign, Abandoned. A sign structure that remains on the premises (with or without the Identification Sign) after the previously advertised activity, business, product or service on the premises has been discontinued. See Section 102-715: Closed Business Signs and Abandoned Signs.

Sign, Advertising (billboard). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Sign, Animated. Any sign that uses movement to depict action or create a special effect or scene. A revolving sign, or any advertising device which attracts attention by moving parts operated by mechanical equipment or movement caused by natural sources, whether illuminated, indirectly illuminated or not illuminated, shall be considered an animated sign.

Sign, Area. Area of copy enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point.

Sign, Awning. A sign that is mounted or painted on, or attached to the largest plane of an awning, and that does not project beyond the physical dimensions of the awning.

Sign, Box Type. A translucent, back-lit, panel sign that is typically inserted or attached to a square or rectangular structure constructed for the primary purpose of displaying the sign. When there is a change in use or user, the sign panel is replaced and the sign structure is unaltered.

Sign, Building. See *Sign, Wall.*

Sign, Billboard. Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

Sign, Building marker. Any sign indicating only the name of the building, and the date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, business. A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Sign, Canopy. Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Sign, Certificate of compliance. A certificate detailing existing signs which is issued by the city within 180 days of adoption of the ordinance from which this article is derived or of an annexation.

Sign, Changeable Copy. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign. The message may be changed manually or electronically. Flashing, animated, and mechanical signs shall not be considered changeable copy signs. Also referred to as "reader boards."

Sign, Channel-Letter Type. Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.

Sign, church bulletin board. A sign attached to the exterior of a church or located elsewhere on the church premises, used to indicate the service or activities of the church and including its name, if desired.

Sign, Commercial message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Sign, Directional. A sign which indicates only the name, direction, address, logo and/or distance of a business or activity intended solely for the purpose of directing patrons or customers to an establishment off the main traveled road and not including promotional advertising unnecessary to such directional purpose. Only those directional signs erected by a government agency may be located in a public right-of-way.

Sign, Display Surface. That part of the sign that is, or can be, used to identify, to advertise, to communicate information, or for visual representation, which attracts the attention of the public for any purpose. The term Display Surface includes any background or surrounding material, panel, trim or ornamentation, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon or against which it is placed. The term Display Surface does not include any portion of the support structure for the sign, provided that no message, symbol or any of the previously described elements of a Display Surface is placed on or designated as part of the support structure.

Sign, Electric. Sign containing electrical wiring, but not including sign illuminated by an exterior light source.

Sign, Electronic Message. Signs who alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments. Includes LED displays, electronic signs, LED video displays, and electronic variable message signs

Sign, Exempt. A sign that does not require a permit application or fee.

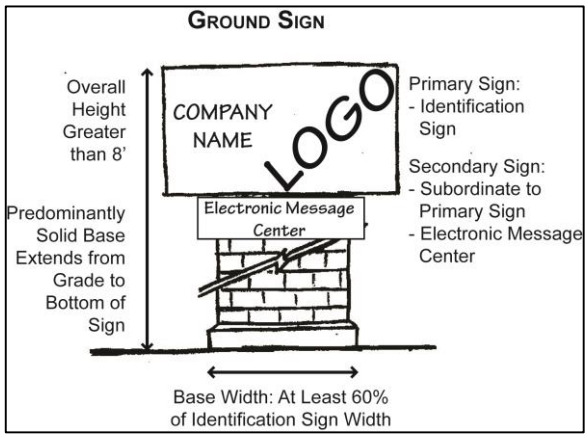
Sign, Flashing. A sign that contains the same image or message is repeated in conjunction with a sequential light source where the period of time of illumination is generally equal to the period of non-illumination and is used to attract attention. Flashing can include "strobe effect."

Sign, Freestanding. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground, independent of any building or other structure and is anchored in the ground. This type of sign includes ground signs, monument signs, and pole (pylon) signs.

Sign, gross surface area. Gross surface area of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Ground. A type of freestanding sign with a solid or continuous base, pedestal, or foundation that measures at least 60-percent of the greatest width of the identification sign and extends from grade to the bottom edge of the sign, and where the total sign height exceeds 8-feet.Sign, Group. A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Each use shall be considered a separate sign.

Figure 1.2



Sign, Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Sign, Identification. A sign indicating the name of the occupant of the property, building, or leasable space. An Identification Sign does not list particular goods or services available, and does not include changeable copy signs or electronic message centers.

Sign, Incidental. A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No commercial message is allowed on an incidental sign except to the extent that a business name or logo is necessary for informational purposes.

Sign, Inflatable. Any hollow item or character expanded or enlarged by the use of air or gas for the purposes of advertisement, including tethered balloons. For purposes of this ordinance, an inflatable sign shall be considered a temporary sign.

Sign, In-Window. A sign located within a building that is located attached to the inside face of an exterior window and visible from the exterior of the building.

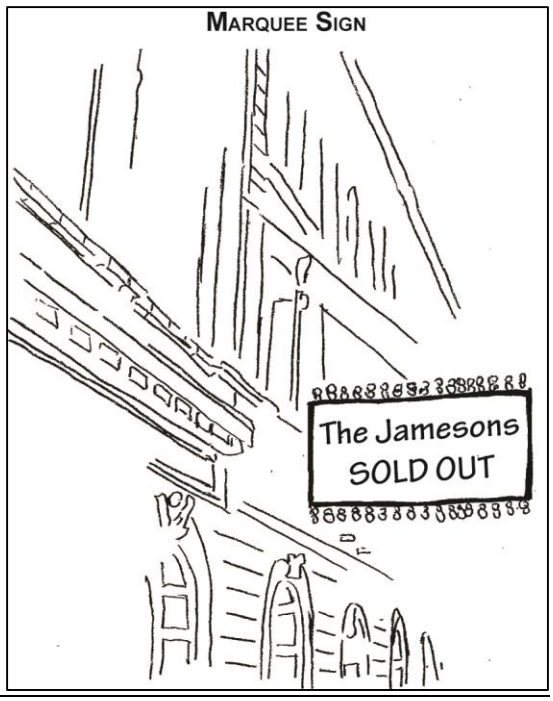
Sign, Integral Building. A sign bearing the name of a building, dates of construction, commemorative tablets and the like, which is an integral part of the building or structure.

Sign, Marquee. A type of projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, generally designed and constructed to provide protection from the weather which advertises present and scheduled events. A marquee shall not be considered a canopy or awning.

Sign Modification. Any rehabilitation or reconstruction of any sign amounting to 50 percent or more of the estimated value of the sign.

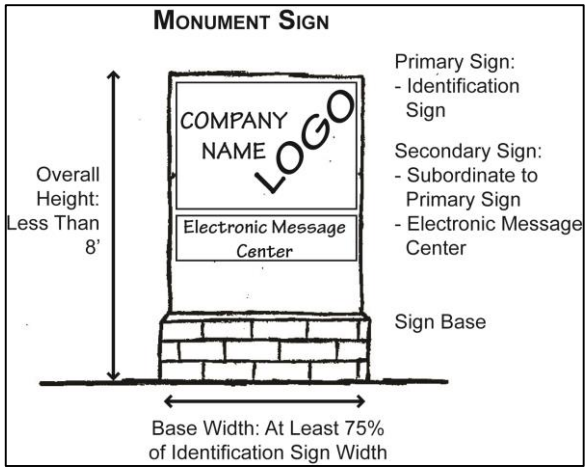
Sign, Mobile or Portable. A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.

Figure 1.3



Sign, Monument. A freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than eight feet from ground level. The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure of a freestanding sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs.

Figure 1.4



Sign, Mobile. See Sign, Vehicle or Trailer.

Sign, Monument. A type of freestanding sign with a solid or continuous base, pedestal, or foundation that measures at least three-fourths (75%) of the greatest width of the identification sign and extends from grade to the bottom edge of the sign, and where the total sign height does not exceed 8-feet.

Sign, Moving. A sign that, through the use of moving structural elements, results in movement or the physical change of the sign.

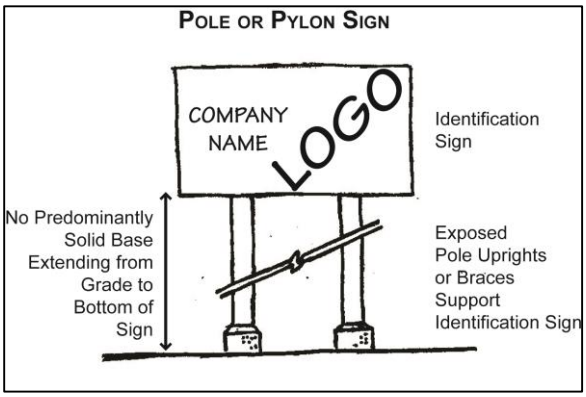
Sign, Nonconforming. Any sign that does not conform to the requirements of the article, except portable signs.

Sign, Off Premise. Any sign advertising a product, service, business or activity sold, located or conducted elsewhere than on the premises on which the sign is located, or which said product, service, business or activity is sold, located or conducted on such premises only incidentally, if at all. Commonly called a billboard.

Sign, Off-Site Commercial. A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot or parcel where such sign is displayed. Signs of this type are typically referred to as a “billboard” or “outdoor advertising display.”

Sign, On-Site Informational. A sign commonly associated with, but not limited to, information and directions necessary or convenient for visitors coming on the property, including sign marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

Figure 1.5



Sign, Pole. A type of freestanding sign which does not have a predominantly solid or continuous base, pedestal, or foundation and is supported by one or more exposed uprights or braces that extend from grade to the identification sign. Also referred to as a “pylon sign.”

Sign, Portable. Any sign not designed to be permanently attached to a building or anchored to the ground; any sign that is not permanently affixed to a building, structure or the ground; a sign designed to be moved from place to place. These signs include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles.

Sign, Political. A temporary sign announcing or supporting political candidates or issues in connection with any current national, state, or local election. Political Signs shall be regulated by 65 ILCS 5/11-13-1.

Sign, Primary. The main sign identifying the owner or business (See Sign, Identification) and can be located on a building wall or freestanding sign.

Sign, Projecting. A sign other than a wall sign, which projects from and is supported by a wall of a building or structure, extending out beyond 12 inches from the point of attachment, typically having 2 or more viewable sides, but for the purpose of this Ordinance, only one side need be counted as a side for measuring its allowable area and sign count. A sign shall not project more than 2/3 of the distance of the sidewalk width, and the leading edge of the sign shall be located a minimum of 2-feet from the curb line.

Figure 1.6

Sign, Pylon. See Sign, Pole.

Sign, Quasi-Public Informational. Non-commercial signs of a general informational nature such as community welcome, safety warning, or other similar nature.

Sign, Real Estate. A sign relating to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Residential. Any sign located in a district zoned for residential uses that contains no commercial messages except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this chapter.

Sign, Roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top wall or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Sandwich Board. See Sign, A-Frame.

Sign, Secondary. A sign subordinate to the Primary Sign in size and appearance and typically list goods or services available. Secondary Signs cannot be used as an Identification Sign. Secondary Signs may be located either on a building wall or freestanding sign. Secondary Signs may be a channel-letters sign, changeable copy sign, or electronic message center.

Sign, Sidewalk See Sign, A-frame.

Sign, Suspended. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

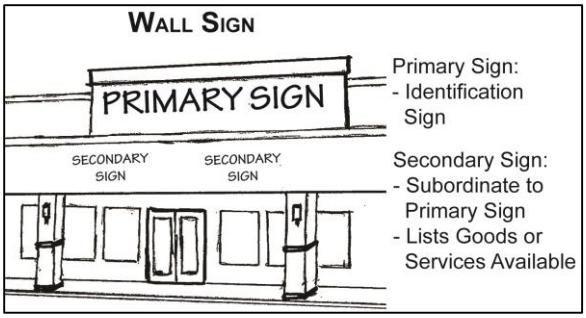
Sign, Temporary. A sign, banner, pennant, valance, or advertising display designed and intended for a temporary period of display; typically constructed from nondurable materials such as paper, cardboard, cloth, plastic and/or wallboard; not permanently mounted to the ground or building; and does not constitute a structure subject to the City's building or zoning codes.

Sign, Theatre. See Sign, Marquee.

Sign, Vehicle or Trailer. Signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way for the purpose of identification or advertising a business, public or quasi-public institution, unless the vehicle or trailer is in use in the normal day-to-day operation of the business.

Sign, Wall. A sign painted on a building façade and all other signs connected to or erected against the façade of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall where no part of the sign structure extends more than 12 inches out from the facade as measured near the points of attachment or contact to the building. Wall signs are permitted only on walls with street facings with a maximum of two building sides per building. For purposes of this Ordinance, stores/businesses in shopping centers shall count the wall facing the main customer parking area as a street facing. For the purpose of this Ordinance, canopy coloration and/or striping shall not be considered wall signage and shall be permitted but regulated to the extent allowed by Section 102-705(C).

Figure 1.7



Sign, Window. Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Sign Sight Distance. The sign sight distance is the measurement from two specific locations: 1) the sign itself; and 2) the spot from which the sign is first visible and recognizable.

Sign Structure Supports or materials capable of supporting any sign as defined in this Ordinance. A sign structure may be a single pole or may or may not be an integral part of the building.

Signage Plan. An accurate plot plan of the zoning lot displaying the location of existing and proposed signs, buildings, parking lots, driveways and landscaped areas; and a computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zoning lot, included in the plan required under this article per Section 102-704: Sign Plans, Approvals, and Permits. A plan for signage designed to show the relationship or uniformity of signs for any cluster of buildings, a planned unit development, or any single building housing a number of users, or in any arrangement of buildings or shops which constitute a visual entity as a whole.

Specified anatomical area. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities. Simulated or actual:

(1) Showing of human genitals in a state of sexual stimulation or arousal;
(2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
(3) Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

Stacking requirements (queuing). The number of cars that must be accommodated in a reserve space while awaiting ingress or egress to specified business or service establishments.

Steep Slope. Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on Environmental Corridor Map or from more accurate on-site survey.

Stoop. An entry platform on the front façade of a building. Stoops may be roofed, but they shall not be enclosed or have walls.

Story/Story Height. That space within a building, and above grade, that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Story height parameters are as specified by the appropriate Building Form Standard.

Story. Portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next to it.

Story, half. That portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4 1/2 feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half-story in a sloping room shall not be counted as a story.

Street. A public strip of land or way more than 30 feet in width subject to vehicular traffic, as well as pedestrian traffic, that provides direct or indirect access to property, including but not limited to avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

Street, Hierarchy. The conceptual arrangement of streets based upon function. A hierarchal approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.

Street, Arterial. A street which provides primary access to and through an area; in Sterling, Route 2, Route 40, Others.

Street, Collector. A street which disperses traffic throughout an area; in Sterling, Lynn Boulevard, Freeport Road, LeFevre Road, 6th Avenue, 16th Avenue, 23rd Street, 15th Street, 15th Street, McHugh Road, Science Ridge Road.

Street, Local. A street which provides access to individual properties.

Street Frontage. The distance for which a lot line of a zoning lot adjoins a public street, from one lot line intersecting the street to the furthest distant lot line intersecting the same street.

Street Frontage. That portion of the lot or building that is coincident with the RBL as required by the Code.

Street Line. A line separating a lot, piece or parcel of land from a street.

Street-Space. Includes all space between fronting RBLs (travel-lanes, sidewalks, squares, pedestrian pathways, pedestrian spines, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or alleys.

Street Tree. A required tree listed in the Form District street tree List, located in Section 102-520. Street trees shall be planted at an average no greater than 30 feet on center (measured per block face). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements, however, at no location shall spacing exceed 45 feet on center.

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

Structure. Anything constructed or erected six (6) inches or more above the surface of the ground, which requires location on the ground or is attached to something having location on the ground, including a deck, fence, freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Temporary. Any building, shed, fence, tent or other membrane structure erected for a period of less than 180 days.

Structure, Accessory. A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

Structure, Habitable. Any structure or portion thereof used or designed for human habitation.

Structure, Nonconforming. Any building, or other structure, which was lawfully existing under ordinances or regulations preceding this Title, but which would not conform to this Title if the building or structure were to be erected under the current provisions of this Title.

Structure, Principal. A building in which is conducted, or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Subdivision.

Tavern.

Tent. Any membrane structure, enclosure or shelter which is constructed of canvas or any other pliable material supported in any manor except by air or the contents it protects and used only for recreational purposes.

Tower Story. An allowable additional story above the maximum building story height.

Townhouse. See *Rowhouses*.

Toxic material. A substance (liquid, solid or gaseous) which, by reason of an inherent deleterious property, tends to destroy life or impair health.

Traditional Neighborhood Development (TND). A development that exhibits several of the following characteristics. alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens.

Transient Person. Any visitor or person who owns, rents, or uses a lodging or dwelling unit, or portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit being occupied.

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

Trailer park. Any premises occupied or designed to accommodate one or more families living in an automobile house trailer or mobile home, or the parking of one or more trailers for business purposes.

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

Use, Accessory. A use subordinate to and customarily incident to the permitted principal use. An accessory use includes but is not limited to the following:

(1) A children's playhouse, garden house and private greenhouse.
(2) A shed, garage or building or domestic storage.
(3) Incinerators incidental to residential use.
(4) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
(5) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
(6) Swimming pool, private, for use by the occupant and his guest.
(7) Off-street motorcar parking areas, and loading and unloading facilities.
(8) Signs, other than advertising signs, as permitted and regulated in each district incorporated in this chapter.
(9) Carports.
(10) Public utility facilities, including telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

Use, Civic. Community uses open to the public, including meeting halls; libraries; schools; police and fire stations; governmental offices; places of worship; rooming houses; museums; cultural, visual and performing art centers; transit centers; public buildings; recreational facilities; and government functions open to the public.

Use, Conditional. See *Use, Special*.

Use, Conforming. A use or activity on a property that conforms to the present requirements of the zoning district in which it is located.

Use, Nonconforming. Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of the ordinance from which this chapter was derived, or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto with the use regulations of the ordinance.

Use, Principal. Any and all of the primary uses of a property, treated as a use permitted by right or as a special use (rather than as an accessory use or a temporary use).

Use, Retail. Retail uses shall be considered to encompass all of the following:

Use, Special. A use which is permitted by this section provided that certain conditions specified in the ordinance are met and that a permit is granted by the Zoning Board of Appeals or, where appropriate, the planning agency designated by the City Council. For the purpose of the Sterling Redevelopment Form District, Special Uses may be considered for placement in the residential use classification after review by the Plan Commission in accordance with Section 102-819.

Variance. Permission by the Zoning Board of Appeals to depart from the literal requirements of this Title granted pursuant to Section 102-905.

Vision Setback Area. An unoccupied triangular space, at the street corner of a corner lot, as established by Section 102-231. Also referred to as the vision corner.

Wall. A solid barrier constructed of masonry materials erected for the purpose of protection, confinement, enclosure, or privacy.

"*Where Clearly Visible From the Street-Space*". Many requirements of the Sterling Riverfront Form-Based Code apply only where the subject is "clearly visible from the street-space." Note that the definition of street-space includes squares, civic greens, parks, and all public spaces except alleys. A building element more than 40 feet from the RBL /street-space (such as elements facing a common lot line more than 40 feet away from a RBL and/or street) is by definition not clearly visible from the street-space. Also common and/or party walls are by definition not clearly visible from the street-space. This does not exempt vehicle parking spaces/lots from any Building Form Standard (BFS) requirements.

Yard. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, side. A yard extending along a side lot line from the front yard to the rear yard.

Yard, transitional. An area, if any, along a roadway located between the existing required setback line and the future required setback line. The future setback line is measured form the proposed right-of-way. This is no transitional yard when the existing street right-of-way width exceeds the proposed right-of-way width.

Zoning lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by this chapter.

Zoning map. The maps incorporated in this chapter as a part of this chapter, designating zoning districts.

Zero-Lot Line Structure. A structure that is built on the property line such as a twin house or townhouse.

Zoning District, Standard. Zoning districts which primarily regulate the use of land and intensity or density of such use.

Zoning District, Overlay. A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts.

ARTICLE II: GENERAL REGULATIONS

Section 102-201: Private Residential Swimming Pools

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

A. PERMIT REQUIRED. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the city unless building and zoning permits have first been obtained from the building official, except those POOLS specifically exempt.

B. EXEMPT POOLS. Storable children's swimming or wading pools, with a maximum wall height of twelve (12) inches are exempt from the provisions of this Section.

C. LOCATION. All swimming pools shall be located at least eight (8) feet from any lot line or structure. In no case shall a swimming pool be located between the public right-of-way and the principal structure. In no case shall a swimming pool be erected or constructed in a required yard adjacent to a street right-of-way.

D. OPERATION AND MAINTENANCE

(1) Equipment. All pumps and filter equipment shall be adequately housed and muffled. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight (8) feet from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

(2) Recirculation of Water Required. All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool.

(3) Inlets.

(a) Private residential swimming pool water recirculation system inlets shall be located so as to produce so far as possible uniform circulation of water throughout the pool.

(b) Pools shall be equipped with suitable facilities for adding makeup water as needed. There shall be no physical connection between the water supply line and the pool system.

(c) The systems supplying recirculated water and makeup water to the pool shall be constructed in conformance with the city plumbing code.

(4) Outlets.

(a) Pools shall be equipped with facilities for completely emptying the pool, and the discharge of the pool water to the sewer shall be at a rate not exceeding 250 gallons per minute. No direct connection shall be made to the sewer.

(b) Water drained from the pool shall not be discharged to the sewer system during periods of rain or storms. At no time shall the rate of drain water discharge exceed a flow of 250 gallons per minute.

(5) Recirculation system and appurtenances.

(a) The recirculating system for a private residential swimming pool and all backwash water and effluents shall be discharged to the sewer through an indirect connection.

(b) Equipment for the disinfection of the pool water shall be connected through an indirect connection to the sewer and water supply, and the disinfection equipment shall be of the system that does not allow gases to discharge into the air in the event of defects of connection.

E. ELECTRICAL REQUIREMENTS.

(1) All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the city electrical code.

(2) No current-carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within an area so as to endanger occupants.

(3) All metal fence enclosures or railings near or adjacent to private residential swimming pools which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.

F. ELEVATED DECKS AND PLATFORMS. All elevated decks and platforms or other walking surfaces more than thirty (30) inches above the existing yard grade level and located adjacent to any private residential swimming pool, shall be equipped with guardrails along the outer perimeter of all walking surfaces. Guardrails shall be no less than thirty-six (36) inches nor more than forty-two (42) inches in height, measured from the floor of the elevated deck or platform. Any guardrail or combination of fence and guardrail that, under this section, exceeds six feet in height above the existing yard level, will provide 50-percent of its surface area to be open when viewed at an angle from two directions for that area exceeding six (6) feet above the existing yard grade level. At no time shall any guardrail or combination of fence and guardrail exceed eight (8) feet in height above the existing yard grade level.

G. PATIOS. Patios at grade shall be permitted no closer than three (3) feet to a lot line where accessory to a private residential pool.

H. ATTRACTIVE NUISANCE. Reasonable precautions shall be taken to insure the safety of the pool area and to prevent it from becoming an "attractive nuisance." Pools other than those classified as "private residential" shall be completely fenced so as to prevent the unregulated entrance of young children to the pool area.

I. EXPOSED OR PARTIALLY-EXPOSED POOLS. Permanent pools constructed to be exposed or partially-exposed above the surface of the ground shall have the pool construction completely and adequately screened from the view of the abutting properties by means of combined fence and landscape screen approved by the Zoning administrator.

J. FENCES. All private residential swimming pools shall be completely enclosed by a fence erected to a height of six feet above the existing yard grade level. All fence openings or points of entry into the yard area enclosure shall be equipped with six-foot high gates, equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. The fence and the gates shall be constructed of a minimum #9 gauge woven wire mesh corrosion-resistant material, wood, vinyl or other material approved by the building official.

Section 102-202: Home Occupations

A. WHEN PERMITTED. Home Occupations shall be permitted as an Accessory Use when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the provisions of this Section.

B. BUSINESS REGISTRATION REQUIRED. The Zoning Administrator may approve Home Occupations without necessity of a Building Site and Operation Plan. All persons engaged in Home Occupations shall register their use by completing a Business Registration Form available from the Zoning Administrator.

C. REGULATIONS APPLICABLE TO HOME OCCUPATIONS:

(1) The occupation shall be conducted wholly within the principal building.

(2) Such uses shall not occupy more than 25% of the Assessed Floor Area of the principal structure in which it is located.

(3) No alteration of any kind shall be made to the dwelling which changes its residential character.

(4) Only persons residing on the premises shall be employed in the occupation.

(5) No equipment shall be used in the occupation other than that which is customarily incidental to domestic use.

(6) No such use shall be permitted which generates pedestrian or vehicular traffic incompatible with the residential character of the neighborhood.

(7) Any off street parking area provided shall be maintained dustless, and adequately screened from adjoining residential properties as outlined in Section 102-227(B).

(8) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.

(9) Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.

(10) No exterior display or exterior sign shall be permitted except as allowed by the sign regulations for residence districts (see article VI of this chapter).

Section 102-203: Satellite Dishes and Communication Antennae

A. Satellite Dishes. All satellite dishes shall conform to the following regulations contained herein:

(1) Size. Satellite dishes or antennae shall not exceed a diameter of eighteen inches (18”) unless approved by the Plan Commission.

(2) Location. All satellite dishes and antennae shall be located at least 10-feet from a side or rear property line. Satellite dishes and antennae shall not be located in a required front or corner yard setback.

(3) Screening. All ground mounted satellite dishes or antennas shall be screened from public view from an adjacent street.

B. COMMUNICATION ANTENNA. Communication antenna which does not require support by a new communicator tower, freestanding or attached to an existing commercial, industrial, professional, institutional or residential structure, or to an existing communication tower shall be permitted, provided:

(1) The freestanding structure does not exceed 35 feet in height;

(2) Communication antennas located on an existing structure shall not extend more than 25 feet above the top of said structure if located in a nonresidential zoning district and not more than 20 feet above said structure if located in a residential zoning district;

(3) The communication antenna complies with all applicable FCC and FAA regulations;

(4) The communication antenna complies with all applicable building codes;

(5) The communication antenna complies with all other requirements of this chapter.

Section 102-204: Reserved
Section 102-205: Reserved
Section 102-206: Reserved
Section 102-207: Reserved
Section 102-208: Reserved
Section 102-209: Reserved

Section 102-210: Accessory Structures

A. GENERAL

(1) Time of construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

(2) Construction Materials. Accessory structures shall reflect or compliment the character or materials of the primary structure.

(3) Use of Accessory Buildings or Structures. No accessory building or structure may be used for living quarters.

(4) Size. All accessory buildings shall comply with the following:

(a) An accessory building, or combination of accessory buildings, shall not exceed a total of 900 square feet of floor area per zoning lot, except for multi-family uses, which shall not exceed 450 square feet of floor area per residential unit.

(b) For purposes of determining floor area, all stories with structural headroom measuring seven feet six inches or more will be included.

(5) Percentage of Rear Yard Occupied. No accessory building, or combination of accessory buildings, shall occupy more than 40 percent of the area of a required rear yard.

(6) Height. All accessory buildings shall comply with the following:

(a) Shall not exceed one story or 20 feet in height if constructed as a Type 5-B construction in accordance with Section 606 of the BOCA National Building Code 1999, or shall not exceed two stories or 30 feet in height, if constructed as a Type 5-A construction.

(b) The height of an accessory building shall not exceed the height of the principal structure except where the principal structure is less than twenty (20) feet in height, in which case an accessory building may be up to 20 feet in height.

(7) Footings. All accessory buildings shall comply with the following:

(a) Any accessory building greater than fourteen (14) feet in height shall have a frost footing of sufficient design to safely support the loads imposed.

(b) All heated accessory buildings shall have frost footings.

(8) Location

(a) Setbacks. All accessory structures shall comply with the setback requirements outlined in Section 102-321(J) for the zoning district in which it is located.

(b) Distance from other buildings. In a residential district, no detached accessory building shall be closer than ten (10) feet to any other building.

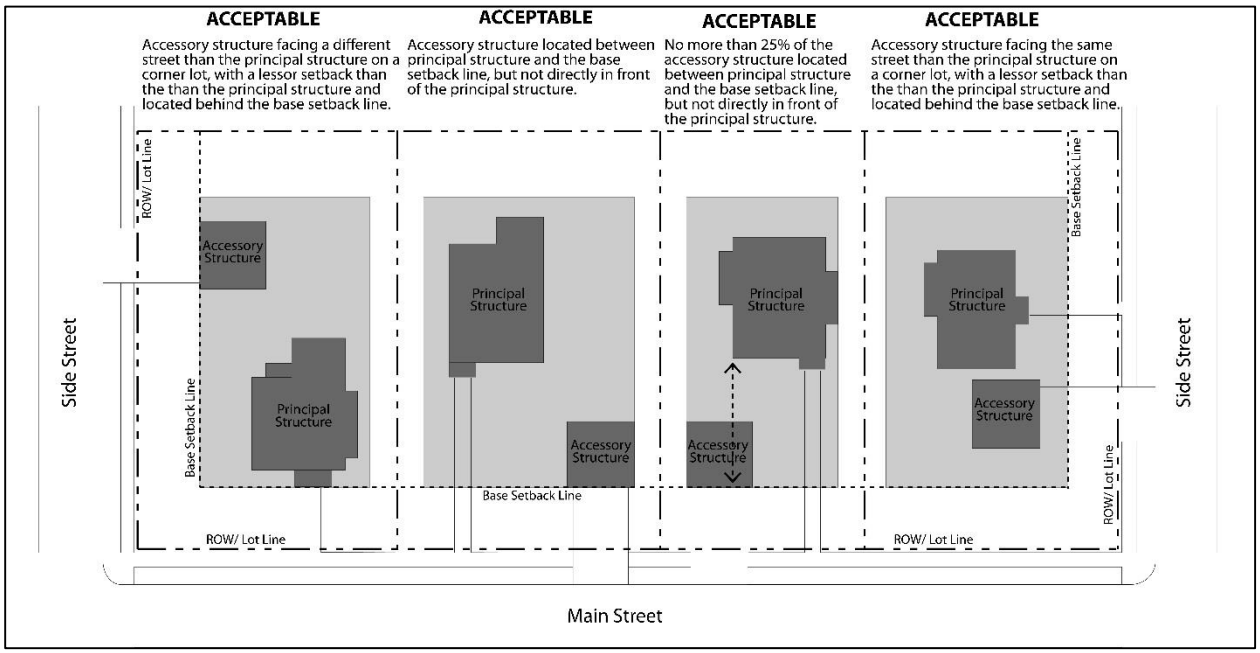
B. RESIDENTIAL DISTRICTS. Detached accessory structures located on parcels in a residence district where the principal use is present, except boat houses, shall be permitted subject to the following:

(1) Number: The total number of accessory structures permitted on a lot shall not be limited, except that the aggregate square footage of the accessory structures shall not exceed the regulations outlined in this Section.

(2) Use Restricted. No private garage in a residence district shall be used for operation of any metalworking, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.

(3) Placement of Accessory Buildings or Structures: Accessory buildings or structures shall be situated in the rear or side yard, and they may not have a setback from the front lot line that is less than the required front or corner yard setback. In no case shall an accessory structure be located directly in front of a single-family or two-family residence as illustrated in Figure 2.1.

Figure 2.1: Placement of Accessory Buildings or Structures on a Residential Parcel



C. BOATHOUSES. The following regulations shall apply only to properties with riparian rights:

(1) Use. The boathouse must be designed and used principally for the storage of boats and accessory marine equipment normally used in the daily activities of waterfront property and which typically includes a large overhead door for primary access on the side of the structure facing the water. Boathouses shall not be permitted to be connected to public utilities other than electricity.

(2) Number. Only one (1) boathouse shall be permitted on a riparian parcel.

(3) Plat of Survey. Submission of a plat of survey shall be required depicting the location and dimensions of all existing structures located on the premises, the distances between such structures and all lot lines, the height of any such structures, the ordinary high-water mark, the meander lines, structures on adjacent properties within 100-feet, and other information as required by the Plan Commission.

(4) Timing of Construction. A boathouse shall be considered an accessory building to a primary structure and shall not be constructed prior to construction of the principal building on a lot.

(5) Location. The construction or placing of a boathouse below the ordinary high-water mark (OHWM) of any navigable waters is strictly prohibited. Boathouses shall be located a minimum of 3-feet from the OHWM, and a minimum distance from the side lot line that is equivalent to the side yard setback requirements for a principal structure within the zoning district. Boathouses shall be placed within the vision and access corridor outlined in (8) below if they are to be located within the shoreland buffer outlined in (9).

(6) Height. The highest point of the roof elevation shall not be more than the vertical measurement of 12-feet above the lowest elevation of the boathouse structure. Any railing on the roof may not exceed 3.5-feet and such railing may not be solid in appearance.

(7) Size. Boathouses shall not exceed 400 SF in area.

(8) Vision and Access Corridor. There shall be a vision and access corridor in which boathouses shall be located and in which vegetation may be removed and trees and shrubs trimmed. This vision and access corridor shall be an area that does not exceed 30-feet of the lot as measured at the OHWM exceeds 100-feet in width. If the lot as measured at the OHWM is less than 100-feet in width, then the vision and access corridor shall be no more than 30-percent of the lot width.

(9) Shoreland Buffer. A strip of vegetative cover shall be maintained that extends 35-feet inland from the OHWM and the entire width of the lot; except within the vision and access corridor. Boathouses shall be placed within the vision and access corridor if they are to be located within the shoreland buffer.

(10) Vegetation Removal. Vegetation may be removed and trees and shrubs may be trimmed within the vision and access corridor, but such tree removal or trimming or other vegetative removal shall not occur within the shoreland buffer described in paragraph (9), unless such removal or trimming is performed on diseased or dying vegetation. If vegetation has already been removed or tree and shrubbery cutting has already occurred within the shoreland buffer, and that vegetation removal or cutting has already occurred outside the vision and access corridor, then mitigation may be required as a condition of approval of the special use permit to restore a portion of the vegetation within the shoreland buffer.

(11) Stairways and Pathways. Stairways or pathways used for access to the water and to the boathouse shall be located within the vision and access corridor. If stairways or pathways already exist within the shoreland buffer, relocation of those stairways or pathways to the vision and access corridor may be required under the special use permit.

(12) Other Structures. If other structures already exist within the shoreland buffer, removal or relocation of those structures may be required under the special use permit.

(13) Habitation. A boathouse may not be habitable as defined in this code. Final decision as to whether any boathouse, would be considered habitable, will be determined by the Zoning administrator.

(14) Design. The architectural design of the boathouse, and any associated stairs or paths, shall be harmonious with the surrounding landscape and shall have a minimal visual impact when viewed from the water.

(15) Existing Boathouses. All existing boathouses that were lawfully constructed prior to the enactment of this ordinance shall remain legal, non-conforming uses, and such boathouses may be maintained, but they may not be enlarged without obtaining a new special use permit and without coming into compliance with the terms of that new special use permit.

D. AGRICULTURAL USES. Detached accessory structures located on parcels in the RH District, where said parcels are larger than five acres in area, are subject to the regulations of the district pursuant to Section 102-321. Accessory buildings used wholly for agricultural purposed shall not require a permit.

E. BUSINESS AND INDUSTRIAL DISTRICTS. Detached accessory structures located on parcels in any Business or Industrial Zoning District where the principal use is present shall conform to the bulk requirements of the zoning district as outlined in Section 102-321.

F. SHIPPING CONTAINERS. Storage containers intended to be used primarily for shipping purposes on highways or rail lines, or truck compartments or trailers, shall not be deemed accessory structures or buildings and shall not be permitted in any zoning district as such, except:

(1) Shipping containers temporarily used for loading and unloading merchandise or equipment associated with the principal use of the premises on which they are located;

(2) Shipping containers used for the storage of construction equipment in conjunction with a construction project and located on the construction site.

(3) Shipping and storage containers used for the storage of household effects on residential property shall not be located within a required yard, shall be located on a hard surface, and shall be limited to twenty-one (21) consecutive days on the property in accordance with Section 102-407.

Section 102-211: Fences

A. PURPOSE. The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, walls and decorative posts (such as entry pillars, bollards, or columns) in order to prevent the creation of nuisances and to promote the general welfare of the public.

B. PERMIT. An approved zoning permit from the Zoning Administrator shall be required for all fences regulated by this Chapter.

C. APPLICABILITY. The requirements of this section apply to all fencing thirty (30) inches or more in height, for all land uses and activities.

D. CONSTRUCTION, APPEARANCE, AND MAINTENANCE.

(1) Appearance.

(a) Orientation. The finished side of all fences shall face the front, rear, side and street lot lines. Visible supports and other structural components shall face toward the subject property.

(b) Opacity. Any fence within a street yard, including along property lines that intersect a right-of-way, shall be a maximum of 50% opaque; however, fences abutting a railroad right-of-way may be solid. Open fences may be installed for any public, public utility and recreational uses.

(2) Materials.

(a) Residential Districts. Acceptable materials for constructing fencing, walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, and chain link. Wire mesh and chain link fencing is not permitted within required front yard or street yard areas or around swimming pools. Any fence within a street yard, including along property lines that intersect a right-of-way, shall be a maximum of 50% opaque.

(b) Nonresidential Districts. Acceptable materials for constructing fencing, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted only in the non-residential districts and at heights greater than ten feet. The height of the barbed wire is not to exceed two feet above the top of the fence to which it is attached. All barbs and prongs shall be faced toward the ground. The installation of barbed wire fencing is prohibited along any property line abutting a residentially zoned property unless set back from the property line adjacent to the residential property by no less than

fifteen (15) feet. Any fence within a street yard, including along property lines that intersect a right-of-way, shall be a maximum of 50% opaque.

(c) Temporary Fencing. Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, the protection of excavation and construction sites, and the protection of plants during grading and construction, and for security fencing of permitted temporary use or temporary outdoor entertainment areas is permitted. Fencing for excavation sites shall be a minimum of 48 inches in height.

(d) Acceptable materials. Acceptable materials for constructing fencing includes wood, stone, brick, wrought iron, chain link, and wire mesh. Wire mesh or chain link fencing is not permitted within required front or street yards.

(e) Fences constructed of any material deemed to be dangerous or hazardous to the public's welfare and safety by the building official, such as and including electrified, barbed wire and spike-topped fences shall be prohibited except as allow permitted in (c).

(f) Barbed wire.

(3) Opacity. Any fence located within a front or street yard, including along property lines that intersect a right-of-way, shall be a maximum of 50-percent opaque.

(4) Maintenance. All fences, or decorative posts shall be maintained in a structurally sound and attractive manner.

E. LOCATION.

(1) Yards. Fences or decorative posts may be located in any required yard.

(2) Setbacks.

(a) Right-of-way. No fence, wall, or decorative post shall be located closer than one (1) foot to the right-of-way line.

(b) Property line. Fences may be located on any property line abutting a side or rear yard.

(c) Twin-home or zero lot line. No fence may be built on the interior common lot line lying within the front setback area.

(d) Non-residential abutting non-residential. On all business and manufacturing properties adjacent to another non-residentially zoned property, fences may be located on any property line abutting a side or rear yard, but shall be located no closer than five feet to the front yard or street yard property line.

(e) Non-residential abutting residential. On all business, institutional, or manufacturing properties adjacent to a residentially zoned property or property used for residential purposes, fences may be located on any property line abutting a rear or side yard, but shall be located no closer than fifteen (15) feet to the front yard or street yard property line.

(f) Public utilities. Public utility uses such as transformer substations, or other hazardous uses, shall be fenced. When the lot line of such utility use coincides with a lot line in a residential district, the fencing installed shall provide adequate screening. The screening may be an open or semi-open fence, or an open fence with shrubbery to a height of not less than five (5) feet. The plan for such screening shall be approved by the Plan Commission. When a public utility use fronts on a public street, similar fencing and landscaping shall be required.

(g) Near Structures on adjacent property. No fence shall be located in such a manner that it prohibits the normal maintenance of structures located on adjacent property, and in no circumstances shall a fence be within five (5) feet of such structures.

(3) Vision clearance on corner lots. In any required front, side, rear or transitional yard of a corner lot, no structure, planting or other obstruction to vision of drivers of motor vehicles, located within twenty (20) feet of the intersecting right-of-way lines bordering such corner lot, shall exceed a height of three feet above the adjoining street grade.

(4) Easements. Fences installed on public easements shall be of a removable nature. Any fence of a permanent nature on an easement shall be removed at the owner's expense at the request of any public utility or the city.

F. HEIGHT

(1) Maximum. The maximum height of any fence or decorative post shall be the following:

(a) Four (4) feet when located within a required front yard or street yard on any property.

(b) Six (6) feet when:

(i) Located on any residential property, but not within a required front yard or a required street yard, except as allowed along a railroad right-of-way in (2)(b).

(ii) Located on any non-residential property abutting a residential property and setback less than fifteen (15) feet.

(c) Eight (8) feet when:

(i) Located on any nonresidential-zoned property, but not within a required front yard or a required street yard or setback at least fifteen (15) feet except that security fences may exceed this height.

(ii) Located on any non-residential property abutting a residential property and setback more than fifteen (15) feet.

(iii) Located on any public, institutional, public utility, and recreational property.

(2) Exceptions.

(a) Non-residential uses. The maximum heights may be exceeded with the approval of a special use permit per Section 102-919. At a minimum, the following conditions shall be established for such requests:

(i) The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;

(ii) The fence shall be screened on its external side with adequate plants to maintain an attractive appearance to said side.

(iii) The fence shall be setback from the property line beyond the requirement of subsection (E)(2), above, such distance as appropriate to contain adequate landscaping per Section 102-520, and to maintain an attractive relationship to fences external side.

(b) Along railroad. A fence which is constructed on that portion of property that abuts a railroad right-of-way may be permitted a height of not more than eight (8) feet and may be of a solid nature.

(c) Public recreation use areas. Public recreation use areas, courts, fields, and diamonds may be enclosed along their boundaries with an open type fence to a height not to exceed eight (8) feet.

(d) Swimming pools. Fencing for all swimming pools shall comply with the regulations outlined in Section 102-201 of this Article.

Section 102-212: Retaining and Landscape Walls

A. RETAINING WALLS.

(1) Location on a lot. Retaining walls may be permitted anywhere on the lot, provided that along a street or right-of-way frontage no such wall shall be closer than three (3) feet to the right-of-way without approval of the Building & Zoning Coordinator.

(2) Height. No individual retaining wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.

B. LANDSCAPE WALLS.

(1) Location on a lot. Landscape walls may be permitted anywhere on the lot, provided that along a street or right-of-way frontage no such wall shall be closer than three (3) feet to the right-of-way without approval of the Building & Zoning Coordinator.

(2) Height. Walls shall not exceed eight (8) feet in height, expect when located in a front yard or street yard where walls shall not exceed a height of four (4) feet.

Section 102-213: Outdoor Storage of Construction Materials, Junk, Refuse, and Disabled or Damaged Motor Vehicles

A. No open storage of construction materials, junk, refuse, scrap, or disabled or damaged motor vehicles shall occur in any zoning district. This limitation shall not apply to the open storage of materials actively being used for the construction or repair of a building or structure on the same property, provided that no such storage shall continue after completion of the construction or repairs. Nor shall this limitation apply to disabled or damaged motor vehicles awaiting repair at an automobile service station or vehicle sales, rental, or servicing establishment.

B. Notwithstanding (A) above, open storage of construction materials is permitted in the Regional Business (RB), Light Manufacturing (LM), General Manufacturing (GM), and Heavy Manufacturing (HM) Districts as an accessory use when approved as a special use in accordance with the procedures and standards set forth in Section 102-919 of this Chapter. Any such materials in open storage shall be screened from the view of the street and abutting properties to a height of at least six feet by a solid fence and/or evergreen vegetation.

C. The keeping of inoperable motor vehicles in open storage shall be subject to forfeitures and removal by the Sterling Police Department in accordance with the Municipal Code.

Section 102-214: Reserved

Section 102-215: Temporary Structures

A. INTENT. The purpose of this section is to establish minimum requirements for the construction and placement of those structures intended for use for a period of less than 180 days and to safeguard the public health, safety, comfort and general welfare of the residents by ensuring that a temporary structure does not create an undesirable impact to nearby properties.

B. USE.

(1) Temporary structures shall not be used for vehicular storage, RV or trailer storage, marine equipment or for general storage purposes.

(2) Temporary structures shall not occupy any on-site parking spaces so as to reduce the number of parking spaces required by Section 102-227 of this chapter, nor shall such structures interfere with drive aisles, site ingress/egress, vision triangles, required setbacks, or required buffer yards.

(3) Temporary structures used for purposes of outdoor display and sales of merchandise shall only be permitted in the DB, CB, RB, and MU Districts.

C. NUMBER. Only one (1) temporary structure may be erected on a property at any one time unless additional structures are approved for special events by the City.

D. TIME LIMITS.

(1) No temporary structure may be erected for more than 72 hours without first obtaining a permit.

(2) No temporary structure may remain in place for more than 180 days in any 12-month period.

(3) Temporary structures shall be limited to not more than three permits for a property in any calendar year.

E. OTHER CONDITIONS.

(1) Temporary structures must be affixed to the ground or a structure to prevent the wind from relocating the structure.

(2) Temporary structures greater than 400 square feet in floor area and erected for more than 180 days are regulated by the International Building Code, require a building permit and must comply with all Zoning Code regulations.

F. PERMIT. A permit shall be required for all temporary structures. The owner or tenant must contact the Zoning Administrator and provide the name and address of the applicant, and the description and location of the structure to be erected prior to installation.

G. EXCEPTIONS. Tents or flys of less than 400 square feet in floor area, erected for recreational purposes and in place for less than 72 hours do not require a permit.

H. FEES. No permit fee shall be required for a temporary structures erected for recreational purposes when located on property used for residential purposes. The fee for all other temporary structures shall be $25.00.

I. APPLICATION REQUIREMENTS. Prior to the issuance of a permit to erect any temporary structure, the code enforcement department shall approve all applications for the proposed temporary structure. The application shall contain the following:

(1) Application must be made on the forms provided by the code enforcement department requesting approval and the term of said use.

(2) A site map of the subject property showing all lands for which the temporary structure is proposed as well as all other lands within 200 feet of the boundaries of the subject property.

(3) The site map shall clearly indicate the existing structures on the subject property and its environs including all utilities, all lot dimensions, setbacks for the temporary structure, a graphic scale, and a north arrow.

(4) A written description of the proposed temporary use describing the type of activities and the type of structures proposed for the subject property.

J. APPROVAL. The code enforcement department must review the completed application in accordance with paragraph (I) of this section. A permit will be issued for any temporary structure that meets the requirements of this section.

K. PENALTIES. $50.00 minimum and $750.00 maximum.

Section 102-216: Structures Other Than Buildings

A. STRUCTURES 6 INCHES OR MORE IN HEIGHT. Structures not classified as buildings and 6 inches or more in height from the surface of the ground shall be subject to the setback, offset, height, open space, and architectural requirements of this ordinance except as may be specifically otherwise provided.

B. CHILDREN'S PLAY HOUSES AND STRUCTURES. Play structures, houses, swing sets, and other similar structures shall be specifically exempt from the regulations of this Chapter.

C. UNDERGROUND BUILDINGS AND STRUCTURES. Any structure classified as a building and not extending more than 6 inches above the surface of the ground shall not be subject to the setback, offset, building size, or open space requirements of this ordinance.

Section 102-217: Outdoor Storage and Parking of Recreational Vehicles (RVs), Trailers, and Boats

A. RVs, personal trailers, commercial or industrial trailers, or boats not meeting the standards set forth in this Section shall not be stored in any residential district, except that a trailer may be used, in accordance with Section 102-215 of this Chapter, as a temporary office or storage space incidental to construction.

B. RVs shall not be permitted in any district as accessory buildings. An RV shall not be used as a dwelling, storage, or accessory building, except that an RV may be parked or occupied for lodging purposes on a vacant lot or on the same lot as a dwelling for not more than seventy-two (72) hours in any consecutive 30-day period.

C. An RV or boat shall not be stored in connection with a business conducted at the location.

D. A stored RV or boat shall be maintained in mobile condition. No major construction or repair of a stored RV or boat shall be performed on a lot used for residential purposes.

E. The State license plates and display title shall be current and properly displayed. The lot owner shall have, and display upon request to authorized City officials, proof of ownership of any stored RV or boat.

F. A boat, boat trailer, or RV shall not park or store such boat, boat trailer, or travel trailer so as to create a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in such fashion that the unit, whether loaded or not, may readily tip or roll shall be considered a dangerous and unsafe condition. The owner shall not park the unit with flammable liquids aboard in portable containers.

G. No personal trailers, boats, or RV stored in a residential district shall exceed: ten (10) feet in height as parked, including trailer cradle or mount, but excluding mast; twenty (20) feet in body length, excluding trailer hitch, tongue, and bumper; and eight (8) feet in body width, excluding hardware.

H. Personal trailers, boats, or RV stored in a residential district shall be located only behind the front setback lot line, no less than six (6) feet from any principal structure, and within ten (10) feet of the front property line of residentially zoned property. The unit shall be stored on a hard surface or concrete, asphalt.

I. No RV shall be parked parallel, or substantially parallel, to the front building line within the front yard area.

J. Tarpaulins used to cover RVs, personal trailers, boats, or recreational vehicles, parked or stored in front yard areas, are prohibited. This does not include specifically designed covers.

K. No animal transport trailer shall be stored in any residential district.

Section 102-218: Outdoor Storage of Firewood

A. INTENT. The purpose of this section is to establish minimum requirements for the placement of firewood on residential lands.

B. USE. The storage or stacking of firewood shall be permitted in all zoning districts only as an accessory use.

C. LOCATION ON A LOT.

(1) Firewood shall not be stored in the required front or street yard on residential property.

(2) Firewood shall not be located closer than three (3) feet to any lot other line.

D. STACKING.

(1) Firewood shall be neatly stacked. Neatly stowed shall be construed to mean pieces of wood placed in a line or row with individual pieces touching and parallel or perpendicular to each other, and in a compact manner.

(2) Firewood may not be stacked higher than five (5) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(3) The firewood shall be stored on a hard-surface, or on a well-supported, non-rotting base.

E. LENGTH. A single log or piece of split wood shall not exceed four (4) feet in length.

F. NUISANCE. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of the Municipal Code.

Section 102-219: Permanently Installed Stand-By Generators

A. OPERATION. A permanently installed stand-by generator installation shall be allowed for the purpose of providing temporary power during incidental power outages and emergency power outages only due to storms and other natural and/or man-made disasters.

B. NOISE LEVEL. The noise from permanently installed stand-by generators installed in all zoning districts, when operated during power outages, shall not exceed 70 dBA at the lot line under normal load.

C. TESTING. Permanently installed stand-by generators in all zoning districts may be operated for testing purposes one (1) time for a period not to exceed 30 minutes in any seven (7) day period. Testing periods of stand-by generators in all residential districts shall be restricted to between 9AM and 7PM Monday through Saturday.

D. LOCATION. No permanently installed stand-by generator shall be installed in a required front yard, and not within 15 feet of any side or rear lot line. All such units shall be installed at ground level only.

E. INSTALLATION. Permanently installed stand-by generators shall be installed in accordance with the requirements of Chapter 18 Buildings and Building Regulations of the Municipal Code.

F. SCREENING. The equipment will be screened to its full height from the view of the street and abutting properties by a solid fence and/or evergreen shrubbery in accordance with Section 102-520.

G. PERFORMANCE STANDARDS. All stand-by generator installations shall comply with the regulations outlined in Article 6 of this Chapter.

Section 102-220: Reserved

Section 102-221: Reserved

Section 102-222: Reserved

Section 102-223: Sewage Disposal

Individual sewage disposal systems are expressly prohibited unless specifically approved by the Board of Appeals after public hearing.

Section 102-224: Roadway Visibility Standards

A. PURPOSE. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of. vehicular visibility. The requirements of this section shall not be imposed in the downtown area.

B. VISION CLEARANCE TRIANGLE: In each quadrant of every street intersection in every district except the B1, Downtown Business District, there shall be designed a vision clearance triangle, formed by the two intersecting rights-of-way and a vision line connecting the rights-of-way and extending to the street edge (See Figure 2.2), as determined by the Zoning Administrator. The standards in Table 2.1 shall apply.

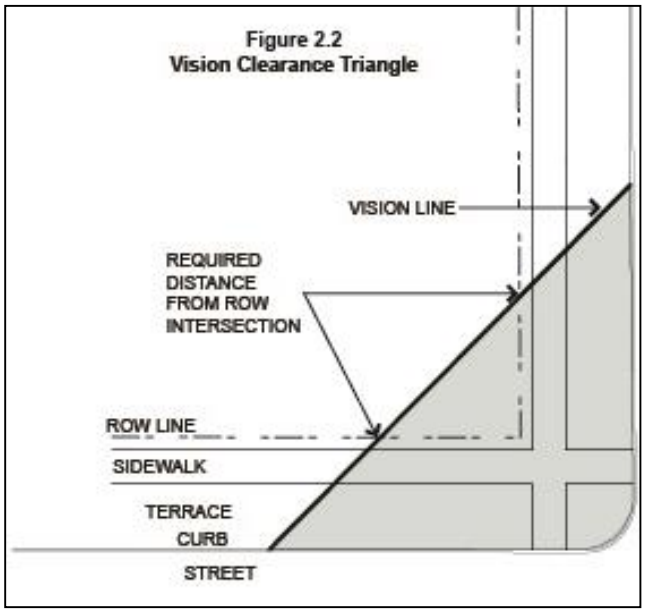


Table 2.1: Minimum Vision Clearance	
Right-of-Way Width	**Distance**
Less than 66-feet	15-feet
76-feet to 99-feet	20-feet
More than 100-feet	25-feet

C. Within the vision clearance triangle, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, nor other such obstructions between 24-inches and 8-feet in height shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets. This provision shall not apply to tree trunks or posts.

D. DEPICTION ON REQUIRED SITE PLAN. Except in the downtown where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan as outlined in Section 102-924 required for the development of the subject property.

Section 102-225: Driveway Regulations and Standards

A. SINGLE AND TWO-FAMILY RESIDENTIAL PROPERTIES

(1) Number of Driveways. Single-family uses are limited to one driveway per lot unless otherwise regulated in this code. Two-family uses are permitted two driveways per lot unless otherwise approved by the Streets Superintendent.

(2) Setback. Driveways shall have a minimum setback of 5-feet from the side lot line on all parcels. (See Figure 2.3)

(3) Width. (See Figures 2.3 – 2.6)

(a) Minimum. The minimum width of driveways shall be 8-feet.

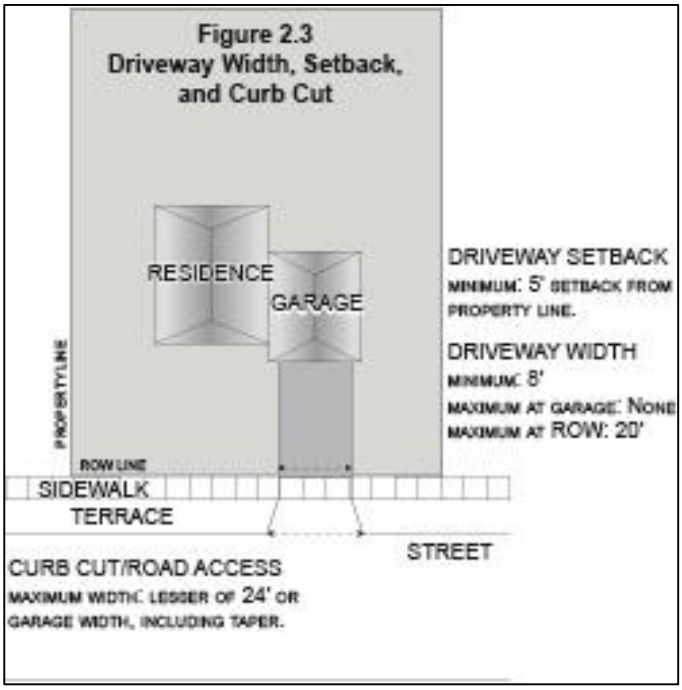
(b) Maximum.

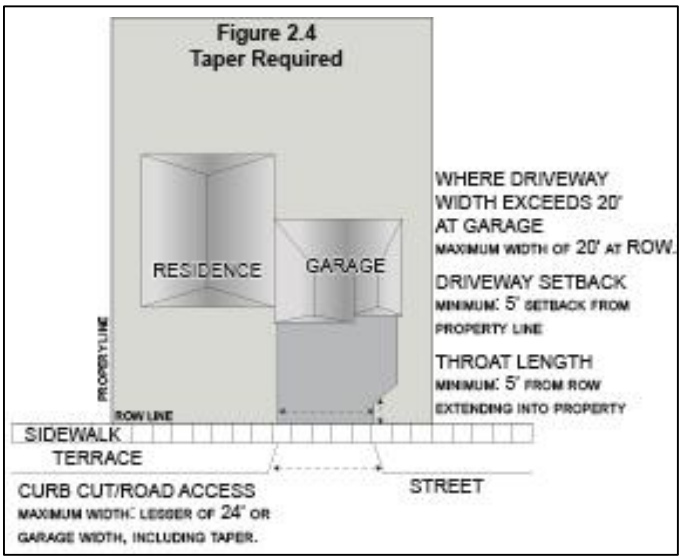
(i) At the garage. There shall be no maximum width limitation at the garage structure.

(ii) At the right-of-way line. The maximum width of driveways as measured at the right-of-way line shall be the lesser of 20-feet or the width of the garage.

(iii) Where no garage exists. The maximum driveway width shall be 12-feet and shall be situated as not to create parking located in the required front yard.

(iv) Taper required. Where the width of the driveway at the garage exceeds the maximum width of the driveway at the right-of-way line, the driveway shall be tapered. (See Figure 2.4)



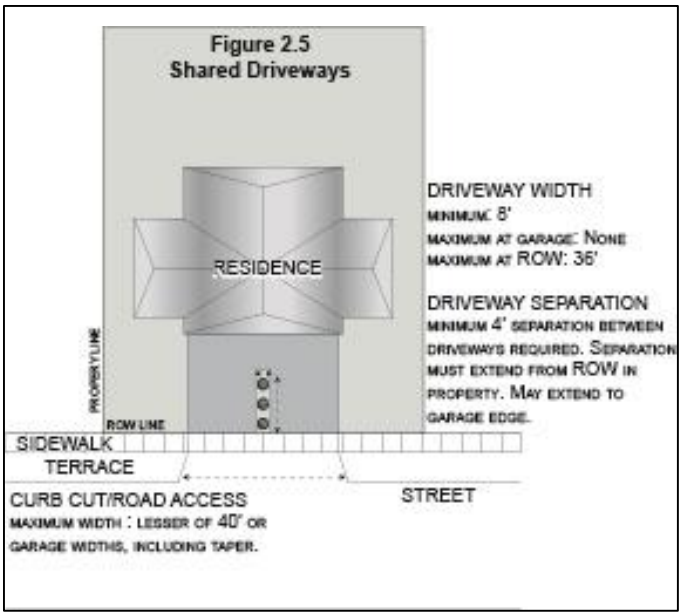


(v) Throat Length. Where the driveway width All driveways shall have a minimum throat length of 5-feet extending from the right-of-way line into the property to the beginning of the taper. (See Figure 2.4)

(c) Shared driveways.

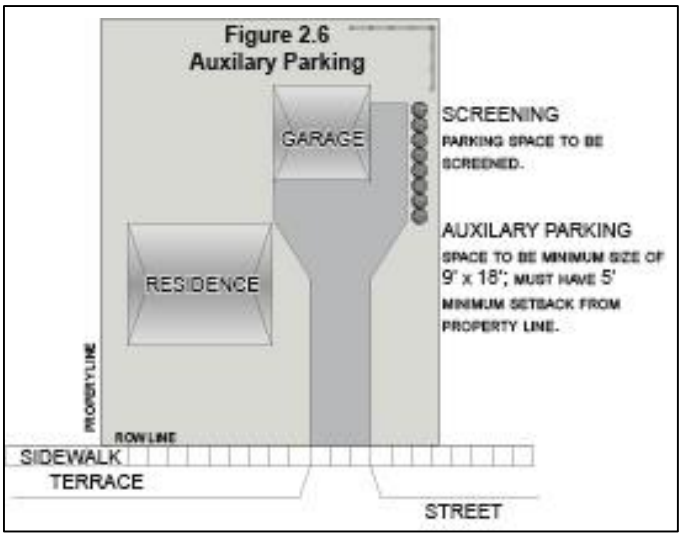
(i) For same property. Shared driveways for two-family uses with adjacent garages are limited to 36-feet maximum width at the curb line. To achieve this, each individual driveway must be separated by a minimum of a 4-foot wide green area extending from the right-of-way line into the property. (See Figure 2.5).

(ii) For separate property. The purpose of this regulation is to provide for the possibility of a shared driveway to serve up to two (2) lots. The shared driveway may be permitted by the Building & Zoning Coordinator provided deeds for any lots which utilize a shared driveway shall include all appropriate easements to pass; to install utilities as necessary; to grade, drain, and maintain; and provide easements where required by the City. A driveway maintenance requirement shall be stipulated in the deeds of both lots. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property.



(d) Circular Drives. Circular, horseshoe, and similar type driveways shall be permitted where the minimum lot width is at least 150-feet and where approved by the Streets Superintendent. The maximum width of such a driveway shall not exceed 12 feet, except for the area of allowable paving in front of the garage, and the inside edge of the arc of the driveway shall be at least 25 feet from the lot line. For driveways with two curb openings, the spacing shall provide a minimum dimension of 50 feet between the inside driveway edges, measured at the lot line.

(e) Auxiliary parking. Additional parking is permitted alongside a garage when said space is not located in a required front or rear yard. The space shall be no closer than 5-feet from a side lot line. Said space must be screened from view per Section 102-520 of this Chapter. (See Figure 2.6)



(4) Curb Openings. The maximum curb opening shall be the lessor of 24-feet or the garage width including taper, except for shared drives. Shared drives may have an opening of 40-feet including taper.

(5) Surfacing. Driveways and parking spaces shall be paved with a minimum thickness of three (3) inches of asphaltic concrete, concrete, or bituminous surfacing over a minimum thickness of four (4) inches of an aggregate base material. Brick pavers may also be used for surfacing, installed to recognized industry standards that achieve the same or better structural integrity as other materials specified in this section. Brick pavers may also be used for surfacing, installed to recognized industry standards that achieve the same or better structural integrity as other materials specified in this section.

(6) Maintenance. All driveways shall be kept in good repair and working order. A legal agreement shall be required for all shared drives outlining maintenance responsibilities for adjacent property owners. Said agreement shall be recorded against the properties with the Whiteside County Register of Deeds.

B. MULTI-FAMILY RESIDENTIAL, COMMERCIAL, AND MANUFACTURING USE DRIVES

(1) Number of Driveways. The maximum number of driveways shall be established by the Streets Superintendent.

(2) Location. All drives shall be located a minimum of 100-feet, as measured from the nearest point, from all other driveways.

(3) Setback. Driveways or access aisles shall have a minimum setback of 10-feet from the side lot line on all parcels.

(4) Width. The maximum width of a driveway for all multi-family residential, commercial, and manufacturing uses shall not exceed 30-feet with flares.

(5) Curb Openings. The maximum curb opening shall be determined by adding ten (10) feet to the approved driveway width.

C. SHARED DRIVEWAYS

(1) Statement of Purpose: The purpose of this regulation is to provide for the possibility of a shared driveway to serve up to two (2) lots. The shared driveway may be permitted by the Street Superintendent provided the shared driveway will meet the standards and criteria listed below.

(2) Standards and Criteria for a Shared Driveway:

a. The shared driveway shall meet all of the criteria set forth in the regulations for driveways in this section.

b. The deeds for any lots which utilize a shared driveway shall include all appropriate easements to pass; to install utilities as necessary; to grade, drain, and maintain; and provide easements where required by the City. A driveway maintenance requirement shall be stipulated in the deeds of both lots. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property.

(3) Access. The shared driveway shall intersect with an existing or proposed public street.

Section 102-226: Traffic Circulation

A. TRAFFIC CIRCULATION AND TRAFFIC CONTROL. Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and shall be depicted on any required design plan. Circulation patterns shall conform to the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

B. MAINTENANCE OF OFF-STREET PARKING AND TRAFFIC CIRCULATION AREAS. All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area.

C. TRAFFIC CIRCULATION DESIGN STANDARDS.

(1) Marking. All off-street parking and traffic circulation areas shall be paved with a hard, all-weather surface, to the satisfaction of the Zoning Administrator. Said surfaces intended for four or more parking stalls shall be marked in a manner that clearly indicates required parking spaces.

(2) Lighting. All off-street parking and traffic circulation areas serving 6 or more cars shall be lit to ensure the safe and efficient use of said areas during the hours of use. Lighting shall meet the standards of Section 102-606 of this Chapter.

(3) Fire Lanes. A fire lane shall be required to provide access to any portion of any structure equal to or less than 40 feet tall that is more than 150 feet from the nearest street right-of-way, and to any portion of any structure greater than 40 feet tall that is more than 50 feet from the nearest street right-of-way. The Zoning Administrator may also require the provision of a fire lane or lanes to any part of any structure upon a determination that the distance of the structure from the nearest hydrant, the configuration of development on the site, or other special characteristics of the site otherwise inhibit effective fire extinguishment. All fire lanes shall provide clear, unobstructed access for vehicles and apparatus at all times through a combination of pavement marking and signage; shall be a minimum of 18 feet wide; and shall be surfaced as an all-weather roadway.

(4) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article VII of this Chapter.

Section 102-227: Off-Street Parking Standards

A. GENERAL PROVISIONS. This article regulates the minimum/maximum number, the use, the design and the maintenance of parking spaces, parking lots, drives/driveways, aisles, loading and drive-through facilities within the City of Sterling.

(1) When Required.

(a) For all buildings and structures erected and all uses of land established after the effective date hereof, accessory parking and loading facilities shall be provided as required in this Section. However, where a building permit has been issued prior to the effective date hereof, and provided that construction is begun within one (1) year of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permits may be provided in lieu of any different amounts required by this Chapter.

(b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, employment, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(c) Parking is not required for non-residential uses in the DB, Downtown Business District. However when off-street parking facilities are provided, such facilities shall be provided in accordance with the provisions of this Ordinance, except in respect to the required number of spaces. Mixed use/upper floor residential uses need only provide evidence of the availability of off-street public or private parking within 1,000 feet of the unit.

(d) Existing Parking Facilities. Accessory off-street parking facilities in existence on the effective date of this Chapter and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Chapter.

(e) Use Changes. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, of the latter were subject to the parking and loading provisions of this Chapter.

(f) Damage or Destruction: For any conforming or legally nonconforming building or use which is in existence on the effective date of this Chapter, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

(2) Location.

(a) On Lots. All parking spaces shall be located on the same lot as the structure or use that they are intended to serve, except where shared parking is made by agreement between property owners.

(i) On all properties. The parking of vehicles on grass or lawns shall be prohibited.

(ii) Residential districts. Parking spaces accessory to the dwelling shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use. In all residential districts, off-street parking shall not be located closer than three feet to a side lot line or closer than five feet to a rear lot line.

(iii) Business and manufacturing districts. All required parking spaces shall be within 400 feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel), which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in the business or manufacturing district shall be located in a residence district. Private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by a special use permit in accordance with this article, within 200 feet of and adjacent to any business or manufacturing district.

(iv) Shared Parking. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, an agreement allowing shared parking facilities shall be required between the property owners.

(b) Transitional or bufferyards as regulated in Section 102-520 of this Chapter take precedent over zoning district setback requirements.

(c) Locational Prohibitions for Off-Street Parking Areas. No private parking shall occur on street terraces, driveways, lawns, or any other areas that are located within a public right-of-way.

(d) Location in Yards. Open off-street parking spaces in a required yard are subject to the following provisions:

(i) Parking in a required side yard is permitted in any business district not closer than 12-feet to a lot line.

(ii) Parking in a required front or rear yard is permitted for a single- or two-family use on an approved hard-surface driveways. Parking on a lawn or gravel area is not permitted.

(iii) In the Light Manufacturing (LM) District or the General Manufacturing (GM) District, where a 100-foot front yard is required, the inner 50 feet may be used for open off-street parking spaces.

(iv) Open off-street parking spaces in a business or manufacturing district shall not be located closer than twelve (12) feet to a lot line in a residential district.

(v) Open off-street parking spaces in a required rear yard in an MR-6 or MR-10 district shall not be closer than five (5) feet to a side lot line adjacent to a required rear yard or closer than five (5) feet to a rear yard line.

(vi) Open off-street parking spaces serving residential buildings containing three or more dwelling units shall not be located closer than ten (10) feet to any principal building.

(3) Calculation of Requirements. Calculating the number of spaces required shall be in accordance with the following:

(a) Net Floor Area. Net floor area shall be used for the purpose of calculating the number of off-street parking spaces required.

(b) Assembly. In places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 30 inches of such seating shall be counted as one seat for the purpose of this ordinance.

(c) Capacity. In cases where parking requirements are based on "capacity" of persons, capacity shall be based on the maximum number of persons that may occupy a place, as determined by the Building Code.

(d) Fractions. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(e) Shopping Centers/Joint Parking. Except in shopping centers or where joint parking has been approved, if a structure or site contains two or more principal uses, each use shall be calculated separately in determining the total off-street parking spaces required. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(f) Unspecified Uses. The Zoning Administrator shall interpret parking space requirements for any use not specifically listed in Section 102-317 of this ordinance and shall determine the required parking from comparable uses listed or may consult the following sources: Institute of Traffic Engineers; Urban Land Institute; International Conference of Shopping Centers; and the American Planning Association.

(4) Limitations on Parking Facility Uses. In residential districts and on residentially used lots, accessory off-street parking facilities shall be solely for parking of passenger vehicles, which shall be regulated as follows:

(a) All vehicles shall be in condition for safe and legal performance on public right-of-ways and shall be registered, displaying current license plates.

(b) Vehicles and/or equipment not normally associated with a residential use specifically prohibited from being parked or stored outdoors on residential property include, but are not limited to:

(i) Vehicles with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds and/or are more than 21 feet in length.

(ii) Construction equipment, such as bulldozers, backhoes, skid steers, and forklifts.

(iii) Dump and stake body style trucks.

(iv) Cube- or panel-type vans and trucks.

(v) Landscaping business equipment such as tractors, tree spades, graders and scrapers.

(vi) Semi-trailers and tractors.

(vii) Concession, vending and catering trailers.

(viii) Commercial/Industrial equipment trailers and lifts.

B. PARKING SPACE DESIGN

(1) Single & Two-Family Uses:

(a) Legal Parking Spaces.

(i) Parking spaces may be provided either within a garage or as uncovered spaces on a paved surface as outlined in this Section. Parking on the grass or a gravel surface is expressly prohibited.

(ii) Parking on driveways may not encroach into the public right-of-way.

(iii) One uncovered parking space is permitted alongside a garage when said space is not located between the building and the street or the building and the rear lot line and is no closer than 5-feet from a side lot line. Said space must be screened from view.

(iv) Impervious surface associated with rear yard parking shall be no greater than 20-percent of the total rear yard area.

(b) Surfacing. All driveways and parking areas shall have a dust-free surface with a minimum thickness of three (3) inches of asphaltic concrete, concrete, or bituminous surfacing over a minimum thickness of four (4) inches of an aggregate base material. Brick pavers may also be used for surfacing, installed to recognized industry standards that achieve the same or better structural integrity as other materials specified in this section.

(2) Multi-Family, Commercial and Industrial Uses.

(a) Parking Plan Required. Creation of new or reconstruction/alteration of an existing parking/loading area requires a parking plan. Parking plans shall following the requirements outlined for a Building Site and Operations (BSO) Plan per Section 102-924 and include the following information:

(i) Show all lot dimensions and lot lines.

(ii) Paved areas shown and dimensioned.

(iii) The traffic pattern and parking space layout shall be indicated, including required handicapped spaces.

(iv) The dimension of individual parking spaces and aisle width shall be identified.

(v) The size and location of ingress and egress openings.

(vi) The location, size at planting, and species of all landscape plantings.

(vii) The location of all lighting systems.

(viii) Drainage and/or stormwater management plan subject to approval by the Department of Public Works.

(ix) The site plan shall be drawn to scale.

(b) Access to Parking Areas/Stalls

(i) Parking spaces and access drives shall be arranged so as to require ingress and egress from the parking lot to a street only by forward motion of a vehicle.

(ii) Angled spaces (those other than 0 or 90°) shall be accessed via one-way aisles.

(c) Size of Parking Space: One off-street parking space shall be at least one hundred-eight (180) square feet in area, and at least eighteen (18) feet in length, exclusive of adequate ingress or egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any required parking space.

(d) Surfacing. All driveways, access drives, parking lot aisles, parking spaces, service areas, and all off-street parking facilities shall be graded and surfaced so as to be dust-free and properly drained.

(i) Dust-free surface. All driveways and open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds typified by a machine-laid 2-inch black top on a 4-inch base or 5 inches of Portland cement.

(ii) Drainage. Parking areas shall be designed in such a manner so as to not have a negative surface water drainage impact on adjacent properties and to provide functional relief from said area. Storm sewers which serve parking lots shall be designed to accommodate a 10-year storm event without surcharging out of the rim.

(e) Curbs. A minimum 6-inch high curb shall be installed around all parking areas and internal landscape islands, and endcaps except as follows:

(i) At designated driveways and cross access areas.

(ii) Where bio-retention methods of stormwater management are utilized as part of an approved grading and drainage plan, alternative methods to the installation of curbing may be considered by the Zoning Administrator provided that measures are taken to protect landscaping from vehicular circulation damage.

(iii) For industrial uses within industrial zoning districts, curbing is only required adjacent to buildings, planting islands, required front yards and so that no part of a vehicle extends over or beyond any pedestrian paths or public right-of-way.

(f) Striping. All parking spaces and drive aisles shall be striped and maintained in a clear and visible manner.

(g) Maintenance of Parking Areas. Parking facilities and required screening and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, barriers, markings, and planting materials shall be repaired or replaced with new materials in compliance with the provisions of this Ordinance.

(h) Parking Layout Dimensions. Parking stalls and drive aisles shall be installed in conformance with Table 2.2 and Figure 2.7. Parking stall dimensions are based on the angle of the stall and the function of the drive aisle.

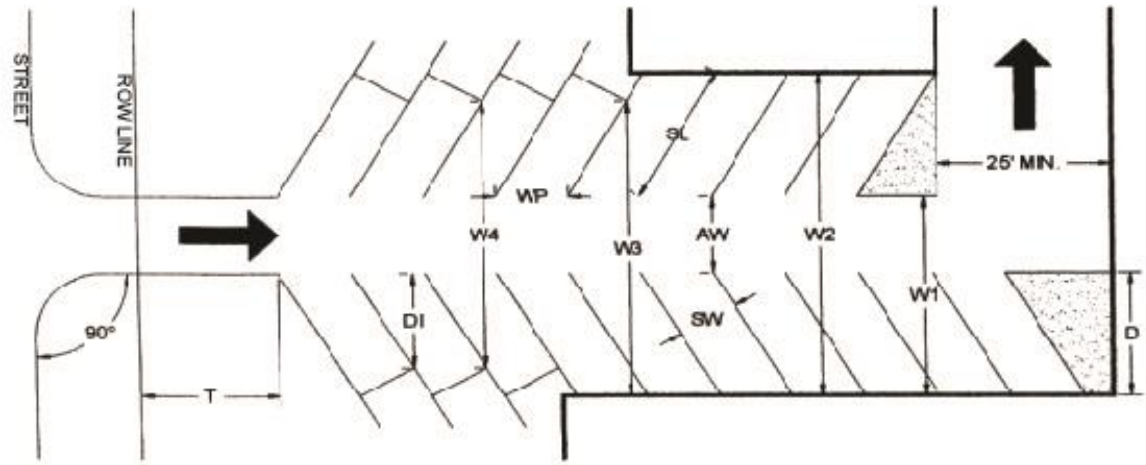
Table 2.2: Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees			
	0 (parallel)	45	60	90
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	18.0'	12.7'	10.4'	9.0'
Stall Depth to Wall (D)	9.0'[1]	17.5'[1]	19.0'[1]	18.5'[1]
Stall Length (SL)	-	19.8'	21.0'	-
Aisle Width (AW)	12.0'[2]	12.0'[2]	15.0'[2]	24.0'
Throat Length (right-of-way to parking area) (T)	Refer to requirements in Section 102-XXX.			
Wall to Wall (Single-loaded) (W1)	21.0'	29.5'	34.0'	42.5'
Wall to Wall (Double-loaded) (W2)	32.0'	47.0'	53.0'	61.0'

[1] Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep

[2] This dimension represents (AW) for one-way traffic. For 2-way traffic, add 8.0 feet to a maximum (AW) of 24.0 feet

Figure 2.7



(i) Parking for Physically Disabled Persons. Parking spaces for use by physically disabled persons shall be provided according to the following standards:

(i) At least one (1) accessible space is required for each twenty-five (25) spaces that are available for the first one hundred (100) spaces in the parking area.

(ii) After that, one accessible space is required for each fifty (50) spaces that are available from one hundred (100) spaces up to five hundred (500) spaces.

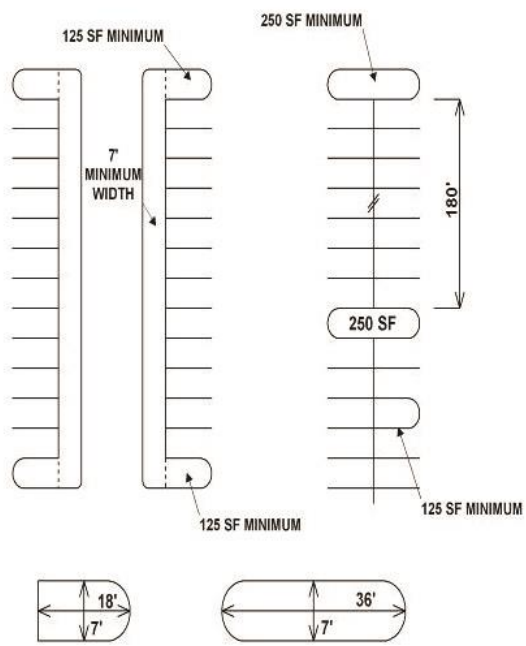
(iii) If a parking area has more than five hundred (500) spaces, 2-percent of the additional spaces over five hundred (500) should be accessible.

(iv) Parking spaces reserved for physically disabled persons shall be at least sixteen (16) feet wide. Such spaces shall be located as close as possible to an entrance of the parking facility and to the building entrance.

(v) Accessible parking spaces shall be designated as reserved for environmentally limited persons by providing a R7-8 (U.S. Department of Transportation standard) sign which contains the international symbol of accessibility.

(j) Parking lot islands and endcaps (See Figures 2.8 through Figure 2.10):

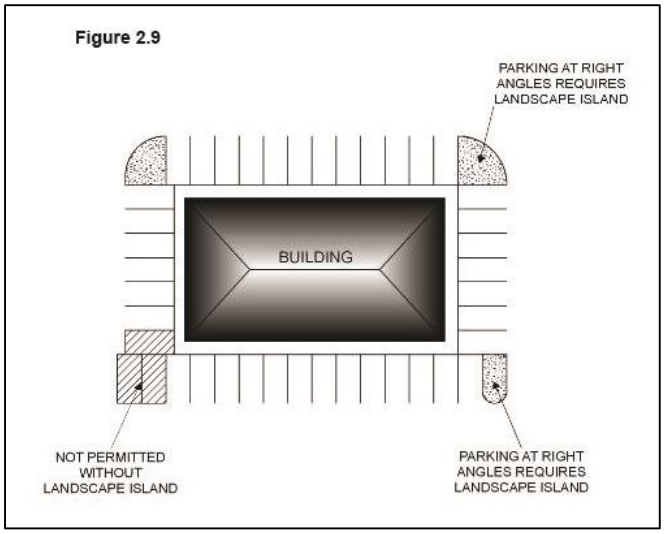
Figure 2.8



(i) When Required. Interior parking lot islands and endcaps shall be required for any parking lot with more than ten (10) parking spaces.

(ii) Islands and Endcaps.

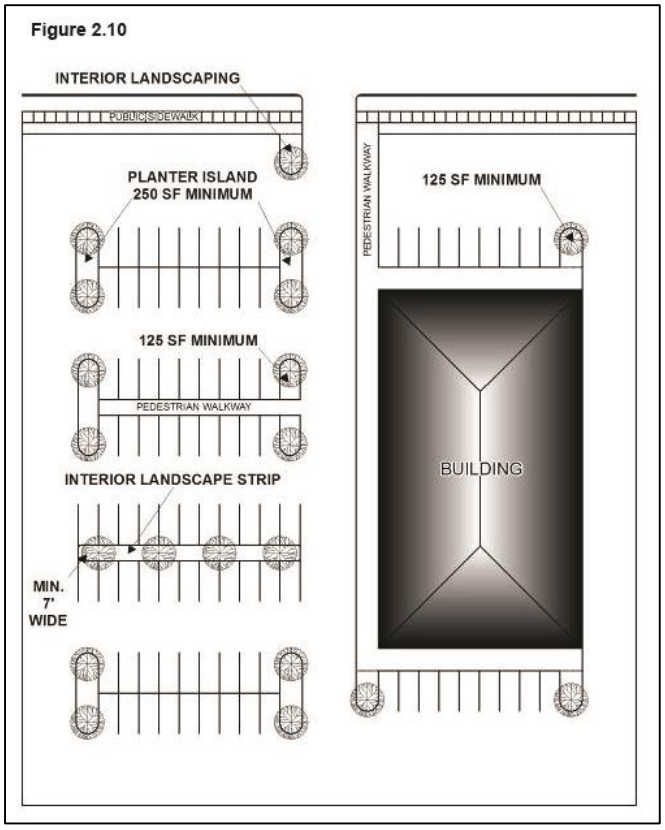
1. Location. Islands are required at the ends of parking rows, driveway entrances, and at intermediate locations such that there is a maximum of one ninety (90) feet between islands.



2. Single Parking Rows. Islands shall contain a minimum of one hundred twenty-five (125) square feet in area, and be at least seven (7) feet in width measured from the edge of pavement or the back of curb.

3. Double Parking Rows. A minimum two hundred fifty (250) square foot island shall be required. The seven (7) foot dimension may be reduced to accommodate the triangular shape resulting from angled parking. A continuous seven (7) foot wide landscape or walkway strip may be provided between double parking rows in place of landscape planter islands.

4. As an alternative to standards (1) through (3) above, a parking landscaping plan may be submitted, consistent with provisions contained in Section 102-234 (B)(2). Such plan shall provide for at least 10-percent of the parking lot area landscaped and include interior landscaped areas or features which provide at least two hundred fifty (250) square feet of interior landscaped area per each one-hundred (100) linear feet of parking spaces.



(k) Walkways and Pedestrian Access. Walkways shall provide pedestrian access through parking lots from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such configuration allows for direct pedestrian access. (See Figure 2.10)

(i) Number. One pedestrian access is required per street frontage.

(ii) Design requirements.

1. Walkways shall have an acceptable dust free surface not less than 5-feet in width and shall be grade separated from the parking lot or otherwise delineated with pavement markers, planters, or alternate paving materials.
2. The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, lighting, median refuge areas, and landscaping as appropriate and approved by the Zoning Administrator.
3. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.
4. The material and layout shall be continuous as the pedestrian access crosses the driveway with a break in continuity of the driveway paving and not in the pedestrian access way.

(l) Parking Lot Lighting. See Section 102-606.

(m) Shared Parking. The Plan Commission may approve the use of up to 70% of the required parking spaces to meet off-street parking regulations for two separate lots on one lot if the following conditions are present:

(i) Lots are adjacent or opposite (directly across the street) from each other, fronting on the same street.

1. One lot is an evening or Sunday use and the other lot contains a daytime use, such as:

a. Sunday Uses. Auditoriums incidental to public or parochial schools; Churches/places of worship; Theatres; Bowling alleys; Bars or nightclubs; or similar uses as determined by the Zoning Administrator.

b. Daytime uses. For the purpose of this section, the following uses are considered as primarily daytime uses: Schools, public or parochial; Banks and professional offices; Personal Service Establishments; Service and repair shops; Manufacturing without 2nd or 3rd shift; Wholesale businesses; and similar uses, as determined by the Zoning Administrator.

2. The use for which application is being made for joint parking shall be located within 1,000 feet of the use providing parking facilities.
3. The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint parking is proposed.
4. A legally binding instrument, executed by the parties concerned, for joint off-street parking facilities shall be approved by the City and recorded at the Register of Deeds.

(n) Phasing. Required off-street parking areas may be constructed in phases with a phasing plan to be approved by the Zoning Administrator.

(i) Areas required for parking, but not immediately improved, shall be reserved for future parking.

(ii) Undeveloped future parking areas shall be seeded with grass mix, acceptable to the Zoning Administrator, until said area is fully developed into a parking surface.

(o) Oversized Parking Lots/Maximum Number of Spaces. Parking lots may exceed up to 10-percent of the maximum allowed per the parking requirements outlined in the Off-Street Parking Requirements Table through an administrative approval, for which review consideration shall be given to the following factors. Parking lots in excess of 10-percent shall be allowed only through special use permit for which review consideration shall be given to the following factors in granting the permit:

(i) The proposed development has unique or unusual characteristics (such as high sales volume or low parking turnover) which creates a parking demand that exceeds the maximum ratio and does not typically apply to comparable uses.

(ii) The lot is designed to allow for more intensive future site development.

(iii) Pedestrian connectivity through the lot.

(iv) The need for additional parking cannot be reasonably met through provision of on-street or shared parking with adjacent or nearby uses.

(v) The proposed development demonstrates that its design and intended use will support high levels of existing or planned transit and pedestrian activity.

(p) Temporary Use Parking. As part of a Temporary Use Permit, Temporary Outdoor Entertainment Permit, or combination thereof, temporary use parking shall be designated on the temporary use/event site and may also be designated on other properties. Temporary use parking adequacy shall be determined by the Zoning Administrator based on planned temporary use/event capacity

(q) Snow storage requirements for off-street parking and loading areas.

(i) Snow storage plan required. In conjunction with the approval of a BSO Plan for off-street parking areas, a snow storage and/or removal plan shall be submitted to the Zoning Administrator for review and approval.

(ii) Said snow storage plan shall adequately address, either graphically and/or in writing, the on-site storage of snow removed from said off-street parking or loading area or the removal from the site of such snow.

(iii) If the snow is to be physically removed from the site, the snow storage plan shall specify the location of the proposed snow repository site.

(iv) The petitioner shall provide an affirmative statement that there is a snow removal plan. The statement shall be furnished the Zoning Administrator with the snow storage or removal plan.

(v) Snow storage standards for parking and loading areas. Adequate snow storage shall be provided using the following standards:

1. A maximum of ten (10) percent of the total required off-street parking spaces may be used as the snow storage area.

2. The required snow storage area may be paved or not paved. In either case, adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain on abutting properties.

3. Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, areas landscaped with shrubs and/or trees shall not be used as snow storage areas.

C. BICYCLE PARKING. A minimum of four bicycle parking spaces may be provided in lieu of not more than one (1) required automobile parking space in a nonresidential parking lot with a maximum reduction of up to five (5) parking spaces.

(1) Location. Bicycle parking spaces and racks shall be located in a convenient and visible area no farther from the principal entrance to the building served than the closest automobile parking space.

(2) Design. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack.

(3) Maximum Reduction. The number of required parking spaces shall not be reduced more than 20-percent of those required due to the reduction granted by the provision of bicycle parking.

D. OFF-STREET PARKING AND QUEUING REQUIREMENTS. Accessory, off-street parking shall be provided as specified in Table 2.3 for Specific Off-street Parking Requirements, except in the DB, Downtown Business District, or as otherwise specified in this Chapter.

Table 2.3: Off-Street Parking and Queuing Requirements

Uses	Minimum Required Spaces	Minimum Required On-Site Queuing	Other Required Off-Street Parking Standards
Commercial/Retail:			
Auto agency (sales)	1.0 per 500 SF		Plus 3.0 per service bay and additional space for public display as required if outside display is permitted
Auto fuel station #1 (w/o service)	2.0 minimum		Plus 4.75 per 1,000 retail SF
Auto fuel station #2 (w/service)	3.0 minimum		Plus 3.0 per service bay
Auto fuel station #3 (w/ convenience store)	Station #1 or #2 requirements		Plus 1.0 per 200 SF
Auto fuel station (w/car wash)	Station #1 or #2 requirements	Equal to 3 times car wash capacity	
Auto parts (tire/battery/acc.)	4.75 per 1,000 SF		
Auto service station	3.0 minimum		Plus 3.0 per service bay
Barber/beauty salon	3.0 per licensed chair		
Building materials/home improvement center	4.75 per 1,000 SF		
Car wash (full service)	1.0 per 200 SF of office space	Equal to 8 times car wash capacity	Plus 1.0 per employee on largest shift
Car wash (self service)		4.0 cars per wash stall	
Car wash (accessory)		Equal to 3 times car wash capacity	
Commercial or retail sales uses (except as herein noted)	4.75 per 1,000 SF		
Commercial vegetable and flower gardening, plant nurseries and greenhouses	2.0 per 3 employees on maximum shift		Plus 1.0 per vehicle used or stored plus 5.0 per 1,000 SF retail floor area
Equipment sales, service, rental and repair	1.0 per 250 SF		
Furniture store	2.5 per 1,000 SF		
General merchandise and department store < 5,000 SF	5.0 per 1,000 SF		
General merchandise and convenience store > 5,000 SF	4.75 per 1,000 SF		
Hardware, paint, home improvement store	4.0 per 1,000 SF		
Laundry and dry cleaning (drop off/pick up)	4.0 per 1,000 SF		
Laundry (self service)	1.0 per 2 washers		
Paint store	3.0 per 1,000 SF		
Plumbing, air conditioning and heating equipment (sales, service, warehousing)	3.0 per 1,000 SF sales and office area stored		Plus 2.0 per 3 employees on maximum shift; Plus 1.0 per vehicle stored on-site

Table 2.3: Off-Street Parking and Queuing Requirements

Uses	Minimum Required Spaces	Minimum Required On-Site Queuing	Other Required Off-Street Parking Standards
Restaurant, dine-in (quality, gourmet, family)	1.0 per 3 seats		Plus 2.0 per 3 employees on maximum shift; 10.0 minimum
Restaurant, dine-in, fast food (w/o drive-thru)	1.0 per 2 seats		Plus 2.0 per 3 employees on maximum shift
Restaurant, fast food (w/ drive-thru	1.0 per 2 seats	8.0 per drive-up window with 3 spaces minimum at ordering station	Plus 2.0 per 3 employees on maximum shift
Shopping center (w/supermarket)	5.5 per 1,000 SF		
Shopping center (w/o supermarket)	5.0 per 1,000 SF		
Shopping center (3+ stores, not classified elsewhere in Table)	5.0 per 1,000 SF		
Specialty retail center (average tenant space < 2,500 SF)	4.0 per 1,000 SF		
Specialty store	4.0 per 1,000 SF		
Supermarket, grocery	6.0 per 1,000 SF		
Taxidermist	2.0 per 1,000 SF		
Tavern, bar, cocktail lounge	1.0 per 2.5 seats		Plus 2.0 per employee on maximum shift
Truck service center and repair facility	1.0 per employee		Plus 2.0 truck spaces per each stall
Video tape rental/sales	5.5 per 1,000 SF		
Residential:			
Apartment	2.0 per unit of which 1 must be enclosed		Plus 0.5 per unit for visitors
Caretaker's residence	1.0 per bedroom		
Condominium	2.0 per unit of which 1 must be enclosed		Plus 0.5 per unit for visitors
Dormitories or group living facilities (CBRFs)	0.5 per bedroom		
Dwellings (single-family detached)	2.0 per dwelling		
Dwellings (two-family/duplex)	2.0 per unit of which 1 must be enclosed		Plus 0.5 per unit for visitors
Group homes	0.25 per bed		Plus 1.0 per employee on maximum shift
Rectory	1.0 per bedroom		
Residential units in nonresidential structures	1.0 per bedroom		
Senior citizen multiple-family/ retirement community	0.5 per unit		Consider 1.0 per unit reserved for future conversion to conventional multiple-family
Transportation/Communication/Utilities:			
Airports/heliports/landing strips	2.0 per 3 employees on maximum shift		Plus 1.0 per vehicle used or stored; plus 1.0 per 200 SF lobby area
Radio, TV and other communication facilities	2.0 per employee on maximum shift		Plus 1.0 per vehicle used or stored

Table 2.3: Off-Street Parking and Queuing Requirements			
Uses	**Minimum Required Spaces**	**Minimum Required On-Site Queuing**	**Other Required Off-Street Parking Standards**
Institutional:			
Child care centers/day nurseries	1.0 per employee		Plus 1.0 per 10 children
Churches/chapels	1.0 per 3 seats		Plus 1.0 per vehicle used or stored on premises
Clubs and lodges	1.0 per 4 seats; or 1.0 per 3 members, whichever is greater		
Hospitals	0.75 spaces per bed		
Kennels	2.0 per 3 employees on maximum shift		Plus 1.0 per vehicle used or stored
Museums/galleries	2.5 per 1,000 SF gross floor area		
Nursing homes	0.75 per bed	5 vehicles on site	
Postal stations	4.0 per customer service station		Plus 2.0 per 3 employees on maximum shift; Plus 1.0 per vehicle stored on site
Schools (preschools)	1.0 per employee		Plus 1.0 per 10 children
Schools (elementary schools)	1.0 per classroom and 4.5 per 1,000 SF office	8 vehicles	
Schools (middle schools)	1.0 per classroom and 4.5 per 1,000 SF office	8 vehicles	
Schools (high schools)	1.0 per classroom and 4.5 per 1,000 SF office	8 vehicles	Plus 1.0 per 3 students
Schools (special education)	1.0 per classroom and 4.5 per 1,000 SF office	8 vehicles	
Schools (vocational)	1.0 per classroom and 4.5 per 1,000 SF office		Plus 1.0 per 2 students
Schools (college, university)	1.0 per employee		Plus 1.0 per 2 students
Cultural/Entertainment/Recreational:			
Arcades/amusement places	5.0 per 1,000 SF		Plus 1.0 per 2 games
Athletic fields	60 per 1 facility (field, diamond); 100 per 2 facilities		
Auditoriums/meeting rooms/places for public assembly (except as noted herein)	1.0 per 3 seats or 1.0 per 50 SF floor area of assembly area where there is no fixed seating		
Bowling alleys	5.0 per alley		
Cemeteries	2.0 per 3 employees on maximum shift		Plus 1.0 garage space per vehicle used or stored
Clubs/lodges, open to public	1.0 per 2.5 seats		Plus 2.0 per 3 employees on maximum shift
Community centers and private, nonprofit recreation centers (except as noted)	4.0 per 1,000 SF	5 vehicles on site	Plus 1.0 per employee on maximum shift
Dance studio, martial arts studio	5.0 per 1,000 SF		
Golf/country clubs	To be determined by Plan Commission based upon report prepared by applicant		

Table 2.3: Off-Street Parking and Queuing Requirements

Uses	Minimum Required Spaces	Minimum Required On-Site Queuing	Other Required Off-Street Parking Standards
Golf courses	3.0 per hole		Plus spaces equal to 30% total licensed seating capacity of buildings
Golf driving ranges	2.0 per tee		
Golf, miniature	1.0 per 5,000 SF lot area		
Gymnasiums	3.0 per 1,000 SF		
Handball/racquetball courts	3.0 per court		
Ice and roller rinks	5.5 per 1,000 SF		
Parks (city/county/state), playgrounds and picnic grounds	To be determined by Park and Recreation Board		
Sports club/health spa	7.0 per 1,000 SF		
Swimming pools	3.0 per 1,000 SF		Plus 1.0 per employee
Tennis clubs	3.0 per 1,000 SF		Plus 1.0 per 4 spectator seats
Tennis courts, outdoor	3.0 per court		Plus 1.0 per 4 spectator seats
Theater, live	1.0 per 50 SF		
Theater, music	1.0 per 50 SF		
Theater, movie	0.50 per seat		
Industrial:			
Concrete or Asphalt Batch Plant	1.0 per employee		1.0 per vehicle stored on site
Light industry	2.0 per 1,000 SF office/customer use		Plus 1.0 per 750 SF other or per vehicle used/stored
Manufacturing and fabrication	2.0 per 1,000 SF office/customer use		Plus 1.0 per 750 SF other or per vehicle used/stored
Plumbing, air conditioning and heating equipment (sales, service, warehousing)	2.0 per 1,000 SF office/retail use		Plus 1.0 per 750 SF other or per vehicle used/stored
Warehousing and wholesaling	2.0 per 3 employees on maximum shift		Plus 1.0 per vehicle used/stored but no less than 1/2,000 SF
Office:			
Dental offices and clinics	4.5 per 1,000 SF		
Medical office building or clinic	6.0 per 1,000 SF floor area or 5.0 per doctor, whichever is greater		
Office building, general	Maximum 4.5 per 1,000 gross SF to minimum 4.0 per 1,000 net SF based upon floor plan utilization report approved by Plan Commission with maximum of 20% of gross SF to be considered un-leasable space under a net square foot analysis		
Research center (non-leasable space)	3.0 per 1,000 SF up to 50,000 SF		Plus 2.5 per 1,000 SF over 50,000 SF
Services:			
Financial: bank (walk in only)	4.5 per 1,000 SF		
Financial: bank (drive up and walk in)	4.5 per 1,000 SF	Equal to 5 times drive up capacity	
Financial: lending agency, stockbroker	4.0 per 1,000 SF		

Table 2.3: Off-Street Parking and Queuing Requirements			
Uses	**Minimum Required Spaces**	**Minimum Required On-Site Queuing**	**Other Required Off-Street Parking Standards**
Hotels, motels	1.0 per sleeping unit		Plus 2.0 per 3 employees on maximum shift; Plus 1.0 per vehicle used or stored
Insurance agents/brokers	4.0 per 1,000 SF		
Mortuaries/funeral homes	1.0 per 5 seats; 10 minimum		
Real estate agents/brokers	4.5 per 1,000 SF		
Veterinary clinics and hospitals	6.0 minimum		Plus 4.0 per each exam room over 1 room

Section 102-228: Off-Street Loading Facilities

Loading and/or unloading facilities shall be provided for all commercial and industrial structures unless an equivalent number of spaces is provided in conformity with these regulations.

A. REQUIREMENT. Off-street loading berths shall be provided in conjunction with the construction of, addition to, or expansion of any business use. The loading space requirements set forth in Table 2.4 shall apply to each establishment or business tenant space within a shopping center, rather than to the shopping center as a whole.

Table 2.4: Loading Space Requirements				
Use	**Gross Floor Area (SF)**	**Required Number**	**Horizontal Dimensions**	**Vertical Clearance (FT)**
Hospitals and institutional uses	10,000 to 200,000	1	10' × 25'	12 ft
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, auditoriums, exhibition halls or business or professional offices (other than accessory)	10,000 to 20,000	1	10' × 25'	12
	20,000 to 150,000	1	10' × 50'	15
	For each additional 150,000	1	10' × 50'	15
Retail stores	5,000 to 10,000	1	10' × 25'	12
Establishments dispensing food or beverages for consumption on the premises	10,000 to 25,000	2	10' × 25'	12
Motor vehicle and machinery sales	25,000 to 40,000	2	10' × 50'	12

Table 2.4: Loading Space Requirements

Use	Gross Floor Area (SF)	Required Number	Horizontal Dimensions	Vertical Clearance (FT)
Wholesale establishments, but not including warehouses and storage buildings other than accessory	For each additional 200,000	1	10' × 50'	15
Auditoriums, convention halls, exhibition halls, sports arenas, stadiums	10,000 to 20,000	1	10' × 25'	12
	20,000 to 100,000	1	10' × 25'	15
Banks and offices, business, professional and governmental	10,000 to 100,000	1	10' × 25'	12
	For each additional 100,000	1	10' × 50'	15
	For each additional 500,000	1	10' × 50'	15
Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	5,000 to 10,000	1	10' × 25'	12
	10,000 to 40,000	1	10' × 50'	12
	40,000 to 100,000	2	10' × 50'	15
Warehouses and storage buildings	For each additional 100,000	1	10' × 50'	15
Theaters	8,000 to 25,000	1	10' × 25'	12
	For each additional 50,000	1	10' × 25'	12
Undertaking establishments and funeral parlors	8,000 to 100,000	1	10' × 25'	12
	For each additional 100,000	1	10' × 25'	12

B. LOCATION

(1) All required loading spaces shall be located on the same lot as the use served.

(2) All required off-street loading spaces shall not be located in a required side yard.

(3) All required off-street loading spaces shall not directly face a public or private street.

(4) All required off-street loading spaces shall be located at least 50 feet from a residential district as measured to the nearest point of the load area, unless completely enclosed by building walls.

(5) All required off-street loading spaces shall be located so that a public street or sidewalk will not be occupied during the loading or unloading process. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

C. DRAINAGE. All open loading spaces shall have a storm water drainage system connected to a public storm sewer if available, as approved by the Zoning Administrator. No surface runoff should be allowed to flow across any lot line.

D. SCREENING. All loading spaces shall be screened from the view of abutting lots to a height of at least six feet by a solid fence and/or evergreen vegetation in compliance with Section 102-520.

E. LOADING SPACES DO NOT COUNT AS PARKING SPACES. Space required and allocated for off-street loading shall not be allocated or used to satisfy the space requirements for off-street parking.

F. SURFACING. All open off-street loading spaces shall be provided with surface improvements as required for parking areas. All required surfacing of loading berths shall be completed prior to the issuance of any occupancy permit for the use to be served by such loading berths.

G. ACCESS. Each required off-street loading space shall be designed for direct access to a street or alley in a manner which will least interfere with traffic movements on the street.

H. SERVICE AND REPAIR. Repairing or servicing of motor vehicles shall not be permitted in an off-street loading space.

Section 102-229: Reserved

Section 102-230: Hydronic Heaters (Outdoor Boilers)

A. PROHIBITED. Outdoor hydronic heaters as defined in this Chapter shall be prohibited.

B. INSIDE STRUCTURE. The operation of a hydronic heater fully enclosed within an accessory structure shall be permitted.

C. BURNING. Burning of any and all materials on property in the City of Sterling shall be governed by the regulations outlined in Chapter 42 the Municipal Code pertaining to Fire Prevention and Protection.

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ARTICLE III: ZONING DISTRICTS & LAND USES

Section 102-301: Establishment of Zoning Districts

In order to carry out the purpose and intent of this Chapter, the City of Sterling is hereby divided into the following zoning districts:

A. Standard Zoning Districts.

(1) Agricultural Districts

Rural Holding (RH) District

(2) Residential Districts

Single-Family Districts

Single-Family Residential-4 (SR-4) District

Single-Family Residential-6 (SR-6) District

Single-Family Residential-8 (SR-8) District

Two-Family Districts

Two-Family Residential-6 (TR-6) District

Multiple-Family Districts

Multi-Family Residential-6 (MR-6) District

Multi-Family Residential-10 (MR-10) District

(3) Nonresidential Districts

Business Districts

Neighborhood Business (NB) District

Community Business (CB) District

Regional Business (RB) District

Downtown Business (DB) District

Business Park (BP) District

Manufacturing Districts

Light Manufacturing (LM) District

General Manufacturing (GM) District

Heavy Manufacturing (HM) District

Special Purpose Districts

Mixed Use (MU) District

Planned Development (PDD) District

Sterling Riverfront (SRFD) District

B. Overlay Districts

Public and Institution Overlay (PIO) District

Transitional Business Overlay (TBO) District

Historic Preservation Overlay (HPO) District

Setback Overlay (SBO) District

Section 102-302: Official Zoning Map

The location and boundaries of the districts and overlay districts established by this Chapter are set forth on the Official Zoning Map, which is incorporated herein and made a part of this Chapter. The Official Zoning Map, and all amendments thereto, shall be deemed included within this Chapter as though fully set forth and described herein. The Official Zoning Map is sometimes referred to in this Chapter as the Zoning Map or the Zoning District Map.

Section 102-303: District Boundaries

When uncertainty exists with respect to boundaries of the various districts shown on the zoning maps, the following rules shall apply:

A. General location of zoning district boundaries.

(1) Zoning boundary determination. The zoning district boundaries are corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of street, highways (not including freeways), alleys, easements, and railroad rights-of-way or such lines extended; flood boundaries; and wetland boundaries unless otherwise shown. Distances not specifically shown on the Zoning Map shall be determined by the scale of the Zoning Map.

(2) Zoning boundary determination for approximate boundaries. Where the designation of the Official Zoning Map shows that various zoning districts are approximately bounded by a street, alley, railroad, lot line, flood boundary, or wetland boundary such lot line or the centerline of such street, alley, or railroad right-of-way, the flood boundaries, or wetland boundaries as delineated on large-scale topographic maps prepared by the City or as determined by using flood profiles and accompanying hydrologic and hydraulic engineering data, said approximate boundaries shall be construed to be the zoning district boundary line.

(3) Split zoning of newly created lots not allowed. The rezoning of any lot or parcel into more than one (1) standard zoning district shall not be allowed. Use of overlay zoning districts and the planned development district shall be excepted. Where a district boundary line divides a lot in single ownership on the effective date of this Chapter, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.

(4) Where a lot held in one ownership and of record on October 4, 1971, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

B. Zoning district boundary lines on unsubdivided property.

(1) On unsubdivided property, the location of the boundary lines for a zoning district shown on the Official Zoning Map shall be determined by use of the scale on such map.

(2) In the case of floodland boundaries, shall be determined by using flood profiles/elevations and accompanying hydrologic and hydraulic engineering data.

(3) Be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be according to dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise shown.

C. Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between shoreland-wetland districts shown on the official wetland maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the IDNR to determine if the shoreland-wetland district as mapped is in error. If the IDNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Official Zoning Map, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period of time.

Section 102-304: Zoning of Streets, Alleys, Public-Ways, Waterways, and Railroad Rights-Of-Way

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

Section 102-305: Reserved

Section 102-306: Annexed Land

Prior to the annexation of any territory to the city, a plan of zoning for the area to be annexed shall be forwarded to the City by the plan commission. Upon approval of such plan for zoning the area to be annexed, the City Council shall direct the Plan Commission to hold a public hearing in accordance with the regulations of Section 102-918 of this Chapter.

Section 102-307: Reserved
Section 102-308: Reserved
Section 102-309: Reserved

Section 102-310: Purpose Statements

A. Standard Zoning Districts

(1) Agricultural Districts

(a) Rural Holding (RH) District. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family detached residential development, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding District shall either serve as a designation which preserves and protects agricultural

activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time. In this manner, even if all property were developed in a given area with the RH District designation, the rural community character of that area would still be maintained. This District has a maximum density of one (1) dwelling unit per 35-acres of land area.

(2) Residential Districts

(a) Single-Family Districts

(i) Single-Family Residential-4 (SR-4) District. The purpose of the Single-Family Residential-4 District is to accommodate lower density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately four (4) units per acre.

(ii) Single-Family Residential-6 (SR-6) District. The purpose of the Single-Family Residential-6 District is to accommodate medium density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately six (6) units per acre.

(iii) Single-Family Residential-8 (SR-8) District. The purpose of the Single-Family Residential-8 District is to accommodate higher density single-family residential development in the City. This district primarily consists of pre-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately eight (8) units per acre.

(b) Two-Family Districts.

(i) Two-Family Residential-6 (TR-6) District. The purpose of the Two-Family Residential-6 District is to preserve higher density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The TR-6 District also provides for auxiliary dwelling units compatible with surrounding residential neighborhoods. The district is intended to provide the principal location for a wide range of single-family attached dwelling types, including duplexes, twin houses, and two-flats. This district has a maximum density of approximately six (6) units per acre

(c) Multiple-Family Districts

(i) Multi-Family Residential-6 (MR-6) District. The purpose of the MR-6 Medium Density Multi-Family Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately six (6) units per acre. This district is generally a transition from one- and two-family development to high-density multi-family residential development.

(ii) Multi-Family Residential-10 (MR-10) District. The purpose of the MR-10 Medium Density Multi-Family Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately ten (10) units per acre. This district is generally a transition from one- and two-family development to non-residential development.

(3) Nonresidential Districts

(a) Business Districts

(i) Neighborhood Business (NB) District. The purpose of the Neighborhood Business District is to provide locations for small-scale service and retail uses that primarily serve the convenience

needs of neighborhoods. Such commercial uses are necessary to satisfy basic shopping and service needs that occur frequently and must, therefore, be located close to residential areas. Pedestrian accessibility, rather than automobile convenience, is the priority. The NB District permits a mix of uses, but care must be taken to ensure that automobile access, parking, signage, and lighting do not to negatively impact adjoining residential neighborhoods. Screening will need to be provided so as mitigate impacts to residences.

(ii) Community Business (CB) District. The purpose of the Community Business District is to accommodate mid-size retail and service development along corridors as a transition from the downtown to the regional business areas along Route 2 and Route 40. This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. Uses in the CB District have the potential to generate significant automobile traffic, and therefore care must be taken to properly design access and parking facilities. Since this district is located along the roads that serve as gateways, quality building architecture, landscaping and other site improvements are necessary to ensure this type of development enhances Sterling's image. The size and location of such districts shall be based upon relationship of the community need and economy.

(iii) Downtown Business (DB) District. The purpose of the Downtown Business District is to provide for the maintenance and orderly growth of a traditional, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. A wide range of office, retail, and lodging land uses are permitted within this district. Development within the DB District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment to assist in maintaining the long-term viability of the central City.

(iv) Regional Business (RB) District. The purpose of the Regional Business District is to provide locations along arterial corridors for shopping centers and business uses that draw patrons from not only Sterling, but the surrounding communities and the broader region. The RB District consists primarily of large-scale development that has the potential to generate significant automobile traffic. It should be designed in a coordinated manner with an interconnected street network that is consistent with the City's Comprehensive Strategic Plan. Uncoordinated, piecemeal development of small parcels that do not fit into a larger context are discouraged in the RB District. Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan. Because this district is primarily at high-visibility locations, quality building architecture, landscaping and other site improvements are required to ensure superior aesthetic and functional quality.

(v) Business Park (BP) District. The Business Park District encompasses high visibility lands typical of business/office/industrial parks located at community gateways and along entryway corridors. The BP District is intended to provide for the development of an attractive and aesthetically mixed grouping of retail, office, and limited light manufacturing uses in a planned park-like setting which is consistent with the overall desired suburban community character of the community and which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.

(b) Manufacturing Districts

(i) Light Manufacturing (LM) District. The Light Manufacturing District is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of any manufacturing or

industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factor; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect.

(ii) General Manufacturing (GM) District. This district is intended to provide for the same type of manufacturing and industrial development as in the LM District, but in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent architectural design controls. This district should not normally abut directly upon residential uses.

(iii) Heavy Manufacturing (HM) District. The purpose of the Heavy Manufacturing District is to provide areas suitable for primary and secondary processing, manufacturing and remanufacturing or reprocessing of all types, with related outdoor storage and incidental sales. The HM District is appropriate where the location has access to an arterial street or highway, an active rail corridor, and where uses will not create significant adverse impacts on residential, commercial or other non-industrial uses in the area. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article VI.

(c) Special Purpose Districts

(i) Mixed Use (MU) District. The purpose of the Mixed Use District is to provide opportunities for a single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole. This district, generally located along major commercial corridors and at community and employment activity centers, is established to encourage medium to high density commercial, retail, residential and civic uses. Development and design detail requirements can be found in Section 102-515.

(ii) Planned Development (PDD) District. This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 102-925 for the procedures applicable to proposal review in this standard zoning district. The City intends to use the Planned Development district to provide a mechanism for review of traditional neighborhood developments.

(iii) Sterling Redevelopment Form District (SRFD). The proposed Form District is generally bounded by the Rock River on the south, Avenue G on the west, West 3rd Street on the north, and Locust Street and 1st Avenue on the east. (See Article IX for specific boundaries). This is a district which has traditionally included a variety of transitioning residential, commercial, and industrial uses. This provides the background context for this Code. The goal of this Code is to promote development that is compatible in context and character with traditional urban neighborhood centers, and is consistent with the community vision and goals. The Sterling Redevelopment

Form-Based Code is designed to foster sustainable infill redevelopment in a vibrant, mixed-use, pedestrian-friendly pattern that encourages diverse and compact development.

B. Overlay Zoning Districts

(1) Public and Institution (PIO) Overlay District. The purpose of the Public and Institution District is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The PI District designation is intended to provide an area for activities relating to necessary public services, provide for continued operation and facilitate managed growth of existing institutions, and provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.

(2) Transitional Business Overlay (TBO) District. The purpose of the Transitional Business Overlay is to provide locations that mix residential and small-scale office, personal service and retail uses, yet maintain a single-family residential appearance and scale. The TB Overlay permits the conversion of single-family homes into office, service and retail uses within the Traditional Residential Districts. Such uses are limited in size and generate a modest amount of commercial traffic that does not adversely impact the adjacent residential neighborhoods. Where this district is located on an arterial street, site development shall be designed to minimize curb cuts. Construction of new non-residential buildings shall only be permitted if they are designed to have a single-family residential appearance.

(3) Historic Preservation Overlay (HPO) District. This district is intended to preserve and enhance the historical quality of Sterling's historic neighborhoods and corridors. As emphasized in the Comprehensive Strategic Plan, The HPO District is designed to forward aesthetic objectives of the City by controlling the appearance of development within the district in a manner which is consistent with historic neighborhood design principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 102-907 for the procedures applicable to proposal review in this overlay district.

(4) Setback Overlay (SBO) District. This district is established to preserve and promote the health, safety, and general welfare of the community and to promote property improvement by allowing for modifications to the setback standards established in a base zoning district. There exists in the City a series of streets with 100-foot public right-of-way width. This width is wider than typical for such predominantly residential areas. This wider right-of-way places an undue burden on adjacent properties by necessitating an excessive setback for principal structures. This overlay district is intended to reduce the front (or street) yard setback improve the usability of such properties and encourage property investment.

Section 102-311: Reserved

Section 102-312: Reserved

Section 102-313: Reserved

Section 102-314: Land Use Regulations

A. Purpose. The purpose of this Section is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

B. Regulation of Allowed Uses. The land uses listed in Section 102-311 are specifically designated and refer to the detailed listing of land uses contained in Section 102-312 (Detailed Land Use Descriptions and Regulations).

(1) Land Uses Permitted by Right. Land uses listed as permitted by right are permitted per the general land use requirement of this Chapter (Section 102-312); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 102-825; and per any and all other applicable City, County, State, and Federal regulations.

(2) Land Uses Permitted as a Special Use. Land uses listed as permitted as a Special Use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses), including any additional requirements imposed as part of the Special Use process. Each application for, and instance of, a Special Use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 102-818 for Special Use Procedures).

(3) Land Uses Permitted as an Accessory Use. Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses).

(4) Land Uses Permitted as a Temporary Use. Land uses listed as permitted as a temporary use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses).

(5) Land Uses Not Listed. For land uses which are not listed in a specific zoning district in Section 102-318: Matrix of Land Uses. Even if a land use may be indicated as permitted by right or permitted as a Special Use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located or implemented on it in full compliance with all of the standards and regulations of this Chapter applicable to the specific land use and property in question, or unless an appropriate variance has been granted pursuant to Section 102-803.

Section 102-315: Reserved

Section 102-316: Reserved

Section 102-317: Matrix of Land Uses

The following matrix (Table 3.1) indicates, by zoning district, the land uses or activities permitted by right (P), permitted by Special Use (S), permitted as an accessory (A) or temporary (T) use. Blank spaces in the matrix specify that a listed activity or use is prohibited.

Table 3.1: Matrix of Land Uses

		Residential							Business					Industrial			Spec.	Overlay	
	Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
AG	Agriculture Retail	P																	
	Agriculture Services	P																	
	Cultivation, Excluding Medical Cannabis	P																	
	Cultivation, Medical Cannabis																		
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
RESIDENTIAL	Assisted Living Facility		P	P	P				S	S	S	S					S		S
	Bed and Breakfast	P	S	S	S	S	S	S	P	P	C	P					P		S
	Community Living Arrangement (<8 persons)		P	P	P	P	P	P	S	S	S	S					P		P
	Community Living Arrangement (9 - 15 persons)	S	S	S	S	P	P	P	S	S	S	S					S		
	Day Care Center (<8 children)	P	P	P	P	P			P	P	P	P	S	S	S		P	S	S
	Dwelling Unit, Duplex or Townhouse		S	S	S	P	P	P									P		P
	Dwelling Unit, Multi-Family						P	P											
	Dwelling Unit, Single-Family	P	P	P	P	P	P	P									P		P
	Dwelling Unit, Twin-Home		P	P	P	P											P		P
	Dwelling Unit, Upper Level								P	S		P					P		P
	Dwelling Unit, Zero Lot Line					P	P	P									P		P
	Live Work Space		P	P	P	P			P	P		P					P		P
	Mobile Home Park						S	S											
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
CIVIC and PUBLIC	Airport / Heliport																	S	
	Boat Access Sites (public)																	P	
	Cemetery		P	P	P	P	P	P	P	P	P	P						P	
	Civic Buildings / Operations									P	P	P	P				P	P	P
	College / University										S	S						S	
	Communication Antenna														S	S	S	S	
	Communication Tower														S	S	S	S	
	Cultural Facility																P	P	P
	Garden, Public/community	P	S	S	S	S	P	P	S	S	S	S					P		
	Garden, Solar	P	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S
	Golf Course																	S	
	Hospital																	S	
	Outdoor Recreation, Private		P	P	P	P	P	P	P	P	P	P	P					P	
	Outdoor Recreation, Public Active		P	P	P	P	P	P	P	P	P	P	P					P	
	Outdoor Recreation, Public Passive		P	P	P	P	P	P	P	P	P	P	P					P	
	Religious Institution		P	P	P	P	P										P	P	P
	School, Primary or Secondary		S	S	S	S	S	S									S	P	S
	School, Specialized Instruction / Technical										S	S	S	S			S	P	S
	Theater									P	P	P					P	P	P
	Utility, Local																S	P	S
	Utility, Regional																S	P	S
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
RETAIL and SERVICE	Art Gallery / Studio								P	P	P	P					P		P
	Auto Body Repair									S	S			S	S	P		S	
	Building Maintenance Services									P	P			P	P	P		P	
	Campground	S																	
	Car Wash									S	P	S						S	
	Clinic, Medical or Dental								P	P		P					S		S
	Commercial Animal Boarding								S	P	P	S		S			S	S	S
	Commercial Wind Energy System	S								S	S	S	S	S	S	S	S	S	S
	Community living arrangement (16+ persons)						S	S	S	S	S						S		S
	Convenience Store								S	P	P	S		S	S		S	S	S

Table 3.1: Matrix of Land Uses

		Residential						Business					Industrial			Spec.	Overlay	
	Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
RETAIL and SERVICE	Day Care Center (9+ children)								P	P	P	P	S				P	P	P
	Day Care Center, Adult								P	P	P	P	S				S	P	S
	Entertainment, Indoor								P	P	P	P							
	Entertainment, Outdoor								S	P	P	P	P						
	Equipment Repair Services								S	P	P			P	P	P		P	
	Equipment Sales										P			S	S		S	S	S
	Financial Institution								P	P	P	P	P	S			P		P
	Food Preparation								P	P	P	P		P			P	P	P
	Funeral Services								P	P	P	P					P		P
	Gas Station								S	P	P	S	P					S	
	Greenhouses, commercial									S	S	S	S	P	P			P	
	Grocery								P	P	P	P					P		P
	Hardware, Home Improvement Center						P	P	S	P	P	S						S	
	Hospice						S	S	P	P		P					P		P
	Independent Living Facility						S	S	P	P	P	P					P		P
	Indoor Commercial Lodging									P	P	P	P	S			S	S	S
	Indoor Recreation and Amusement								P	P	P	P		P				P	
	Indoor Sales or Service								P	P	P	P	P	P			P	P	P
	Intermediate Care Facilities						S	S	P	P	P	P		S			S		S
	Kennel								S	P	P	S		S			S	S	S
	Laundry Services							S	P	P	P	P		S			S	P	S
	Liquor Sales								S	P	P	S					S		S
	Lodge or Private Club						S	S	S			S					S		S
	Lumber Supply													S	P	P		S	
	Medical Cannabis Dispensaries									S	S	S							
	Medical Office or Center, Not Including Hospital								P	P	P	P	P				P	P	
	Motor Vehicle Sales and Leasing								S	P	P	S		S	S			S	
	Motor Vehicle Service and Repair								S	P	P	S	S	S	S			S	
	Nursery												S	S	S			S	
	Office								P	P	P	P	P	S			P	S	P
	Office, Administrative								P	P	P	P	P	S			P	S	P
	Office, Business								P	P	P	P	P	S			P	S	P
	Office, Government								P	P	P	P	P	P			P	P	P
	Office, Medical								P	P	P	P	P				P	P	P
	Office, Professional								P	P	P	P	P	S				S	
	Outdoor Amusement									P	P	S		S	S		S	S	S
	Parking Lot, Private					S	S	S	S	S	S	S	S	S	S		S	S	S
	Parking Lot, Public					S	S	S	P	P	P	P	P	P	P		P	S	P
	Personal or Professional Service								P	P	P	P	P	S	S		P	S	P
	Printing and Publishing								S	P	P	P	P	P	P		P	P	P
	Public Service Facility								P	P	P	P	P	P	P	P	P	P	P
	Public Services and Utilities								P	P	P	P	P	P	P		P	P	P
	Recreation Equipment, Sales or Lease								S	S	P	P		P				P	
	Recreation Equipment, Service											S		S				S	
	Recreation, Indoor								S	P	P	P	P	P				P	
	Recreation, Private								S	S	S	S		S	S			P	
	Restaurant, Coffee or Tea Shop								P	P	P	P		S			S	S	S
	Restaurant, Dine-In or Sit-Down								S	P	P	P	P	S			S	S	S
	Retail and Service, Personal								P	P	P	P					P		P
	Retail Sales								P	P	P	P					P		P
	Services, Research								S	P	P	P	P	P	P	P		S	

Table 3.1: Matrix of Land Uses

		Residential							Business					Industrial			Spec.	Overlay	
	Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
	Services, Testing								S	P	P	P	P	P	P	P		S	
	Tavern/Bar								S	P	P	S		S			S	S	S
	Tattoo Parlor									S	P	S							S
	Vehicle Repair and Maintenance								S	S	S	S		S	S			S	
	Veterinary Office/Animal Hospital								P	P	P	P		S			S	S	S
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
INDUSTRIAL	Brewer, Distillery, or Winery									S	S	S	S	P	P	P	S		
INDUSTRIAL	Distribution Center													S	S	S			
INDUSTRIAL	Freight Terminal														S	S			
INDUSTRIAL	Heavy Industrial														S	P			
INDUSTRIAL	Junkyard or Salvage														S	S			
INDUSTRIAL	Light Industrial													P	S	S			
INDUSTRIAL	Manufacturing, Custom													P	P	P			
INDUSTRIAL	Manufacturing, General													P	P	P			
INDUSTRIAL	Mini-Warehouse or Personal Storage														S	P			
INDUSTRIAL	Processing, General													S	P	P			
INDUSTRIAL	Production, General													P	P	P			
INDUSTRIAL	Resource Extraction													S	S	S			
INDUSTRIAL	Adult or Sexually Oriented Uses														S	S			
INDUSTRIAL	Storage or Wholesaling, Indoor													P	P	P			
INDUSTRIAL	Storage or Wholesaling, Outdoor													S	P	P			
INDUSTRIAL	Waste Disposal Facility													S	P	P			
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
ACCESSORY	Beer Garden									P	P	P	S	S	S	S	P	P	S
ACCESSORY	Boathouses	P	P	P	P	P	P	P									P		
ACCESSORY	Drive-Thru Facility								S	P	P	S	S	S			S	S	
ACCESSORY	Dwelling Unit, Upper Story								P	P		P					P	S	P
ACCESSORY	Farm Residence	S																	
ACCESSORY	Greenhouses, private residential	P	P	P	P	P											P		
ACCESSORY	Guest House	S	S	S	S	S													
ACCESSORY	Home occupations	P	P	P	P	P											P		
ACCESSORY	In-Family Suite	S	S	S	S	S											P		
ACCESSORY	Kennel, Private Residential	S	S	S	S														
ACCESSORY	Live Entertainment, Indoor								P	P	P	P	P	P			P	P	P
ACCESSORY	Live Entertainment, Outdoor								S	S	S	S	S	S	S		S	S	S
ACCESSORY	Office, Temporary Sales or Construction	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P	S	P
ACCESSORY	Outdoor Recreation Lighting, Court/Field/Diamond																S	S	S
ACCESSORY	Outdoor Sales/Display, Permanent								S	S	S	S	S	S	S		S	S	
ACCESSORY	Outdoor Sales/Display, Temporary								S	S	S	S	S	S	S		S	S	
ACCESSORY	Private Garage or Shed	P	P	P	P	P	P	P									P		
ACCESSORY	Tavern/Bar/Restaurants									P	P	P	S	S	S		P		S
ACCESSORY	Wind Energy System, Small	S	S	S	S	S	S	S	S			S		S	S		S	S	S

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Section 102-318: Reserved
Section 102-319: Reserved
Section 102-320: Reserved

Section 102-321: Bulk Regulations

A. Purpose. All new buildings and structures shall conform to the building regulations established in this chapter for the district in which each building shall be located.

B. Lot Requirements.

(1) Minimum Lot Size. In any residence district, on a lot of record on the effective date of this Chapter, a single family dwelling may be established regardless of the size of the lot, provided all other requirements of this Chapter are complied with. Notwithstanding anything contained herein to the contrary, the shape and dimension of any nonconforming lot may of record as of the effective date of this Chapter be modified by altering the lot lines; provided, however, that the alteration for modification of the lot line does not result in any greater nonconformity than that which existed as of the effective date of this Chapter.

(2) Contiguous parcels not meeting minimum requirements. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

(3) Lots of record not meeting minimum requirements. Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of the ordinance from which this chapter is derived, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than 75 percent of the minimum required dimensions or areas.

(4) Through Lots.

(a) In any residence district where a lot runs through a block from street to street, a front yard as hereinafter provided shall be required along each street lot line not a side street lot line.

(b) In any commercial or industrial district where a lot runs through a block from street to street the requirements for a rear yard may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard.

(c) Lots on District Boundaries. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district.

(d) Lot Grades on Through or Corner Lots. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

(e) Lot Area Not to be Reduced Below Requirements. No lot area shall be so reduced that the dimensions and yard requirements imposed by this Chapter cannot be met.

C. Bulk Standards. All lots shall comply with the standards prescribed by this Section. These standards are related to the specific zoning district used. Bulk Regulations are listed in Table 3.2 in Subsection (G) below.

D. Number of Buildings on a Zoning Lot. All principal buildings shall be located on a zoning lot. Only one (1) principal building shall be located, erected, or moved onto a lot in all Districts by right. The Plan Commission may permit

more than one (1) principal building per lot by Special Use as outlined in Section 102-919 for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.

E. Yard Requirements Where Different Districts Abut. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the more restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

F. Front Yard Setback Adjustment. Front yard setbacks should be adjusted as follows when the described conditions or circumstances exist:

(1) Setbacks from ultimate street right-of-way line. On all streets or highways for which the ultimate width has been established by the City of Sterling Official Map, and/or subsequent amendments thereto to those documents, the base setback line shall be located at the established ultimate street and/or highway right-of-way line as prescribed by this Code. Required setbacks shall be measured from the base setback line.

(2) Average Front Yard Setback. A setback of less than that required by Section 102-321 where there is at least one main building on either side of the applicant's lot, within two hundred feet (200') of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's and the required setback. Any other setback may be permitted by the Zoning Board of Appeals, according to Section 102-905 of this Chapter, upon a written finding of fact documenting unnecessary hardship or practical difficulty in complying with the Code.

(3) Corner Lot Setbacks. Corner lots shall be determined to have two (2) front yards and two (2) side yards. Corner lot setback requirements on a side street shall meet the requirements set forth in this Code.

(4) Reverse Corner Lots Setback. On a reversed corner lot, no principal building shall be closer to the side lot line abutting the street than a distance equal to the required front yard setback on such adjacent property to the rear. No accessory building or portion thereof shall be closer to the side lot line abutting the street than a distance equal to 60-percent of the required front yard setback on such adjacent property to the rear.

G. Residential Bulk Standards.

Table 3.2: Residential Bulk Standards

		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10
Lot	Min. District Area	None	None	None	None	None	1 acres	2 acres
	Min. Area	5 acres	10,000 sf	7,000 sf	5,000 sf	14,400 sf	0.5 acres	0.5 acres
	Min. Area / DU	35 acres	n/a	n/a	n/a	7,200 sf	7,200 sf	4,000 sf
	Min. Width at Base Setback	360 ft	80 ft	60 ft	50 ft	80 ft	100 ft	100 ft
	Min. Street Frontage	100 ft	50 ft	50 ft	50 ft	40 ft	60 ft	60 ft
	Min. Greenspace Requirement	80%	40%	35%	25%	40%	35%	35%
Principal Structures	Min. Floor Area	1,200 sf	1,200 sf	900 sf	900 sf	900 sf	600 sf/du	800 sf/du
	Min. Floor Area (2+ story)	1,500 sf	1,500 sf	1,200 sf	1,200 sf	1,200 sf	n/a	n/a
	Floor Area Ratio	n/a	0.5	0.5	0.5	0.7	0.7	0.7
	Max. Units/Building	1	1	1	1	2	4	12
	Max. Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft
	ROW Setback, Front	50 ft	30 ft	25 ft	20 ft	25 ft	25 ft[1]	25 ft[1]
	ROW Setback, Street Side	25 ft	15 ft	10 ft	10 ft	10 ft	15 ft	15 ft
	Side Yard Setback, Min.							
	1 story	15 ft	7 ft	6 ft	4 ft	7 ft	10 ft	10 ft
	2+ story	20 ft	8 ft	7 ft	5 ft	8 ft	12 ft	12 ft
	Lot width <50 ‘	10% of lot width						
	Rear Setback	50 ft	40 ft	30 ft	20 ft	30 ft	30 ft	30 ft
	OHWM Setback	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft
	Min. Building Separation	20 ft	15 ft	15 ft	8 ft	15 ft	15 ft	15 ft
		[1] Setback shall be increased by 1-foot for each 2-feet of building height over 25-feet, to a maximum of 40-feet.						
Accessory Structures	Max. Rear Yard Coverage	40%					40%	
	Max. Size	900 sf					900 sf / DU	
	Max. Height	Maximum of 30 ft or the height of the principal structure.					30 ft	
	ROW Setback, except alley	Same as principal structure					Same as principal structure	
	Alley Setback	0 ft					0 ft	
	Side Yard Setback, Min.	5 ft					5 ft	
	Rear Yard Setback	5 ft					5 ft	
	Min. Building Separation	10 ft					10 ft	

H. Business and Office District Bulk Standards.

Table 3.3: Business and Office District Bulk Standards

		NB	CB	RB	DB	BP
Lot	Min. District Area	None	None	5 acres	None	5 acres
	Min. Area	10,000 sf	10,000 sf	1 acre	3,000 sf	1 acre
	Min. Width at Base Setback	50 ft	75 ft	150 ft	30 ft	100 ft
	Min. Street Frontage	50 ft	75 ft	100 ft	30 ft	75 ft
	Min. Greenspace Requirement	15%	20%	30%	n/a	30%
Principal Structures	FAR / Max. Lot Coverage	0.75 / 85% 2.0 / 75%	0.5 / 85% 2.0 / 80% 2.5 / 70% 3.0 / 60%	0.5 / 70% 1.0 / 50%	3.0 / 100% 4.0 / 90% 5.0 / 80% 6.0 / 70%	1.5 / 70% 3.0 / 50%
	Max. Building Height	35 ft	35 ft	35 ft	60 ft	35 ft
	ROW Setback, Front	10 ft	10 ft	10 ft	5 ft Max.	30 ft
	ROW Setback, Side	8 ft	8 ft	8 ft	5 ft Max.	20 ft
	Side Setback, Min.	5 ft	5 ft	10 ft	0 ft	10 ft
	Rear Setback	20 ft	20 ft	20 ft	0 ft	30 ft
	Min. Building Separation	10 ft	10 ft	20 ft	0 ft	20 ft
Accessory Structures	Max. Rear Yard Coverage	20%				40%
	Max. Size	900 sf				900 sf / DU
	Max. Height	Maximum of 30 ft or the height of the principal structure.				30 ft
	ROW Setback, except alley	Same as principal structure				Same as principal structure
	Alley Setback	0 ft				0 ft
	Side Yard Setback, Min.	10 ft				5 ft
	Side Setback, Sum	20 ft				10 ft
	Rear Yard Setback	10 ft				5 ft
	Min. Building Separation	10 ft				10 ft

I. Industrial and Special Purpose District Bulk Standards

Table 3.4: Industrial and Special Purpose District Bulk Standards

		LM	GM	HM	MU	PDD
Lot	Min. District Area	None	5 acres	10 acres	5 acres	5 acres
	Min. Area	3.5 acres	3.5 acres	5 acres	1 acre	n/a
	Min. Width	150 ft	300 ft	500 ft	300 ft	n/a
	Min. Street Frontage	100 ft	150 ft	200 ft	150 ft	n/a
	Min. Greenspace Requirement	25%	20%	20%	20%	n/a
Principal	FAR / Max. Lot Coverage	None/ 70%	None/ 60%	None / 50%	2.0 / 80% 2.5 / 70% 3.0 / 60%	n/a

Table 3.4: Industrial and Special Purpose District Bulk Standards

	LM	GM	HM	MU	PDD
				3.5 / 50%	
Max. Floor Area Ratio	1.0	3.0	3.0	35 ft	n/a
Max. Building Height	45 ft	50 ft	50 ft	10 ft	n/a
ROW Setback, Front	50 ft	100 ft	100 ft	8 ft	n/a
ROW Setback, Side	30 ft	50 ft	50 ft	5 ft	n/a
Side Setback, Min.	30 ft	50 ft	50 ft	20 ft	n/a
Rear Setback	30 ft	50 ft	50 ft	10 ft	n/a
Min. Building Separation	n/a	20 ft	25 ft		n/a

J. Overlay District Bulk Standards

Table 3.5: Overlay District Bulk Standards

		PIO	TBO	HPO	SBO		
Lot	Min. District Area	None	None	None	None		
	Min. Area	5,000 sf	5,000 sf	None	None		
	Min. Area / DU	n/a	n/a	n/a	n/a		
	Min. Width	50 ft	50 ft	n/a	n/a		
	Min. Street Frontage	50 ft	50 ft	n/a	n/a		
	Min. Greenspace Requirement	n/a	15%	n/a	n/a		
Principal Structures	Min. Floor Area	n/a	1.5 / 90% 2.0 / 80%	None	n/a		
	Max. Floor Area Ratio	n/a	35 ft	n/a	n/a		
	Max. Building Height	n/a	10 ft	n/a	n/a		
	ROW Setback, Front	n/a	8 ft	n/a	0 ft		
	ROW Setback, Side	n/a	5 ft	n/a	n/a		
	Side Setback, Min.	n/a	20 ft	None	n/a		
	Rear Setback	n/a	10 ft	n/a	n/a		
	OHWM Setback	75 ft		n/a	n/a		
	Min. Building Separation	n/a		n/a	n/a		
Accessory Structures	Max. Rear Yard Coverage	40%		n/a	n/a		
	Max. Size	Cannot exceed the floor area of the principal structure.		n/a	n/a		
	Max. Height	Maximum 30 ft or height of principal structure.		n/a	n/a		
	ROW Setback, except alley	Same as principal structure		n/a	n/a		
	Alley Setback	0 ft		n/a	n/a		
	Side Yard Setback, Min.	5 ft		n/a	n/a		
	Side Setback, Sum	10 ft		n/a	n/a		
	Rear Yard Setback	5 ft		n/a	n/a		
	Min. Building Separation	10 ft		n/a	n/a		

Section 102-322: Yard Encroachment and Maximum Height Exceptions

A. Encroachments into Required Yards. The following shall not be considered obstructions or encroachments in the required yards specified:

Table 3.6: Encroachment into Required Yards

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE		
	FRONT	REAR	SIDE
Air-conditioning units, window only (not to exceed 2 feet)	P	P	P
Air-conditioning equipment shelters (not less than 3-feet from any property line); may be reduced with a supporting letter from abutting property owner.	N	P	P
Arbors and trellises.	P	P	P
Art, sculptures, or similar ornamental objects.	P	P	P
Awnings and canopies not projecting more than 48-inches into any required yard.	P	P	P
Balconies, open	P	P	P
Basketball goal (limited to one pole-mounted or garage-mounted goal in residential zoning districts only and not closer than 5 feet from property line)	P	P	P
Chimneys (not to exceed 2 feet)	P	P	P
Decks, open (not less than 10 feet from any property line)	N	P	P
Dish antennas	N	P	N
Dog runs, enclosed	N	P	N
Eaves or gutters, overhanging (not to exceed 3 feet, not closer than 3-feet to a side lot line or center line between buildings on the same lot)	P	P	P
Equipment shelters (not less than 5 feet from property line)	N	P	P
Essential services, utilities, and electric power and communication transmission lines	P	P	P
Flagpoles	P	P	P
Fountains	P	P	P
Gardens, vegetable	P	P	P
Gutters (not to exceed 3 feet)	P	P	P
Landscape bufferyards	P	P	P
Laundry drying equipment	N	P	P
Lawn furniture	P	P	P
Light standards, ornamental	P	P	P
Loading, off-street, open	N	P	P
Parking, off-street, open (not less than 5 feet from any side property line)	P	P	P
Parking, off-street, open (not less than 12-feet from any property line along a ROW)	P	P	P

Table 3.6: Encroachment into Required Yards

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE		
	FRONT	REAR	SIDE
Porches, Patios, open without roof (projecting not more than 10-feet, and located not less than 5 feet from any property line)	N	P	P
Ramps for use by persons with disabilities in compliance with the Americans with Disabilities Act (not closer than 3 feet to property line)	P	P	P
Recreational vehicle parking or storage (not less than 5 feet from any front property line and 2 feet from any side yard)	N	P	P
Signs (not less than 5 feet from any property line)	P	P	P
Sills, belt courses, cornices and ornamental features of the principal building (projecting not more than 12-inches).	P	P	P
Skateboard ramps (not less than 5 feet from any property line)	N	P	N
Stairways, open without roof (not less than 5 feet from any property line)	N	N	N
Television or radio towers or antennas	N	P	P
Recreation courts, private (not less than 10 feet from any property line)	N	P	N
Terraces, open without roof (not less than 4 feet from any property line)	N	P	P
Trash dumpsters and/or garbage receptacles (also subject to the other provisions of this Code and not less than 5 feet from any property line)	N	P	P
Trees, shrubs, and flowers	P	P	P
Walls (not including retaining walls)	N	P	P
Walls, retaining	P	P	P
Windows, bay cantilevered (not to exceed 3 feet)	P	P	P
Other accessory uses (as may be permitted elsewhere in this Code)	N	P	N

B. Exceptions to Maximum Height Regulations. The maximum height regulations listed for residential and non-residential uses and accessory structures in each zoning district, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.

(1) In All Districts. Chimneys, antennae and communications equipment accessory to the principal structure, and ornamental roof projections, provided such projections are solely ornamental and do not form an integral part of the structure's roof. Church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles.

(2) In the Public and Institutional Overlay District. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding forty-five (45) feet nor three (3) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

(3) For All Structures, Except Single-Family, Duplex, or Similar Two-Family Residential Uses. Cooling towers, elevator bulkheads, fire towers, public monuments, smoke stacks, storage tanks, cooling tanks, water towers, spires, domes, ornamental towers, observation decks, and communications towers and appurtenances, all of

which are subject to site plan approval and are required to be in accordance with all other ordinances or regulations of the City.

Section 102-323: Reserved
Section 102-324: Reserved
Section 102-325: Reserved
Section 102-326: Reserved

Section 102-327: Substandard Lot Regulations

A. Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of each zoning district or the Minimum Lot Area requirements of each zoning district or which does not meet the lot dimension requirements of each zoning district.

B. A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the minimum zoning district area of each zoning district or the minimum lot area requirements each zoning district, or which does not meet the lot dimension requirements of each zoning district may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 75-percent of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

Section 102-328: Nonconforming Use & Structure Regulations

A. Continuance of use.

(1) Any lawfully established use of a building or land, on October 4, 1971, or on the date of amendments to this chapter, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided in this chapter.

(2) Any legal, nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, as otherwise permitted in this chapter.

(3) Any building for which a permit has been lawfully granted prior to October 4, 1971, or prior to the date of amendments to this chapter, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

B. Discontinuance of use.

(1) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

(2) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of 12 consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being discontinued or abandoned be reestablished and the use of the premises thereafter shall be in conformity with the regulations of the district.

(3) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner.

(4) A nonconforming use not authorized by the provisions of this chapter in effect at the time an amendatory ordinance becomes effective shall be discontinued and not reestablished except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is then located.

C. Change of use; structures prohibited under previous zoning ordinance.

(1) The nonconforming use of any building, structure or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another nonconforming use thereof, but only if such other use is permitted by a special use permit as authorized in article VII of this chapter.

(2) A nonconforming structure that was constructed, converted, or structurally altered in violation of the provisions of the ordinance which this chapter amends shall not be validated by the adoption of this chapter, and such violations or any violations of this chapter may be ordered removed or corrected by the proper officials at any time.

D. Repairs and alterations generally.

(1) Normal maintenance. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not enlarge or intensify the nonconforming use.

(2) Structural alterations. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

(a) When the alteration is required by law.

(b) When the alteration will actually result in eliminating the nonconforming use.

(c) When a building in a residential district containing residential nonconforming uses is altered as necessary to improve livability, provided no structural alternation shall be made which would increase the number of dwelling units or the bulk of the building.

E. Damage or destruction. If a structure containing a nonconforming use is damaged or destroyed by any means to the extent that the cost of its restoration to the condition in which it was before the occurrence exceeds 60 percent or more of the market value of the structure immediately before the occurrence, as determined by the township assessor or a licensed appraiser, such structure may not be rebuilt or used thereafter except in compliance with the provision of the zoning district in which it is located. If the damage or destruction is less than 60 percent of its market value, as determined herein, the structure may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. The restoration or repair of the structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion. If the restoration is not started within six months of said damage or destruction and diligently prosecuted to completion, the structure shall be removed and the area cleared.

(1) Residential exception. If a building containing a one-family or two-family dwelling unit, which is nonconforming due to its location in a business or industrial district, is damaged or destroyed by any means to any extent, such building may be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such damage or destruction, provided that; a) the dwelling was legally established prior to becoming nonconforming, b) the dwelling has been continuously used for residential use since becoming nonconforming up to the date of the damage or destruction, c) the lot the dwelling is located on complies with the minimum size and dimension requirements of subsection 102-133(e) of this chapter, and d) the size and number of units of the reconstructed dwelling arc no greater than those that existed immediately

prior to the damage or destruction. The burden of proof of establishing continuous residential use, size and number of dwelling units, and property area shall be on the property owner. If said reconstruction is not commenced within a period of six months following the damage or destruction, any subsequent reconstruction and use of the building, and premises shall conform to the regulations of the district in which such building, and premises are located.

(2) Time extensions. The zoning board of appeals may grant up to 12 additional months to the time periods specified in this section for the commencement or completion of restoration and repairs provided the property owner demonstrates, and the zoning board of appeals finds, that circumstances out of the control of the applicant have prevented a good faith attempt to commence or complete the restoration or repairs. Such circumstances may include, but are not limited to: the health of the property owner; court proceedings; failure to reach an acceptable insurance settlement; acts of nature; or similar hardships. A request for such an extension of time shall be filed with the zoning board of appeals prior to the expiration of the original time frame specified herein and shall be processed, heard and acted upon by the zoning board of appeals in the same manner as an appeal of an administrative decision as prescribed in section 102-54 of this chapter.

F. Additions and enlargements.

(1) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.

(2) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(3) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on October 4, 1971, or to displace any conforming use in the same building or on the same parcel.

(4) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk regulated in this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

G. Exempt structures and uses.

(1) Wherever a lawfully existing building or other structure otherwise conforms to the use regulations in this chapter but is nonconforming only in the particular manner specified in this section, the building and use thereof shall be exempt from the requirements of section 102-84:

(2) In any residential district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.

(3) In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.

(4) In any district, where an established building, structure or use is nonconforming with respect to the standards prescribed in this chapter for any of the following:

(a) Floor area ratio.

(b) Yards, front, side, rear or transitional.

(c) Off-street parking or loading.

(d) Building height.

(e) Gross floor area.

H. Conversion to special use. Any nonconforming use may be made a special use by the granting of a special use permit, as authorized in article VII of this chapter, provided that the nonconforming use is permitted as a special use in the district in which it is located.

I. Timing of Building Permit. Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter or an amendment which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

Section 102-329: Standards and Regulations for Temporary Uses

A. General Provisions

(1) A permit shall be required for temporary uses allowed in this Chapter, except that temporary uses operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, but shall otherwise be subject to the requirements of this Chapter.

(2) The applicant shall submit a site plan or other suitable description to the Zoning Administrator, with any required permit fee. As a condition of permit issuance, the Zoning Administrator may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this Chapter. If the Zoning Administrator finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six months following revocation.

(3) All temporary uses, including but not limited to those enumerated in (2) below shall comply with the following requirements:

(a) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.

(b) Temporary uses shall comply with all requirements of the Municipal Code.

(c) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.

(d) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City Council authorizes the use of City-owned property or right of way.

(e) When a permit is required for a temporary use, the Zoning Administrator shall make an assessment of the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be located and the availability of other public and private parking facilities in the area. The Zoning Administrator may deny the permit for a temporary use if he finds that its operations will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.

(f) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage shall comply with the regulations outlined in Section 102-213.

(g) Signs for a temporary use shall be permitted only in accordance with the Section 102-712: Signage.

B. Permitted Temporary Uses

(1) Temporary Outdoor Sales. Temporary Outdoor Sales shall be limited to four (4) events within one (1) calendar year per lot. These events shall be restricted to the following time limits: two (2) event of not more than forty-five (45) days, and two (2) events of not more than thirty (30) days each.

(2) Public Markets, Farmers Markets, and Farm Stands. Public markets, farmers markets, and farm stands shall be regulated in accordance with Section 102-406.

(3) Outdoor Arts, Crafts and Plant Shows, Exhibits and Sales. Outdoor arts, crafts and plant shows, exhibits and sales conducted by a nonprofit or charitable organization shall be permitted in any non-residential zoning district, and may be conducted in addition to the time limits for Outdoor Sales Areas for a period of not more than seven (7) days.

(4) House, Apartment, Garage and Yard Sales. House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three (3) consecutive days, and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period. A permit or prior approval of the City shall not be required for such uses.

(5) Temporary Outdoor Entertainment

(a) Temporary Outdoor Entertainment shall be permitted as part of a community festival or an event hosted by the City, Park District, School District, or other governmental body, or as a temporary accessory use to a private business use. When Temporary Outdoor Entertainment is conducted as part of a community festival or event, no permit is required; when conducted as an accessory use to a business use, a permit is required and the following additional standards shall be met:

(b) The application for a permit for Temporary Outdoor Entertainment shall be submitted a minimum of thirty (30) days before the date that the outdoor entertainment event is to commence. The applicant is encouraged to meet with the City staff to discuss the application and coordinate services that may be provided by the City. The Zoning Administrator may refuse to issue a permit for Temporary Outdoor Entertainment when the application is received less than 30 days before the date that the entertainment is to commence, if he finds that there is inadequate time to review the application and arrange for the provision of necessary City services.

(c) Permits for Temporary Outdoor Entertainment accessory to a business use shall be limited to a maximum of three (3) days, and the permitted hours of operation shall be established by the City. No maximum number of permits shall be restricted for businesses per calendar year.

C. Temporary Contractor Trailers and Real Estate Model Units. Temporary contractor trailers and real estate sales trailers or model units shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, as the case may be. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

Section 102-330: Reserved

Section 102-331: Reserved

Section 102-332: Reserved

Section 102-333: Special Purpose Zoning Districts

A. Mixed Use (MU) District

(1) Intent. Buildings and development sites that contain a mix of uses are strongly encouraged. Large development sites represent an important opportunity for creating quality mixed use developments that will enhance the local economy.

(2) Pre-application Conference. Prior to the formal submittal of any request for approval to proceed with site development, an informal pre-application conference shall be held between the applicant and the community development department staff. This conference will serve to acquaint the applicant with the requirements of this chapter and to allow staff to become familiar with the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the pre-application conference. An applicant should bring the following information in a brief summary:

(a) General project concept and information, including location of the project and a written description of the proposal.

(b) Specific uses proposed, and intensity of use proposed (floor area and parking demand).

(c) Proposed construction timing.

(d) General concepts concerning building size and exterior materials and site plan concepts.

(e) An exterior materials package including roof material and color, wall treatment, glass and glazing.

(f) A site plan drawing depicting the location of existing and proposed buildings, the location of property lines, setback lines, build-to lines, .

(3) Approval. All Planned Development Districts shall comply with the regulations outlined in Section 102-926 Planned Development District Procedures.

B. Planned Development District

(1) Approval. All Planned Development Districts shall comply with the regulations outlined in Section 102-926 Planned Development District Procedures.

(2) Permitted Location: A PDD may be established for any parcel or tract of land that has a minimum size of five acres (217,800 SF). PDDs shall be permitted with the approval of a PDD District, specific to the approved PDD, within any one or more Standard Zoning Districts identified in Section 102-301.

(3) Flexible Development Standards: The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Development District:

(a) Land Use Requirements: All land uses listed in the districts established in Section 102-317 may be permitted within a PDD.

(b) Number of Buildings on a Lot. More than one building on a lot/parcel shall be permitted in a Planned Development District.

(c) Mixed Uses: A mix of different uses within a Planned Development District may be permitted if the Plan Commission and City Council determines that the mix of uses is compatible and necessary to achieve the objectives of the PDD.

(d) Density and Intensity Requirements: All requirements listed in Section 102-321: Bulk Regulations for residential density and nonresidential intensity may be waived within a PDD. The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district.

(e) Bulk Requirements: All requirements listed in Section 102-321: Bulk Regulations may be waived within a PDD.

(f) Landscaping Requirements: Specific requirements listed in Section 102-520: Landscape and Buffer Regulations may be waived or altered within a PDD.

(g) Parking and Loading Requirements: The requirements listed in Section 102-228 and Section 102-228 may be waived or altered within a PDD.

(h) Application of the Subdivision and Platting Code: To the extent applicable, any PDD shall be subject to the procedures and regulations of Chapter 102 of the City Code. However, the design standards and required improvements established in Chapter 102 may be modified or waived upon recommendations by the Plan Commission and the Public Works Board, and approval by the City Council where strict compliance would result in not achieving the design flexibility necessary to achieve the objectives of the planned development.

(4) Requirements to Depict All Aspects of Development. Only development which is explicitly depicted on the required General Development Plan approved by the City Council as part of the approved Planned Development District, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Section 102-321: Bulk Regulations. Requested exemptions from these standards shall be made explicit by the Petitioner in the application, and shall be recommended by the Plan Commission and approved explicitly by the City Council. If not so requested and approved, such exemptions shall not be permitted.

(5) The burden of providing evidence and persuasion that any such exceptions are necessary and desirable shall in every case rest with the Petitioner. It shall not be sufficient to base justification for approval upon an already existing Planned Development District. Each Planned Development District shall be presented and judged on its own merits.

C. Sterling Redevelopment Form District. The Sterling Redevelopment Form-Based Code ("Code") is a legal document that regulates land-development within the Sterling Redevelopment Form District ("Form District") through standards and controls related to building form and placement. Regulation details can be found in Article 9 for this Chapter. Form District regulations govern the design framework of the built environment and public areas while employing more flexible requirements relative to building use and density. This flexibility allows for dynamic change in uses over time as the needs of the community and marketplace evolve, while creating a more predictable physical environment. The Code uses clear and simple graphics for the building envelope, including height, Site Layout, and Building Elements that define the public spaces; and incorporates broad guidelines for use

Section 102-334: Zoning Overlay Districts

A. Public and Institution Overlay (PIO) District

(1) Applicability. The unique nature of the PIO District and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or Special Use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.

(2) Determination. The District shall include any use that, in the opinion of the Community Services Director, constitutes an essential public facility, or public and semi-public facilities beyond those specifically identified in state law. This will include a broad variety of both listed and unlisted uses, which may be liberally interpreted to meet essential community needs. Examples may include, but are not limited to, civic uses and operations, community centers, cultural institutions, government facilities, schools, colleges, universities, libraries, hospitals, religious assembly, and public utilities and infrastructure.

B. Transitional Business Overlay (TBO) District

(1) Intent. The TBO District is intended to establish reasonable standards which permit and control limited commercial and office uses where commercial areas begin to transition to residential neighborhoods. Furthermore, it is the intent of this district to:

(a) Permit small scale commercial and office uses which do not generate large volumes of traffic or have continuous customer turnover.

(b) Permit uses which promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district, especially where historically significant buildings are present.

(c) Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.

(d) Limit and discourage development of strip-type, highway-oriented commercial uses which create traffic hazards and congestion because of numerous curb cuts or higher traffic volumes.

(2) Standards and Criteria: The following standards and criteria shall apply:

(a) The proposed use is of a similar architectural scale to existing development in the district or will use an existing building for preservation or redevelopment.

(b) The proposed use will not attract large volumes of vehicular traffic nor require more than one curb cut for vehicular access not to exceed 25 feet in width.

(c) Minimum visual and functional conflict will be created between the proposed use and nearby uses.

(d) The proposed use may share an access driveway and/or parking area with another abutting use, or may be designed to permit such sharing when and if it becomes feasible.

(e) Anticipated noise and congestion created by the use will be minimal.

(f) The use shall not routinely require servicing or deliveries of materials, stocks, or supplies by trucks having more than two axles.

(3) Standards for Conversions of Existing Buildings: Any proposal that is a conversion of an existing building under the provisions of this section shall comply with all the regulations contained herein as if it were a proposal for new development. Exceptions to this requirement may be made by the Plan Commission for major existing conditions which cannot reasonably be expected to be brought into compliance, including but not limited to the physical location of existing buildings.

(4) Site Plan Approval. The provisions in Section 102-924: Building, Site, and Operation Plan shall be required.

(5) Lighting. All requirements listed in Section 102-606: Exterior Lighting Standards shall be required.

(6) Bulk Requirements: All requirements listed in Section 102-321: Bulk Regulations shall be required.

(7) Landscaping Requirements: Specific requirements listed in Section 102-520: Landscape and Buffer Regulations Bulk Regulations shall be required.

(8) Parking and Loading Requirements: The requirements listed in Section 102-227 and Section 102-228 shall be required.

C. Historic Preservation Overlay (HPO) District

(1) Purpose. The purpose of this ordinance is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Sterling by:

(a) Providing a mechanism to identify and preserve the historic and architectural characteristics of Sterling which represents elements of the City's cultural, social, economic, political and architectural history;

(b) To promote civic pride in the beauty and noble accomplishments of the past as represented in Sterling's landmarks and historic districts;

(c) Stabilizing and improving the economic vitality and value of Sterling's landmarks and historic areas;

(d) Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City;

(e) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

(2) Designation. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the City such as historic structures, sites, or districts which:

(a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

(b) Are identified with historic persons or with important events in national, state or local history; or

(c) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(d) Are representative of the notable work of a master builder, designer or architect who influenced their age; or

(e) Have yielded, or may be likely to yield, information important to prehistory or history.

(3) Consideration. The Historic Preservation Commission, within the context of deliberating on a nomination submitted to designate a historic structure, site or district, shall consider any or all of the following:

(a) Age of the structure. Age alone shall not be the sole factor considered in determining historical designation.

(b) Official documents of any type from any governmental agency at any level.

(c) Sworn affidavits from any individual.

(d) Any statement, written or verbal, from the current owner of the nominated property.

(e) Written or verbal statements from acknowledged experts in the fields of history, architecture, archeology, anthropology, or real estate. The Commission retains the authority to determine the expert status of individuals under this paragraph.

(f) Plans, drawings, sketches, maps, and any other document that has been recorded at the Register of Deeds or Clerk for any county in the State of Illinois.

(4) Research. The Historic Preservation Commission, within the context of deliberating on a nomination submitted to designate a historic structure, site, or district, may consider any or all of the following:

(a) Newspaper, magazine, periodical, or newswire articles, including pictures or photographs.

(b) Video or audio tapes of a commercial or public broadcast network or station.

(c) Unsworn statements from any individual, including but not limited to, photographs and letters.

(d) Any item from the files of the local, county, or state historical societies.

(e) The Historic Preservation Commission may require the submission of any item listed in Subsection (A)(2) above prior to making its preliminary written findings of fact.

(5) Regulation of Construction, Alteration and Demolition.

(a) No owner or person in charge of a historic structure, historic site or structure within a historic district shall alter, demolish or remove all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Approval has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Zoning Administrator shall not issue a permit for any such work.

(b) Upon the filing of any application for a Certificate of Approval with the Commission, the Commission shall review the application using the following guidelines, and shall not unreasonably deny issuance of the Certificate of Approval provided:

(i) In the case of a designated historic structure or historic site, the proposed work would not detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done in accordance with the guidelines for alterations as follows:

1. Height. All additions shall be no higher than the existing building.

2. Second Exit Platforms. Second exit platforms shall not be applied to the front or sides of a building, unless they are not visible from the street.

3. Solar Apparatus. Passive and active solar apparatus shall be allowed only if such devices do not detract from the architectural integrity of the building and are as unobtrusive as possible.

4. Repairs. Repairs in materials that mimic or duplicate the original in composition, texture, and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance are also permitted. Repairs in materials that do not duplicate the original in appearance may be permitted on an individual basis providing the repairs are compatible with the character and materials of the existing building and repairs that duplicate the original in appearance are prohibitively expensive.
5. Restoration. Projects that will return the appearance of the building to an earlier appearance are encouraged and shall be permitted if such projects are documented by photographs, architectural or archaeological research, or other suitable evidence.
6. Residences with Aluminum or Vinyl. Residences with aluminum or vinyl which replaces clapboards or non-original siding on buildings originally sided with clapboards may be permitted providing the new siding imitates the width of the original siding within one (1) inch, the wood graining, and providing architectural details (such as window trim, wood cornices, and ornament) either remain uncovered or are generally duplicated in appearance.
7. Storms, Screens, and Storm Doors. The repair and retention of original storms, screens and storm doors, or the replacement of same with new units that duplicate the original in materials and appearance is encouraged. Replacements with non-original materials, such as combination metal components, may also be permitted. If metal components are used, owners are encouraged to use metal components which have been factory painted.
8. Additions and Alterations to Street Façades. The appearance of all street façades of a building shall not be altered unless the design is sensitive to the historic character of the building. Specifically, the design or alteration shall be compatible with the existing building in scale, color, texture, and the proportion of solids to voids.
9. Alterations to the Roof. Roof alterations, resulting in increased building volume, to provide additional windows or skylights, headroom, or area are prohibited. The roof shape of the front of the building shall remain the same unless the owner wishes to restore an earlier, documentable appearance. Changes in roofing materials (excluding color changes) are prohibited unless the existing materials are no longer produced or the cost of production and installation exceeds ten percent (10%) of the assessed value of the structure, in which case the new roof materials shall resemble existing materials as closely as economically possible or the materials shall closely resemble an earlier documentable material.

(ii) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would not adversely affect nor disharmonize with the external appearance of other improvements on such site or within the district, and the Historic District Guidelines for New Construction, incorporated herein by reference, shall be applicable to all new construction proposals within a historic district.

(iii) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition conforms to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

(iv) The building or structure is of such architectural or historical significance that its demolition would not be detrimental to the public interest nor contrary to the general welfare of the people of the city and state;

(v) In the case of a request for the demolition of a deteriorated building or structure, the economic hardship or difficulty claimed by the owner is not self-created nor is it the result of failure by the owner to maintain the property in good repair.

(c) If the Commission determines the application for a Certificate of Approval and the proposed changes are consistent with the guidelines of Section 102-907, it shall issue the Certificate of Approval. The Commission shall make this decision within sixty (60) days of the filing of the application.

(d) The issuance of a Certificate of Approval shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Approval required for the proposed work.

(e) Ordinary maintenance and repairs may be undertaken without a Certificate of Approval provided the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(6) Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at City expense, a suitable plaque declaring that such property is a historic structure, site or district. The City's share of the plaque shall not exceed $100.00.

D. Setback Overlay (SBO) District

(1) Applicability. The BSO District shall be established on properties with the existing public right-of-way width is 100-feet or more, and the abutting roadway will not be widened to reduce the front yard “appearance” on the adjacent property. The BSO District may be applied to any base zoning district with the excessive right-of-way width exists and, and may be applied in conjunction with other overlay zones.

(2) Setbacks. No principal structure shall be constructed or altered on the property closer to any property line than the number of feet specified below, and the setbacks so specified shall take precedence over the setback requirement established by the underlying district.

(a) Front (street) yard. A zero (0) foot front setback shall permitted for properties in the BSO District.

(b) Street side yard. The minimum side yard setback from a street for principal and uses shall be as required in the underlying district.

(c) Interior side yard. The minimum side yard setback from an interior lot line or platted alley shall be as required in the underlying district.

(d) Rear yard. The rear yard setback shall be as required in the underlying district.

(3) Permitted uses. Any use as permitted in the underlying district.

(4) Special uses. Any use as permitted in the underlying district.

(5) Lot size. The SBO District shall not have a minimum lot area or width requirement when applied to a legally platted parcel.

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ARTICLE IV: REGULATIONS APPLICABLE TO SPECIFIC LAND USES

Section 102-401: Agricultural Land Uses

A. Crop and tree farming. Farming of crops and related agricultural actives shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in size.

B. Dairy, cattle, and other animal farming subject to the following:

(1) The keeping or raising of domestic livestock shall be permitted as part of a principal agricultural use of the premises on farms of at least 35 acres in area on the basis of not more than one (1) animal unit per acre and subject to the provisions outlined in Chapter 14: Animals.

(2) The keeping or raising of hogs, fur bearing animals, or goats shall not be permitted in the City limits.

Section 102-402: Artist Live/Work Space

Artist live/work space shall conform to the standards applicable to home occupations, except that the floor area devoted to non-residential activity shall not be limited.

Section 102-403: Drive-Thru and Car Wash Facilities

A. Design. Drive-Thru Facilities and Car Wash establishments shall be designed so that:

(1) Queuing shall not obstruct ingress/egress to the site, access to required parking or loading spaces, or otherwise interfere with vehicle circulation on the site.

(2) Vehicle queuing and equipment associated with the Drive-Thru or Car Wash shall be concealed from view from public streets and surrounding property to the greatest extent possible by their orientation, design or by screening. This will often involve orienting the Drive-Thru or Car Wash to the side or rear of the building, away from the public street.

(3) On a lot in a business district, establishments shall be limited to a maximum of two (2) Drive-Thru lanes.

B. Required Queuing Length

(1) The number of required queuing spaces shall be in accordance with Section 102-227: Off-Street Parking Standards.

(2) The minimum dimension of queuing spaces shall be nine (9) feet in width and twenty (20) feet in length.

(3) For a Car Wash, queuing spaces shall begin behind the last vehicle being washed. For all other Drive-Thru uses, queuing spaces shall include the vehicle stopped at a last point of service, such as a window.

C. Maintenance. The operator of the Drive-Thru facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

Section 102-404: Commercial Kennels and Pet Day-Care Facilities

All commercial kennels and pet day-care facilities (hereafter “commercial kennels”) shall be designed, operated, and maintained according to the following standards:

A. General.

(1) All commercial kennels shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

(2) The commercial kennels shall be permitted by Special Use as outlined by Section 102-919 as specified in the Matrix of Land Uses in Section 102-317.

(3) All animals shall be kept either within completely enclosed structures or under direct control of the kennel operator or staff between the hours of 7:00 PM and 7:00 AM

B. Permit required. No person shall operate a commercial kennel without first obtaining a land use permit in compliance with this chapter and the zoning code. No person shall operate a commercial kennel in any neighborhood zoned for residential use. Permits shall be obtained prior to opening any facility covered in this chapter. No such permit, however, shall be required for legally established commercial enterprise which operates exclusively as a veterinary hospital or clinic, pet shop or grooming parlor.

C. Operating Standards.

(1) The licensee, its agents, and employees shall operate and maintain the kennel in accordance with standards set out in Title 9, Chapter 1, Subchapter A, Part 3, Section 3.100 through 3.106 of the United States Department of Agriculture, Animal and Plant Health Inspection Service.

(2) Commercial kennel floors and walls shall be constructed of impervious materials and all structures, areas, and appurtenances shall be designed to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated and all doors, windows, and other openings to the outside shall be screened, May through October. The commercial kennels shall be provided with adequate and potable water supplies and shall be equipped with sewer facilities.

D. Outdoor operations.

(1) Outdoor runs and exercise areas shall be a minimum of fifty (50) feet from any residential zoning district.

(2) Fencing. Privacy fencing is required for outdoor runs and exercise areas, and shall be provided in accordance with Section 102-211. Additionally:

(a) Fencing shall have an opaqueness of at least 50-percent.

(b) Chain-link type fencing with slatting shall not be considered sufficient privacy screening. Landscape screening shall be required when chain-link type fencing is used.

Section 102-405: Outdoor Uses

A. General.

(1) All business, sales, service, storage and display of goods, manufacturing, and repairs shall be conducted wholly within enclosed buildings, except where a permanent or temporary outdoor use is specifically allowed by this Chapter.

(2) All outdoor uses shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

B. Sidewalk Cafes.

(1) Purpose. These standards and procedures are adopted to encourage appropriate outdoor activities on public sidewalks in the central business district; to ensure that the space used for outdoor dining on public sidewalks

will serve a public purpose; to establish a procedure to obtain permission to operate an outdoor dining facility; and, to ensure adequate space for pedestrians to traverse the sidewalk adjacent to outdoor dining facilities.

(2) General Provisions.

(a) Permit required. Outdoor dining on a public sidewalk shall be allowed only in the central business district, and only pursuant to the issuance of a sidewalk cafe license.

(b) Permitted locations. Outdoor dining may be permitted on the public sidewalk immediately adjacent to the building of the licensee, or immediately adjacent to the street curb fronting the building of the licensee at the discretion of the licensee and the approval of the director of community services. An unobstructed continuous pedestrian pathway measuring no less than five (5) feet in width shall be provided between the street curb and the dining area or, in the alternative, between the dining area and the licensee's building.

(c) The licensee shall provide trash receptacles with covers for the deposit of waste paper and trash to prevent the littering of the public sidewalks and streets.

(d) Licensees shall not drill any holes in the public sidewalk nor affix any railing, fixture, partition or furniture to the public sidewalk, nor to any adjacent city railings or planters.

(e) All chairs, railings, partitions, trash receptacles, umbrellas, portable heaters and other equipment (except for tables) will be removed from the public sidewalk when the licensee is not open for business.

(f) No signs or other forms of advertising other than permitted by Article VII of this Chapter are permitted.

(g) Lighting shall be restricted to illuminate the outdoor dining area only and will be positioned so that it will not interfere with vision of pedestrians, motorists or other neighboring businesses. Lighting fixtures shall compliment the established streetscape design and shall be approved by the Director of Community Services.

C. Outdoor Entertainment. Outdoor entertainment shall be permitted only as an accessory use to a restaurant, tavern, or brewery by zoning permit outlined in Section 102-910. The City shall determine the hours of operation music may be performed outdoors. Outdoor entertainment for a special event shall comply with the temporary use regulations outlined in Section 102-329.

D. Outdoor Sales. This Section regulates Outdoor Sales areas that are used for longer periods of time than Temporary Outdoor Sales areas permitted in Section 102-329, whether permanent or seasonal. These Outdoor Sales areas are permitted only if allowed by the regulations of the zoning district in which the lot is located, and shall conform to the following requirements:

(1) Approval. Outdoor sales shall be permitted by special use in accordance with Section 102-xxx.

(2) Location. Outdoor sales shall not be conducted within 50 ft. of any residential zoning district unless screened from view. Outdoor sales shall be conducted only within the designated area.

(3) Screening. Screening shall consist of an opaque barrier of landscaping, walls, fencing, berms or other methods sufficient in density and height to mitigate sight lines and noise as much as practicable from the lot line of any lot in a residential zoning district, and from the street.

(4) Maintenance. Outdoor sales areas and the surrounding premises shall be maintained in an orderly manner, free of litter and other refuse. Storage of goods for sale shall be no more than five (5) feet in height. Outdoor Sales shall not obstruct required access to buildings or parking spaces on the site, or to adjoining property.

(5) Additional Provisions. See Section 102-329 for additional provisions applicable to Temporary Outdoor Sales.

E. Outdoor Storage.

(1) Approval. Outdoor storage shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924. Outdoor storage for all commercial and industrial land uses shall be permitted by special use in accordance with Section 102-919.

(2) Location. Outdoor storage shall not be permitted in a required yard.

(3) Visibility. Outdoor storage shall not be visible from any:

(a) Public street or freeway;

(b) Existing or planned residential area;

(c) Publicly accessible open space area, parking area, access driveway, or other similar thoroughfare;

(d) Publicly accessible space of any public, quasi-public, commercial or industrial use; or

(e) Undeveloped property where public access to areas adjoining the outdoor storage use is likely.

(4) Screening. The following minimum screening requirements shall apply to outdoor storage adjacent to or potentially visible from public streets and publicly accessible areas identified in (2) of this section:

(a) An opaque fence or solid masonry wall or not more than eight (8) feet high. Screening walls and fences shall be architecturally compatible with the principal structure.

(b) No storage may exceed the height of the screening wall or fence.

(c) Screening landscaping in the street frontage yard, located in front of the wall or fence, to soften the view shall be required.

(d) No screening wall or fence shall be located within a required yard.

(5) Surfacing. Outdoor storage areas shall be located on a concrete or bituminous surface draining to an approved stormwater management system. Outdoor storage areas may be surfaced with partially permeable materials with Plan Commission approval.

Section 102-406: Merchandise Displays

Merchandise displays may be permitted on sidewalks within the Downtown District, provided said merchandise displays are in compliance with the design standards set forth in the Downtown Design Guidelines and with the following:

A. No person shall obstruct or impede the pedestrian right-of-way of any paved public sidewalk with any merchandise or personal property, except as provided herein. A sidewalk merchandise display shall be located adjoining the building from which it is marketed. Each display shall not encroach more than two and one-half (2 ½) feet from the building façade, and in all cases, the unobstructed sidewalk area must be at least five (5) feet in width and comply with Americans with Disability Act (ADA) requirements, as from time to time amended.

B. Displayed merchandise shall be consistent to that sold within the business. Displayed merchandise shall be maintained in good condition and shall be removed each day at the close of business.

C. The property and business owners are jointly and severally liable for any and all injury to any person or property directly and/or indirectly caused by their joint or several negligence and/or activities occurring on the paved sidewalk under this ordinance.

Section 102-407: Temporary Trash or Construction Debris Dumpsters and Personal Storage Containers

The following regulations shall apply for the temporary placement of a trash or construction debris dumpster or personal storage container in all zoning districts, not including special events as approved by the City. These regulations shall not apply to any trash/refuse dumpster permanently located on a site and approved with a building permit received from the City.

A. Location

(1) Private Property.

(a) A dumpster or storage container shall be located on private property, unless a permit is received for placement in the public right-of-way.

(b) A dumpster or storage container shall not be located in a required yard unless placed on a hard surface.

(2) Public property or right-of-way.

(a) A permit shall be required for the placement of a dumpster or storage unit.

(i) No permit shall be issued to any person to use the right-of-way where the Building Inspector determines that the placing of the dumpster or storage unit will unreasonably interfere with the public health, safety or welfare.

(ii) Permits may be denied where there is not enough room for the dumpster or storage unit upon the premises or private property served.

(b) A dumpster or storage container must be at least 25 feet from a fire hydrant.

(c) All public ways and public grounds must be left in as good and clean a condition as they were prior to the placement of the unit. Costs for damages, cleaning, or maintenance will be billed to the applicant.

(d) Insurance Required. The company owning the dumpster or storage container shall be able to provide proof of insurance for the unit upon request of the City.

(e) A dumpster or storage unit may not be placed until the permit application is complete and approved.

B. Length of Time. The placement of a dumpster or storage unit shall not exceed twenty-one (21) calendar days from the date of permit issuance.

C. Violations. The Building Inspector may issue municipal citations for violations of any of the provisions of this section. The City reserves the right to remove a dumpster or storage unit if the regulations of this section are not met.

Section 102-408: Reserved

Section 102-409: Reserved

Section 102-410: Reserved

Section 102-411: Community Residences

A. Purpose. The City is fully committed to ensuring that adequate provisions are being made to accommodate community residences, shared housing, and assisted living facilities in areas zoned primarily for residential use and to comply with the Federal Fair Housing Act of 1988. This Section outlines the minimum standards, rules and regulations consistent with the philosophy and purpose of the Illinois Statutes and to established spacing

requirements to foster the integration of such facilities into neighborhoods in the City of Sterling. It is necessary to protect the health, safety and welfare of the residents of the community residential homes by requiring compliance with all applicable State statutes, regulations and licensing requirements as well as all building, fire and safety ordinances and zoning regulations of the City.

B. Applicability. This Section shall apply to all existing and proposed community residences, shared housing, and assisted living facilities in the City of Sterling.

C. Licensing and Permitting.

(1) Licenses. All community residences, shared housing, and assisted living facilities shall be licensed in accordance with the applicable sections of the following:

(a) 210 ILCS 4, the Alzheimer's Disease and Related Dementias Special Care Disclosure Act as amended.

(b) 210 ILCS 9, the Assisted Living and Shared Housing Act as amended.

(c) 210 ILCS 35, the Community Living Facilities Licensing Act as amended.

(d) 210 ILCS 49, the Specialized Mental Health Rehabilitation Act of 2013 as amended.

(e) 210 ILCS 135, Community-Integrated Living Arrangements Licensure and Certification Act as amended.

(f) Title 77, Part 295 of the Illinois Department of Public Health Administrative Code as amended.

(2) Permit. Prior to occupancy, the owner or operator shall demonstrate that the facility complies with all applicable code standards in (1) above and Chapter 18, Buildings and Building Regulation of the Municipal Code.

D. Use District Table. Community residences, shared housing, and assisted living facilities shall be allowed in zoning districts as outlined in Section 102-317: Matrix of Land Uses.

E. Standards.

(1) Lot size requirements. All community residences, shared housing, and assisted living facilities shall be located on a parcel that provides a minimum of 1,500 square feet of land area per resident housed in the facility.

(2) Setbacks. The required setbacks for all community residences, shared housing, and assisted living facilities shall be as follows:

(a) Shared housing (Less than 8 persons). Meet the minimum setback requirements for a single-family residence in the zoning district of the property.

(b) Shared housing (9 – 16 persons). Meet the minimum setback requirements for a single-family residence in the zoning district of the property.

(c) Assisted living (17 or more persons). Meet the minimum setback requirements for a multi-family residence in the zoning district of the property.

(3) Facility requirements.

(a) Building floor area. The facility shall have a total floor area of not less than one thousand-five hundred (1,500) square feet, measured from the outside walls, including utility rooms, but excluding all other areas not used for living or sleeping purposes

(b) Bedrooms. Each bedroom shall provide a minimum floor area of seventy (70) square feet of floor area, excluding closets, per resident occupying the room.

(4) Spacing and density requirements. In order to avoid a saturation/concentration effect in the siting of community residences, shared housing, or assisted living facilities, spacing requirements outlined in Table 4.1 have been established to regulate the siting and operation of such facilities in the City.

Table 4.1: Spacing Requirements for Community Residences, Shared Housing, or Assisted Living Facilities

Facility Type	Minimum Spacing Requirements from an existing or proposed facility:		
	Shared housing (less than 8 persons)	*Shared housing (9 – 16 persons)*	*Assisted living (17 or more persons)*
Shared housing (Less than 8 persons)	800-feet	800-feet	1,200-feet
Shared housing (9 – 16 persons)	1,200-feet	1,200-feet	1,200-feet
Assisted living (17 or more persons)	1,200-feet	1,200-feet	1,200-feet

(5) Greenspace Requirements. A minimum of 35-percent of the total lot area must remain as greenspace or permeable surface. All rooftops, building footprints, parking areas, driveways, sidewalks, and patios shall be considered impervious cover.

(6) Parking Requirements. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards

F. Application requirements. A facilities shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued. In addition, the following information shall be provided:

(1) Written Description. A narrative which outlines the following:

(a) Typical daily operations of the facilities.

(b) Name, address, and telephone number of the organization or other entity that will operate the proposed community residence.

(c) Location of all facilities the petitioner have operated or are currently operating.

(d) Projected number of residents and employees.

(e) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,

(f) Traffic generation;

(g) Operational considerations relating to potential nuisance creation pertaining to the appropriate design of street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;

(h) Material Safety Data Sheets (MSDS) for all materials anticipated to be used or stored on site;

(i) Calculations for determining the number of off-street parking spaces as required by the Section 10-2-35 of this Title.

(j) Possible future expansion and related implications for (a) – (g) above, and:

(k) Any other information pertinent to adequate understanding by the Plan Commission or City Staff of the intended use and its relation to nearby properties.

(2) Facilities Map. The petitioner shall provide a map illustrating the location of all existing community residences, shared housing, and assisted living facilities located within 2,500 feet, measured in any direction, of the lot on which the proposed facility will be located or altered.

(3) Site Plan. Illustrating, where applicable:

(a) Lot area and current zoning of the site;

(b) All existing and proposed lot lines, labeling dimensions, required minimum setbacks for buildings and other structures;

(c) Wetlands, shoreland zoning areas, floodplains and/or other environmental features;

(d) Existing and proposed buildings, indicating gross floor area.

(e) Floor plans for the proposed facilities, to scale.

(f) Other structures, such as accessory structures, fences, trash enclosures, etc.;

(g) Parking lots, vehicle and pedestrian circulation and driveway areas, loading areas, and proposed ingress and egress to the site;

(h) Outdoor storage areas, dumpsters, and proposed screening;

(i) Adjacent streets and land uses, including all buildings within 50-feet of the site's boundaries.

(4) Structure Elevations. The petitioner shall provide elevation plans for structures proposed on the site, including but not limited to the principal building, accessory buildings, trash enclosure, and fencing. The elevations shall illustrate the proposed building materials, fencing materials, and colors.

(5) Sign Plan. All proposed exterior signage shall comply with Article VI: Signs of this Chapter.

(6) Exterior Lighting Plan. Petitioners shall submit a unified lighting plan in accordance with Section 102-606 of this Chapter.

(7) Landscape Plan. A landscape and buffer plan complying with the standards set forth in Section 102-520 shall be required for all community residences, shared housing, and assisted living facilities.

(8) Grading, Stormwater, and Erosion Control Plans. As required to meet all applicable City, County, and state requirements outlined in Chapter 80 of the Municipal Code.

Section 102-412: Bed and Breakfast Establishment

A structure designed and occupied as a bed and breakfast residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients shall conform to the following regulations:

A. General. The establishment and operation shall be located within an existing owner-occupied single-family dwelling. The single-family residence in which the operation is located shall be maintained so that the appearance of the building and grounds remain that of a single-family residence.

B. Guest rooms and guests. The establishment shall be have no more than eight (8) guests rooms lodging at the establishment at any one time for rent to no more than 20 tourists or transients.

C. Owner residence. The owner of the property shall be responsible for the operation of the property and shall be a resident of the property when the establishment is in operation.

D. Meals and cooking. The establishment shall provide meals only to renters of the place. No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available to guests. The establishment shall comply with the Illinois Statutes for Environmental Health.

E. Exterior lighting. Exterior lighting shall comply with the standards outlined in Section 102-606.

F. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

Section 102-413: Guest House

A. Approval. Guest homes shall be permitted by special use in accordance with Section 102-919.

B. Lot Size. A minimum size lot of 15,000 square feet shall be required.

C. Renting. Guest houses shall not be rented or leased.

D. Floor Area. Guest houses shall have a minimum floor area of 900 square feet, and comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located.

Section 102-414: In-Family Suite

A. The dwelling unit and the in-family suite shall together appear as a single-family dwelling, and the suite must have an internal connection to the primary residence. External stairs serving as the primary access to the in-family suite are prohibited.

B. In-Family Suite may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios and decks.

C. A separate outdoor access or separate access to the garage may be provided.

D. A separate address and utility connection or meters for the in-family suite are not permitted.

E. The in-family suites may not be occupied by a non-family member.

F. In-family suites should be considered and regulated as part of a single-family dwelling unit.

Section 102-415: Duplex or Townhome Requirements

A duplex or townhome consists of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on the same lot, and the units may not be split into additional residences.

A. Lot Area. Lots containing duplexes or townhomes shall have a minimum area of 10,000 square feet.

B. Lot width. Lots containing duplexes or townhomes shall have a minimum width of 80-feet.

C. Bulk Requirements. Duplexes or townhomes shall comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located.

Section 102-416: Twin Home (Zero Lot Line) Requirements

The twin home, also called a zero lot line home, consists of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on separate lots.

A. Number of Units. Twin Homes shall be built with one unit per subdivided lot, and with no more than two (2) units per building, with each dwelling unit being attached to the adjacent unit.

B. Platting Requirements. A plat shall illustrate the proposed lot line, the location of the dwellings, required setbacks, easements, and the location of the sanitary sewer and water laterals servicing each side of the duplex the dwellings shall be provided to the city for review and approval prior to recording with the county register of deeds, prior to the issuance of any required building, plumbing, occupancy or other permit.

C. All City of Sterling building and fire codes are applicable to Twin Homes, as well as a minimum one-hour fire separation, complying with the International Building Code, and which provides for a vertical separation of all adjacent areas of each dwelling unit from the lowest level flush against the underside of the roof. Each twin home unit shall have separate sewer and water laterals and shall have separate utility services for all other utility hook-ups.

D. The Zoning Administrator may require restrictive covenants be recorded against the property as a condition to any certified survey map or subdivision plat approval or special use, occupancy, building or plumbing permit issuance. The recorded restrictive covenants shall be filed with the Zoning Administrator prior to the issuance of any permit for zero lot line dwellings.

E. Maintenance and drainage easements. A perpetual easement related to maintenance, eaves, and drainage of at least five feet shall be provided on the lot adjacent to the zero lot line property line which, with the exception of fences, shall be kept clear of structures. These easements shall be shown on the face of the certified survey map and incorporated into each deed transferring title on the property. The building wall along the zero lot line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.

F. Covenants and maintenance agreements. The proposed covenants and maintenance agreements shall be provided to the city for review and approval prior to recording with the county register of deeds.

G. Miscellaneous documentation. Letter from licensed plumber indicating that each unit is served by separate sanitary sewer and water laterals.

Section 102-417: Multiple-Family Residences

All multiple-family residential development shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 and the design guidelines outlined in Section 102-510 of this Chapter before the zoning, occupancy, and building permits can be issued.

Section 102-418: Brownstones or Rowhouses

A. All brownstone or rowhouse residential developments shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

B. No more than six (6) units shall be attached per structure.

Section 102-419: Mobile/Manufactured Home Parks

A. Mobile/manufactured home park developments shall comply with the regulations outlined in Chapter 58 Article II of the Municipal Code.

B. Mobile/manufactured home park developments shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

Section 102-420: Boarding Houses

A. Each boarding house shall be a single structure containing assigned rooms for residents.

B. The minimum lot size shall be 900 square feet per boarding room, and the lot shall have a minimum 66-foot width.

C. No more than one boarding house per individual tract, parcel, or platted lot is allowed.

D. Each boarding room shall be a minimum of 200 square feet in area, and no more than two (2) occupants per sleeping room are allowed.

E. Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances. Entry access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.

F. No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room. Residents must have access on site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site must be available to the residents, or daily meals must be provided on site for the residents of the boarding house.

G. Each floor must contain at least one fully–equipped bathroom for each five residents that is accessible from a common hallway.

H. Each boarding house shall have a resident manager.

I. All residents must execute a lease before occupancy. Rooms must be leased to the same resident for at least seven (7) consecutive calendar days.

Section 102-421: Automobile or Motor Vehicle Repair in Residential Districts

The repair of an automobile or a motor vehicle in any residential zoning district is subject to the following restrictions:

A. Minor repairs and maintenance. Minor repairs and maintenance may be done on vehicles owned by the occupant of the structure. Such repairs may include, but are not limited to, the changing and replenishment of fluid levels, oil changes, electrical system repair and maintenance, tire rotations, the replacement of brake pads and rotors, and the replacement of drive belts and hydraulic lines.

B. Other repairs. Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces that are properly ventilated or accomplished on privately registered vehicles lawfully licensed.

Section 102-422: Reserved
Section 102-423: Reserved
Section 102-424: Reserved
Section 102-425: Reserved
Section 102-426: Reserved

Section 102-427: Gas stations, Convenience Stores (including automotive repair facilities and gas stations with automotive repair facilities), and Motor Sales Facilities (including automobile sales with automotive repair facilities)

Gas stations, convenience stores, gas stations with automotive repair facilities, and automotive repair facilities, motor sales facilities, including automobile sales with automotive repair facilities shall meet the following requirements:

A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.

B. Direct access to arterial streets required. All gas stations shall have direct access to an arterial street which is a federal, State, or county designated highway or accompanying frontage road, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.

C. Architectural design. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block, or stone. Additionally, all convenience stores abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures.

D. Fuel pump location. Any fuel pumps and pump islands shall be at least forty (40) feet from any street or abutting lot line and meet all other State of Illinois regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.

E. Canopies. The canopies provided over the pump islands of gas pumps shall meet the yard requirements of a principal structure. In addition:

(1) Obstruction of visibility at rights-of-way prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.

(2) Zoning district front yard requirements shall be met. All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.

(3) Canopies to be counted toward maximum permitted FAR. All canopies shall be counted toward the maximum permitted floor area ratio (FAR) of the nonresidential zoning district in which the canopy is to be constructed.

(4) Maximum height. Under no circumstances shall the underside of the canopy (as measured at the bottom of its exterior fascia) be higher than sixteen (16) feet.

(5) Canopy roofs. Canopy roofs shall be architecturally compatible with the main building. Signs or distinctive emblems, and color banding may be considered for the canopy.

F. Repair services. All repair services shall be done within a completely enclosed building and shall meet the following requirements:

(1) No more than the required off-street parking set forth under the provisions of Section 102-227 of this Chapter shall be allowed.

(2) All overnight storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a masonry wall of a minimum height of six (6) feet.

(3) All damaged or inoperable parts shall be stored indoors until removed from the premises.

(4) An automotive repair facility shall store all vehicle parts within a completely enclosed building.

(5) The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Special Use Permit.

G. Outdoor storage and display of merchandise. The outdoor storage or display of merchandise shall be permitted by Special Use as outlined in Section 102-919 of this Chapter and in accordance with Section 102-405. Outdoor storage and display of merchandise shall include, but not be limited to, ice storage or vending boxes, vending machines, and/or propane tanks and or other flammable materials.

H. Concrete curb and gutter required. Concrete curb and gutter shall be required throughout all off-street parking, drive, and loading areas of the development.

I. Hours of operation. Hours of operation shall be established by the Plan Commission.

J. Financial institution uses as an accessory use. Financial institution uses may be permitted as an accessory use if said use does not occupy more than twenty-five (25) percent of the floor area of the principal structure and is housed completely within the principal structure. The Plan Commission may impose hours of operation for the financial institution different from the hours of operation of the principal use.

K. Prohibited signs. The following signs are hereby prohibited:

(1) Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all decorative flags, pennants, whirling objects, banners, or other entity(s) attached to strings or lines.

(2) Inflatable advertising devices or signs.

(3) Changeable copy and portable trailer signs, either fixed or moveable except gas prices consistent with State and/or federal regulations and practice of the industry.

(4) Banners or placards which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event (except as may be permitted by Article VII: Signage).

(5) A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three (3) consecutive hours, which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.

(6) Exposed neon or similarly appearing signage.

(7) Other requirements. Any other requirements and/or conditions deemed appropriate by the Plan Commission and/or City Council.

Section 102-428: Mini-Warehouses

Mini-warehouse facilities shall meet the following requirements:

A. Direct access to arterial streets required. All mini-warehouses shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where

access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.

B. Limitations on use of facilities. Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.

C. Services and sales activities prohibited. No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.

D. Practice rooms, meeting rooms, and residences prohibited. Facilities shall not be used for practice rooms, meeting rooms, or residences.

E. Outdoor storage. No outdoor storage shall be permitted.

F. Storage of explosive or highly flammable material. Storage of explosive or highly flammable material shall be prohibited.

Section 102-429: Outdoor Nursery and Garden Sales

Outdoor nursery and garden sales either as a principal use or accessory use shall meet the following requirements:

A. Outdoor sales of merchandise to be accessory to enclosed building. There shall be an enclosed building with outdoor sales of merchandise accessory to said building.

B. No outdoor display permitted not accessory to enclosed building. No outdoor display shall be permitted which is not accessory to an enclosed building or which has not been approved by the City.

Section 102-430: Outdoor Recreation Facilities

Outdoor recreational uses include all recreational land uses located on public property (including school district property) which involves active recreational activities. Such land uses include courts (tennis, basketball, volleyball), fields (ball diamonds, football, soccer), tot lots, playgrounds, swimming pools, beach areas, fitness courses, golf courses, and similar land uses.

A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.

B. Lighting facilities and structures shall be approved by Special Use in accordance with Section 102-919, and in accordance with Section 102-606: Exterior Lighting Standards of this Chapter.

Section 102-431: Reserved
Section 102-432: Reserved
Section 102-433: Reserved
Section 102-434: Reserved

Section 102-435: Medical Cannabis Cultivation Centers and Dispensaries

A. Purpose. The Illinois Compassionate Use of Medical Cannabis Pilot Program Act recognizes the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. The purpose of this Section is to specify the minimum standards, rules and regulations consistent with the philosophy and purpose of the Illinois Statutes to regulate medical cannabis cultivation centers and dispensaries in order to promote the health, safety, and general

welfare of the residents of the City of Sterling, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such uses and operations within the City of Sterling. It is neither the intent nor effect of this Section to restrict or deny access by cardholders to medical cannabis cultivation centers and dispensaries by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act.

B. Applicability. This Section shall apply to all existing and proposed medical cannabis cultivation centers and dispensaries in the City of Sterling.

C. Licensing. All medical cannabis cultivation centers and dispensaries shall be licensed in accordance with the applicable sections of the 410 ILCS 130, Compassionate Use of Medical Cannabis Pilot Program Act, as enacted and amended.

D. Permit. Prior to occupancy, the owner or operator shall demonstrate that the facility complies with all applicable code standards in (F) and (G), and Chapter 18, Buildings and Building Regulation of the Municipal Code.

E. Location of Medical Cannabis Cultivation Centers and Dispensaries.

(1) Zoning Districts. Medical cannabis cultivation centers and dispensaries shall be allowed in zoning districts as outlined in Section 102-317: Matrix of Land Uses.

(2) Distance Requirements

(a) Medical cannabis dispensaries shall be located at least 1,000 feet from the property line of any:

(i) Pre-existing public or private preschool or elementary or secondary school.

(ii) Day care center, day care home, group day care home, part day child care facility, or youth facility.

(iii) Playground lot line, or public park.

(iv) Place of religious worship, public or private school, or youth facility.

(v) Other medical cannabis dispensaries.

(b) A registered cultivation center may not be located within 2,500 feet of the property line of any:

(i) Pre-existing public or private preschool or elementary or secondary school.

(ii) Day care center, day care home, group day care home, part day child care facility, or youth facility.

(iii) Playground lot line, or public park.

(iv) Place of religious worship, public or private school, or youth facility.

(3) Distance measurements

(a) Distance requirements are to be measured in a straight line in any direction, regardless of intervening structures, from the structure housing the medical cannabis cultivation center or dispensary to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Subsection (1) above.

(b) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

(c) For medical cannabis cultivation centers and dispensaries located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the medical cannabis cultivation center or dispensary.

(d) For any medical cannabis cultivation center or dispensary located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements

shall be taken from the ground floor public entrance/exit nearest the medical cannabis cultivation center or dispensary.

F. Standards for Approval of Medical Cannabis Cultivation Centers and Dispensaries

(1) Application requirements. A facilities shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued. In addition, the following information shall be provided:

(2) Facility requirements. All facilities for medical cannabis cultivation centers and/or dispensaries shall comply with the applicable sections of the 410 ILCS 130, Compassionate Use of Medical Cannabis Pilot Program Act, as enacted and amended.

(3) Bulk Regulations. All facilities shall comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located

(4) Parking Requirements. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

(5) Structure Elevations. The petitioner shall provide elevation plans for structures proposed on the site, including but not limited to the principal building, accessory buildings, trash enclosure, and fencing. The elevations shall illustrate the proposed building materials, fencing materials, and colors.

(6) Signage. All proposed exterior signage shall comply with Article VI: Signs of this Chapter.

(7) Exterior Lighting. Petitioners shall submit a unified lighting plan in accordance with Section 102-606 of this Chapter.

(8) Landscape. A landscape and buffer plan complying with the standards set forth in Section 102-520 shall be required for all community residences, shared housing, and assisted living facilities.

(9) Grading, Stormwater, and Erosion Control. As required to meet all applicable City, County, and state requirements outlined in Chapter 80 of the Municipal Code.

Section 102-436: First Amendment Protected Adult-Oriented Establishments

A. Purpose: It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the residents of the City of Sterling, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Sterling. The provisions of this Section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

B. Findings of Fact:

(1) The City council finds that Adult-Oriented Establishments, as defined and otherwise regulated by the City in the Municipal Code, require special zoning in order to protect and preserve the health, safety, and general welfare of the City.

(2) Based its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX,

Beaumont TX, Dallas TX, Houston TX, Newport News VA, Bellevue WA, Seattle WA, New York NY, St. Croix County WI, and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *East of the River Enterprises II v. City of Hudson*; 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702, 2003 WL 132541 (7th Cir. 2003), the City Council finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.

(3) The City Council intends to control the impact of these secondary effects in order to protect the health, safety, and general welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.

(4) It is not the intent of the City Council to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.

(5) In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the City, it is the intent of the City Council to prevent the location of Adult-Oriented Establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.

(6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the City Council finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

C. Location of First Amendment Protected Adult-Oriented Establishments.

(1) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments are entitled to certain protections, including the opportunity to locate in the City. Therefore, if an Adult-Oriented Establishment License has been granted by the City, and if all the requirements of this section have been met, an Adult-Oriented Establishment shall be a permitted use as a Special Use in the HM District and shall be a prohibited use in any other zoning district.

(2) Distance Requirements:

(a) Adult-Oriented Establishments shall be located at least 1,000 feet from any:

(i) Playground lot line, or public park lot line.

(ii) Place of religious worship, public or private school, or youth facility.

(iii) Structure housing an establishment which holds an alcohol beverage license.

(b) Adult-Oriented Establishments shall be located at least 500 feet from any:

(i) Structure used as a residence.

(ii) Residential zoning district boundary.

(3) Distance measurements:

(a) Distance requirements are to be measured in a straight line in any direction, regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Subsection (2) above.

(b) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

(c) For Adult-Oriented Establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.

(d) For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

(4) A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the location subsequent to the grant or renewal of its license of any of the establishments described in (b) above, within 1,000 feet of the licensed premises.

Section 102-437: Convenient Cash Businesses and Similar Establishments

The purpose of this section is to provide for the regulation of convenient cash and other similar establishments. It is recognized that convenient cash businesses have the potential to be harmful to the public welfare, both in regards to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating convenient cash services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of convenient cash services that may result in the displacement of other necessary commercial and financial services.

Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, convenient cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime, and the negative effects of their proliferation, the common council finds that the health, safety and welfare of the residents of the city of Sterling should be protected by legislation limiting the geographic proliferation of convenient cash businesses.

It is therefore the intent of this Section to regulate the locations and hours of operation of convenient cash businesses in the city of Sterling.

A. Location and Operation of Convenient Cash Businesses.

(1) Convenient cash businesses shall not be located within two thousand five hundred (2,500) feet of any other convenient cash business.

(2) Convenient cash businesses shall not be located within two hundred fifty feet from a residential district as measured by the shortest line between the parcel to be occupied by the proposed convenient cash facility and the property line of the nearest residential property.

(3) Hours of Operation. Convenient cash businesses shall not operate between the hours of nine p.m. and nine a.m.

(4) Business shall keep a glass entrance and exit doors with all windows clear of any signs or advertisements.

(5) The building or portion thereof that is dedicated to the check cashing use shall have a minimum size of one thousand five hundred (1,500) square feet of building floor area.

(6) All convenient cash businesses shall operate one outdoor surveillance camera and wireless subscription module.

B. Security Plan. Applicant must provide a security plan to the City of Sterling Police Department that addresses the following:

(1) Limits on amount of cash immediately available for withdrawal;

(2) Lighting plan for the business showing both exterior and interior lighting;

(3) Plans for maintaining visibility into the interior of the check cashing facility;

(4) Plans for security of the check cashing area of the facility;

(5) A program for graffiti and litter abatement;

(6) Hours of operation; and

(7) Use of security guards and cameras plan.

C. Parking Regulations. Parking for employees and customers shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

D. Overnight Storage Regulations. The overnight parking and or storage of motor vehicles or other collateral is expressly prohibited.

Section 102-438: Power Generation Facilities

A. Power generation facilities shall meet the following requirements:

(1) Direct access to arterial streets required. All power generation facilities shall have direct access to an arterial street which is a federal, state, or county designated highway.

(2) Minimum required setbacks. Front, rear, and side yards shall be a minimum of fifty (50) feet from all lot and right-of-way lines.

(3) All applicable local, state, and federal environmental standards to be met. Proof of the ability to meet all applicable local, state, and federal environmental standards shall be provided.

Section 102-439: Utilities

All Local Utility uses shall be permitted in all zoning districts without limitation as to minimum lot area, yard, or other Bulk requirements, provided that the installation thereof shall comply with the requirements of the applicable administrative authorities. Community/Regional Utility uses shall be permitted only in accordance with the provisions of the zoning district in which they are located.

Section 102-440: Tattooing and Body-Piercing

A. Purpose. The purpose is to provide for a more efficient enforcement method of those state statutes adopted by reference and also to impose stricter controls on tattooists and tattoo establishments and body piercers and body-piercing establishments than those imposed by 410 ILCS 54 is the Tattoo and Body Piercing Establishment Registration Act and the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.

B. Operation and Licensing. It shall be a violation for any person to:

(1) No person may tattoo or pierce another person, designate or represent himself or herself as a tattooist or piercer, or use or assume the title "tattooist" unless the person complies with the Section 797.1300: Body Artist Proficiency Requirements established by the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.

(2) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless a Special Use as outlined in Section 102-919 as specified in the Matrix of Land Uses in Section 102-317 is first obtained from the City.

(3) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless all practitioners working in the establishment hold current registration issued by Section 797.1200: Establishment Certificate of Registration Requirements established by the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.

C. Regulation of Tattooing and Body-Piercing. It shall be a violation for any practitioner to:

(1) Tattoo or body-pierce a patron without first obtaining a signed, informed consent of the person on a form approved by the State of Illinois.

(2) Tattoo or body-pierce a patron who is minor, except at authorized by 720 ILCS 5/12. This subsection shall not be construed to prohibit ear piercing of a person under age 16 provided that an informed consent has first been signed by the patron's parent or legal guardian.

(3) Fail to disclose to a patron that the practitioner intends to use a previously used needle or other body-piercing instrument.

(4) Tattoo or body-pierce any patron who appears to be under the influence of alcohol or drugs.

(5) Tattoo or body-pierce any patron who has evident skin lesions or skin infections in the area of the procedure.

Section 102-441: Craft Breweries, Distilleries, and Winery

As enabled under 235 ILCS 5, craft breweries shall meet the following requirements:

A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.

B. Permitted Districts. Breweries, distilleries, and wineries shall be permitted as outlined in Section 102-317: Matrix of Land Uses.

C. Licensing. A craft brewery, distillery, or winery shall be licensed as outlined in 235 ILCS 5/5-1 and Chapter 6: Alcoholic Beverages of the Municipal Code.

D. Hours of operation.

(1) Manufacture of Fermented Beverage, Spirits, or Wine and Operation of Craft Brewery, Distillery, or Winery. The City shall not impose limitations on the hours of operation for the manufacture of fermented beverages, spirits, or wines and operation of the craft brewery, distillery, or winery respectively.

(2) Retail Sales. All premises licensed for liquor sales shall comply with the regulations outlined in Chapter 6: Alcoholic Beverages of the Municipal Code.

E. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Regulations.

F. Restaurants in Craft Breweries, Distilleries, or Wineries. The following criteria will apply to any restaurant use located in a craft brewery, distillery, or winery:

(1) The restaurant shall be limited to a maximum size of thirty percent of the total floor area of the facility, excluding any outdoor seating or accessory sales areas.

(2) Additional parking for the restaurant may be required as outlined in Section 102-227: Off-Street Parking Regulations.

G. Other requirements. Any other requirements and/or conditions deemed appropriate by the Plan Commission and/or City Council not in conflict with the provisions of 235 ILCS 5, may be imposed.

Section 102-442: Beer Garden

Permanent beer gardens for the consumption of alcoholic beverages shall be subject to the following guidelines. This section shall not apply to special events as approved by the City.

A. Licensing. Appropriate City licensing of operations shall be required as outlined in Chapter 6: Alcoholic Beverages of the Municipal Code.

B. Closing Hours. All premises licensed for liquor sales shall comply with the regulations outlined in Chapter 6: Alcoholic Beverages of the Municipal Code

C. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.

D. Location of service area. The outdoor service area shall not be located within any public right-of-way or within any required landscape area, buffer yard, or front, side, or rear yard setback on the same parcel as the restaurant, tavern, or brewery, not withstanding, however, outdoor service area conditions which may be placed on the licensed premises by the licensing agency.

E. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

Section 102-443: Free-Standing Kiosks/ATM Structures/Vending Machines/Outdoor Sales Appurtenances/Clothing Drop Facilities

A. Intent. Ensure that free-standing kiosk structures, ATM structures, vending machines, other outdoor sales appurtenances, and clothing drop facilities are compatible with the appearance and function of the overall commercial development.

B. Classification. All free-standing kiosk structures, ATM structures, vending machines, and other outdoor sales appurtenances shall be considered uses accessory to the principal uses on the property.

C. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.

D. Design Guidelines and Standards

(1) General Guideline. All kiosk-type buildings and structures shall be integrated with the overall commercial or center development, and shall be subject to the same guidelines as all other buildings with the development.

(2) Location. Free-standing kiosks and drive-up ATM structures shall not be located along the primary access street frontage. All such structures regulated by the Section shall comply with the bulk regulations as outlined in Section 102-321.

(3) Access. Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.

(4) Structure Design. Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in Article V: Design Guidelines.

ARTICLE V: DESIGN GUIDELINES & REGULATIONS

Section 102-501: Nonresidential Design Guidelines and Regulations

A. GENERAL PROVISIONS

(1) Purpose.

(a) To improve the overall quality of nonresidential development in Sterling,

(b) Ensure compatibility of nonresidential development with surrounding land uses,

(c) Enhance site design of nonresidential development in the city, enhance pedestrian safety and walkability, and improve user-friendliness of the document and review process.

(2) Applicability. The provisions of this Section shall apply to the following types of developments:

(a) Development of all projects in which the principal use is commercial, industrial, or institutional.

(b) Any accessory use to one of the principal uses listed in (a), including but not limited to lighting, accessory buildings over 300 square feet in floor area, telecommunications facilities, and exterior building alterations.

(c) Any addition to an existing use listed in subsection (1) which existed as of [INSERT DATE OF ADOPTION] that results in a total cumulative square foot expansion of 25-percent or more over the life of the development for any of the following:

(i) Building floor area,

(ii) Outdoor storage area, or

(iii) Parking lot area.

(d) Where developments under subsection (3) are proposed, the project, building, and site shall comply with the provisions of this Section to the extent practical, given existing site and building conditions.

(3) Exemptions. The following shall be exempted from the provisions of this Section:

(a) All single-family detached and two-family residences on individual lots or zero-lot line.

(b) All multiple-family residences shall comply with the provisions of Section 102-510.

(c) All development in the DB, Downtown Business District shall comply with the provisions of Section 102-505.

(4) Process. All projects shall be reviewed and approved as a part of the Building Site and Operation Plan procedures contained in Section 102-924.

B. SITE PLANNING

(1) Purpose. These guidelines and standards are intended to encourage an orderly and logical pattern of commercial development that is easily recognized by local residents, and that enhances the convenience and livability of Sterling. It is also the intent that these guidelines and standards encourage forethought and consideration of both a development's external relationships as well as its internal organization.

(2) Preservation of Natural Features

(a) Purpose. Enhance local character; protect natural features' important functions, such as stormwater management, air purification, and provision of shade; preserve and integrate natural features, including mature trees into new development.

(b) Tree and Vegetation Preservation.

(i) Tree Survey/Plan Requirement. Developers shall submit an existing tree survey and preservation plan to show compliance with these guidelines and standards.

(ii) General Guideline. Existing quality/specimen trees and vegetation should be preserved whenever possible to act as buffers between adjoining developments and as site amenities within the development.

(iii) Significant Trees. For purposes of this section, "significant" trees include the following:

A. Deciduous trees with twelve inch (12”) minimum caliper.

B. Evergreen trees twelve feet (12’) or more in height.

C. Groups or stands of ten (10) or more trees with a minimum caliper of six inches (6”).

(iv) Significant Tree Preservation & Replacement Standards

A. At least 50-percent of significant trees shall be preserved or transplanted on site, to the maximum extent practicable.

B. Significant trees in appropriate locations, such as along drainages and along the perimeter of the site should be used to fulfill landscaping or buffering requirements outlined in Section 102-520.

C. Tree Replacement. If a significant tree designated to be preserved is removed or substantially damaged during clearing, grading, or construction, the developer shall replace the removed or damaged tree with new trees. Replacement trees shall be the same or similar species to the trees removed or damaged, or alternately a species native to Whiteside County (as listed in Section 102-520) and a minimum planting size of 2.5-inches DBH. Trees removed or damaged shall be preplaced by the developer on a diameter inches for diameter inches basis.

D. Significant trees shall be protected during construction with the erection of barrier fencing.

E. Grading shall be avoided within the root area or drip line of any existing preserved trees.

(3) Land Disturbance.

(a) Intent. The natural rolling and vegetated topography is a key element in distinguishing Sterling and defining its character. Development should maintain natural site topography and minimize land disturbance. Extensive grading or unusual site improvements (e.g., large retaining walls) to force a design onto a property is strongly discouraged. Modifying the design of a commercial development to fit the site generally results in a reduced potential for environmental problems and an improved level of visual interest and variety.

(b) Guidelines and Standards

(i) Prior Approval of Land Disturbance. Where significant topographical issues are identified at a pre-application conference (for example, substantial differences in grade on site), the city may require the applicant to submit a preliminary grading plan. As applicable, no grading, excavation, or tree/vegetation removal shall occur on a site, whether to provide for a building site, for on-site

utilities or services, or for any roads or driveways, before the city's approval of such preliminary grading plan.

(ii) Natural Topography. To the maximum extent feasible, the layout of commercial developments shall maintain natural site topography. Berms, channels, swales, and similar man-made changes to the landscape shall be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes of slope.

(iii) Maximum Slope on Graded or Filled Man-Made Slopes. The maximum slope of any man-made slope shall be 3:1, unless otherwise approved by the City.

(iv) Site Drainage Patterns. Site drainage patterns shall be designed to prevent concentrated surface drainage from collecting on, and flowing across pedestrian paths, walks, and sidewalks. All site drainage shall comply with Chapter 80: Stormwater Management and Erosion Control Ordinance in Municipal Code.

C. SITE LAYOUT/DEVELOPMENT PATTERN

(1) Intent. Site layout and building orientation often define the focus of activity that occurs at the front door or along the street. These standards are intended to use site planning and building orientation in order to:

(a) Create a sense of place for users and passers-by.

(b) Ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene.

(c) Ensure that site circulation promotes contiguous pedestrian and vehicle circulation patterns.

(d) Ensure that parking areas provide safe and efficient access to buildings.

(e) Create a unique and identifiable image for development in Sterling.

(2) Location of Parking

(a) In order to reduce the scale of the paved surfaces and to shorten the walking distance between the parked car and the building, off-street parking for all non-residential developments shall be located according to one of the following options:

(i) A minimum of thirty percent (30%) of the off-street surface parking spaces provided for all uses contained in the development's primary building shall be located other than between the front façade of the primary building and the primary abutting street (e.g., to the rear or side of the primary building), or

(ii) More than seventy percent (70%) of the off-street surface parking spaces provided for all uses contained in the development's primary building may be located between the front façade of the primary building(s) and the primary abutting street, provided the amount of interior and perimeter parking lot landscaping required by Section 102-520(B)(2)(e) is increased by fifty percent (50%).

(3) Multiple-Building Developments

(a) Applicability. When there is more than one (1) building in a commercial development, the development shall comply with the following standards, except that multiple-building developments located at the intersection of two thoroughfare streets shall comply instead with the standards stated in subsection (5) Site Layout and Building Orientation at Two Intersecting Thoroughfare Streets.

(b) Site Layout and Building Orientation. All primary and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent development and:

(i) Avoids linear, “strip commercial” development patterns.

(ii) Frames the corner of an adjacent street intersection.

(iii) Frames and encloses a "main street" pedestrian and/or vehicle access corridor within the development site.

(iv) Frames and encloses parking areas, public spaces, or other site amenities.

(v) Alternatives. An applicant may submit an alternative development pattern, provided such pattern achieves the intent of the above standards and this section. Strictly linear or "strip commercial" development patterns shall be avoided.

(4) Single-Building Developments

(a) Applicability. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development, the development shall comply with the following standards, except that single-building developments located at the intersection of two thoroughfare streets shall comply instead with the standards stated in Section 102-501(C)(5) site Layout and Building Orientation at Two Intersecting Thoroughfare Streets.

(b) Single-Tenant Building. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development that will be occupied by a single tenant, such building shall be oriented toward the primary abutting street and shall otherwise comply with Section 102-501(C)(2) Location of Parking. Deep setbacks behind large expanses of parking areas or vacant land shall be avoided.

(c) Multi-Tenant Building. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development that will be occupied by multiple tenants, at least fifty percent (50%) of the building's "active" wall shall be oriented toward the primary abutting street and shall otherwise comply with Section 102-501(C)(2) Location of Parking. Deep setbacks behind large expanses of parking areas or vacant land should be avoided.

(5) Site Layout and Building Orientation at Two Intersecting Thoroughfare Streets

(a) Intent. Major intersections of commercial activity in Sterling need special attention so that all four corners are linked and function as a whole, and so that a sense of place and "arrival" unique to Sterling is created. Development at key intersections shall comply with the recommendations outlined in the Comprehensive Plan.

(b) Applicability. All new office, and commercial developments located at the intersection of two thoroughfare (arterial) streets shall comply with this subsection's site layout and building orientation standards.

(c) Site Layout and Building Orientation. To the maximum extent practicable, within each intersection quadrant, primary buildings and/or pad site buildings shall be arranged to orient to the thoroughfare streets and to frame the corner at the intersection of the two thoroughfares. Deep building setbacks behind large expanses of parking areas or vacant land shall be avoided.

(d) Focal Point Required. On each of the four corners of a thoroughfare/ thoroughfare street intersection, developments shall provide a "focal point" within a 200-foot radius from the intersection of the centerlines of the two thoroughfare streets. A "focal point" shall be visible from the intersecting thoroughfare streets and may be either:

(i) A distinctively-designed building, which may include a pad site building, preferably with a vertical element, but shall not include drive-through facilities and automobile service stations.

(ii) An architectural feature that is a minimum of 15-feet (15') tall and a maximum 25-five feet (25') tall (e.g., a clock tower, spire, or interesting roof form).

(iii) Public art or sculpture.

(iv) Fountains or other water feature.

(v) Public plazas or other open space.

(vi) Landscape feature.

(6) Pad/Outlot Sites

(a) Intent. The siting and design of smaller retail stores, commonly referred to as "pads" or "outlots," can create a more inviting appearance in a larger development by visibly reducing the project's scale and by expanding the range of activities and businesses found within a single development. The location, orientation of the entry, and architecture of pad site buildings also provide opportunities to frame entries into larger developments and contribute to the development's visual interest by placing storefront spaces closer to the street and creating a street scene. Accordingly, pad site structures shall be compatible with the main buildings on a commercial site. The layout of pad site buildings shall relate coherently to the public street and surroundings (outward) as well as to the main center (inward), and specific siting decisions shall further the general intent of creating a "sense of place," focal points, site amenities, and arrival into the commercial center.

(b) Design Guidelines and Standards

(i) General Guideline. The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of a commercial development.

(ii) Clustering of Pad Sites. To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings. Even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged. Placement of pad sites shall be consistent with the requirements for overall development pattern and site layout set forth in Section 102-501(C) Site Layout/Development Pattern.

(iii) Spaces Between Adjacent Pad Sites. Wherever practicable, spaces between adjacent pad site buildings should be improved to provide small pockets (preferably heavily-landscaped) of customer parking, pedestrian connections, small-scale project amenities, or focal points. Examples include, without limitation:

A. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings.

B. A public seating or outdoor eating area.

C. An area landscaped with a variety of living materials emphasizing four-season colors, textures, and varieties.

D. Sculptures or fountains.

(iv) Building Orientation on Pad Sites. The primary façade of a building located on a pad site, typically the façade containing the primary customer entrance, may be oriented in a variety of ways, including, without limitation, toward the primary access street, toward an internal street, framing a primary entrance to the development, toward the side (especially when that side faces another pad site building), or toward the interior of the development.

(v) Pedestrian Connections. See Section 102-501(F) Pedestrian Access and Circulation.

(vi) Pad Site Building Design.

A. Pad site buildings shall incorporate the same materials and colors as those on the primary commercial building(s) in the development or center.

B. Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design element.

C. The design of any pad site shall comply with Section 102-501(G) Building Design.

(7) Site Amenities

(a) Intent. Site amenities and pedestrian-scale features (e.g., outdoor plazas, street furniture, playgrounds, statuary, sidewalk cafes) in commercial developments offer attractive spaces for customer and visitor interaction and create an inviting image for both customers and employees. The use of site amenities can also provide pedestrian spaces at the entry to buildings, can break up expanses of parking, enhance the overall development quality, and contribute to the character of an area.

(b) Design Guidelines and Standards

(i) General Guideline. Site amenities and gathering places can vary widely in size, in type, and in degree of amenity. Buildings, trees, walls, topography, and other site features within a commercial development should be oriented and arranged to enclose such gathering places and lend a human scale.

(ii) Permitted Site Amenities.

A. Patio or plaza with seating area.

B. Mini-parks, squares, or greens.

C. Customer walkways or pass-throughs containing window displays.

D. Water feature.

E. Clock tower.

F. Public art.

G. Any other similar, deliberately shaped area and/or focal feature that, in the City's judgment, adequately enhances such development and serves as a gathering place.

(iii) Site Amenities as Focal Points. A site amenity may qualify as a focal point required under Section (C)(5) Site Layout and Building Orientation at Two Intersecting Thoroughfare Streets, provided the site amenity meets all applicable requirements for focal points stated in Subsection (C)(5)(d).

(8) Lighting. All lighting shall comply with the regulations outlined in Section 102-606.

(9) Signage. All signage shall comply with the regulations outlined in Article 7.

D. RELATIONSHIP TO SURROUNDING DEVELOPMENT

(1) Intent. To ensure convenient pedestrian and vehicle access and connections to adjacent uses whenever practicable; Encourage architectural, land use, and open space transitions, such as reduced building mass next to residential uses, reduced intensity between commercial and residential uses, front-to-front building orientations, green spaces, and preserved natural features.

(2) Connectivity between Land Uses. See Section 102-501(E) and (F) for applicable guidelines and standards.

(3) Transitions between Land Uses.

(a) Transitions shall be required in the following situations:

(i) Changes in use between adjoining properties, especially from commercial to residential.

(ii) Changes in intensity of use between adjoining properties, such as from commercial centers to multi-family residential.

(iii) Views, uses, or activities on the commercial development site that could be a nuisance for neighbors, such as commercial loading and service areas.

(b) Preferred Techniques. When a transition is required, an applicant shall incorporate, to the maximum extent practicable, the architectural and green/open space transition techniques tools outlined below:

(i) Architectural Transitions. To the maximum extent practicable, commercial development incorporate the following techniques to ensure compatibility with surrounding development, including adjacent residential development:

A. Use similar building setback.

B. Use similar building height.

C. Use similar roof form.

D. Mitigate the larger mass of commercial buildings with façade articulation as outlined in Section 102-501(G)(2) Building Massing and Façade Treatment.

E. Use front-to-front building orientations, especially with commercial uses that are pedestrian-intensive (e.g., restaurants, banks). Other building-to-building orientations may be utilized except that a back-to-front building orientation is not an acceptable transition tool.

(ii) Green/Open Space Transitions. Commercial development may employ the following technique to provide transitions and ensure compatibility between the commercial development and surrounding development:

A. Use small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places.

B. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the city may still require that adequate pedestrian connections to adjacent land uses be accommodated.

(iii) Landscaping and Screening Transitions. Where other transitions tools are not possible, or where the city determines other transition tools by themselves do not create an adequate transition to, or buffer for, less intensive land uses, the landscaping and screening requirements outlined in Section 102-520(B) shall apply.

E. VEHICLE CONNECTIONS WITH ADJACENT PROPERTIES

(1) Adjacent Non-Residential Uses.

(a) To the maximum extent feasible, connections between adjacent nonresidential development parcels shall be provided by constructing a logical array of access points continuous to the adjacent development.

(b) To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.

(c) The city may require access easements to ensure that pad sites or adjacent parcels have adequate access if ownership patterns change.

(2) Adjacent Residential Uses. Commercial drives or on-site streets shall not align with access to adjacent residential developments. Exceptions may be made in cases where physical constraints dictate that no other option is possible.

(3) Emergency Access. All commercial developments shall comply with the currently-adopted building code provisions regarding emergency vehicle access and fire lanes.

F. PEDESTRIAN ACCESS AND CIRCULATION. Applicants shall submit a detailed pedestrian circulation plan with all development applications that shows compliance with the following guidelines and standards:

(1) Required Pedestrian Connections. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

(a) The primary entrance or entrances to each commercial building, including pad site buildings.

(b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.

(c) Any public sidewalk system along the perimeter streets adjacent to the commercial development (see subsection (3) Pedestrian Connections to Perimeter Public Sidewalks.

(d) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

(e) Where practicable and appropriate, any adjacent public park, greenway, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(2) Pedestrian Connections from Buildings to Parking Areas, Pad Sites, and Site Amenities. In addition to the connections required in subsection (1) Required Pedestrian Connections, on-site pedestrian walkways shall connect each primary entrance of a commercial building to a pedestrian network serving:

(a) All parking areas or parking structures that serve such primary building.

(b) Site amenities or gathering places provided pursuant to Section 102-501(C)(8).

(3) Pedestrian Connections to Perimeter Public Sidewalks. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalk to the interior walkway network. Where public sidewalk does not exist adjacent to the development, the developer or property owner shall be responsible for the installation/construction of public sidewalk to serve the development.

(4) Walkways Along Buildings. Continuous pedestrian walkways shall be provided along the full length of a primary building along any façade featuring a customer entrance and along any façade abutting customer parking areas. Such walkways shall be located away from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.

(5) Walkways through Vehicle Areas. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use

of a change in paving materials distinguished by their color, texture, or height, and have a minimum width of 7-feet.

G. BUILDING DESIGN

(1) Intent. Create commercial/retail/office developments with a recognizable image as a distinct place; vary massing to provide visual interest; as applicable, ensure compatibility with surrounding developments; and use building height and massing to emphasize important corners, designate points of entry, and create a visible skyline to differentiate Sterling's new commercial areas from other activity nodes.

(2) Building Massing and Façade Treatment Except where noted, all new commercial development shall comply with the following standards:

(a) Variation in Massing. A single, large, dominant building mass shall be avoided.

(b) Building Façade Treatment Standards.

(i) Architectural Style. Style is not restricted; evaluation of the appearance of a project shall be based on professional quality of its design, architectural interest and variety, relationship to surroundings and the community, and relationship to human scale.

(ii) Four-Sided Architecture. Continuing an architectural theme on all exposed exterior surfaces through the use of the same building materials shall be required.

(iii) Minimum Wall Articulation. There shall be no blank, unarticulated building walls exceeding 75-feet in length. Long walls shall include at least one change in wall plane, such as projections or recesses, having a depth of at least 1-foot, or a change in building materials to provide visual interest. All building walls shall include materials and design characteristics consistent with those on the front.

(c) Building walls facing public areas. In addition to subsection (2)(b)(iv) above, building walls that face public streets, connecting walkways, or adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or alternate architectural detail that defines human scale.

(i) Customer Entrances. See subsection (G)(4) Customer Entrances.

(ii) Awnings

A. Fabric awnings are encouraged; canvas awnings with a matte finish are preferred.

B. Rigid frame awnings are allowed, but shall stop at the top section and shall not be included in the valence.

C. Awning colors shall be compatible with the overall color scheme of the façade from which it projects.

(iii) Downspouts. To the maximum extent practical, downspouts should be concealed or integrated into the design of the building.

(3) Building Materials/Colors. All commercial/retail/office development shall comply with the following design guidelines and standards.

(a) Intent. Achieve unity of design through compatible materials and colors throughout commercial developments; select building materials that are durable, attractive, and have low maintenance requirements; and utilize colors that reflect natural tones found in the environment of Sterling.

(b) Submittal Requirement. Applicants shall submit a color palette and building materials board or graphic as part of their BSO Plan application.

(c) Building Materials

(i) Parcels Zoned NB, CB, RB, and BP.

A. Materials shall have good architectural character (i.e., strength, durability and quality) and shall be selected for harmony of the building with adjacent buildings and the surrounding community. Buildings shall have the same materials, or materials that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public streets.

B. Clay brick, architecturally pre-cast textured concrete panels, natural or engineered wood, architectural composite wall panel systems, or decorative (architectural) concrete masonry, stone, or similar natural appearing material shall be utilized for at least seventy-five percent (75%) of the exterior treatment of all buildings, exclusive of fenestration.

C. Natural materials (i.e. cedar siding, brick, stone) are preferred materials for the exterior treatment of structures.

D. Metal or steel external siding shall not be permitted as a primary construction material for building elevations. The use of metal/steel for roofing material is permissible and may be approved by the Building & Zoning Superintendent based upon context and overall site design.

E. Exterior Insulation and Finish System (E.I.F.S.) or Dry-vit are permitted building materials and may be approved not less than four (4) feet above grade by the City as an accent material based upon context and overall site design. Where permitted, EIFS installations shall be required to provide a manufacturer's inspection certification to the owner and the City.

(ii) Parcels Zoned LM, GM, and HM.

A. Materials shall have good durability and quality and shall be selected for compatibility with adjacent buildings and the surrounding developments.

B. The façade of any building facing a public right-of-way shall be faced with clay brick, brick veneer, architectural pre-cast concrete panels, natural or engineered wood, architectural composite wall panel systems, or decorative (architectural) concrete masonry, stone, glass, or similar materials.

C. Metal siding shall not be utilized for any building elevation abutting a public right-of-way and may only be utilized for other elevations in conjunction with a clay brick, stone, natural or engineered wood, architectural composite wall panel systems, or decorative (architectural) concrete masonry. The use of metal/steel for roofing material is permissible and shall be approved by the Building & Zoning Superintendent based upon context and overall site design.

D. Building elevations along a public right-of-way shall wrap around a minimum of twenty feet (20') or to a natural dividing point. Elevations facing side or rear yards shall be finished with materials complementary to the street elevations. Side and rear elevations that do not incorporate a significant proportion of the building material outlined above shall incorporate enhanced landscape and screening measures. Appropriateness and effectiveness shall be subject to Building & Zoning Superintendent approval.

E. Building elevations abutting a residential land use shall be enhanced with clay brick, brick veneer, architecturally pre-cast textured concrete panels, decorative (architectural) concrete

masonry, stone, glass, or similar materials. Landscape and screening measures shall comply with the regulations outlined In Section 102-520: Landscape Regulations. Appropriateness and effectiveness shall be subject to Building & Zoning Superintendent approval.

(d) Building Color

(i) Color schemes shall tie building elements together, relate separate (freestanding) buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

(ii) Color schemes should utilize earth and other natural tones as found in the soil types and/or plant material found in Sterling and, more specifically, that area immediately adjacent to the development site.

(iii) All building projections, including, but not limited to, chimneys, flues, vents, and gutters, shall match or complement the color of the surface from which they project.

(iv) Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents; such colors shall not be used as the predominant color on any wall or roof of any building. Permitted sign areas shall be excluded from this standard.

(4) Customer Entrances. All commercial development shall comply with the following design guidelines and standards:

(a) Number of Entrances Required

(i) Each principal commercial building greater than 75,000 square feet (gross floor area) shall provide at least two (2) customer entrances. Entrances shall be sufficiently separated or located on separate building façades.

(ii) Principal commercial buildings smaller than 75,000 square feet (gross floor area) are encouraged to provide multiple customer entrances on sides of the building that face an abutting public street or parking area.

(iii) Where additional stores will be located in the primary building, each such store may have an exterior customer entrance, which shall comply with the prominent entrance requirement below.

(b) Prominent Entrances Required. Each primary building on a site, regardless of size, shall have clearly-defined, highly-visible customer entrances incorporating some of the following design features:

(i) Canopies or porticos.

(ii) Overhangs.

(iii) Recesses/projections.

(iv) Arcades.

(v) Raised corniced parapets over the door.

(vi) Peaked roof forms.

(vii) Arches.

(viii) Outdoor patios.

(ix) Display windows.

(x) Architectural detail such as tile work and moldings integrated into the building structure and design.

(xi) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(5) Multiple Buildings in Commercial Centers. Commercial centers that contain multiple buildings, including pad sites, shall comply with the following design guidelines and standards:

(a) Use of Similar Building Materials in a Commercial Center. In order to achieve unity between all buildings in a Commercial Center, all buildings in the center, including pad site buildings, shall be constructed of building materials from the color and materials palette approved for the center.

(b) Use of Similar Architectural Styles or Theme in a Commercial Center. A consistent architectural style or theme should be used throughout a Commercial Center, and in particular to tie outlying pad site buildings to the primary building. Building entrances are appropriate locations to express individual building character or identity.

H. SERVICE, LOADING, OUTDOOR STORAGE AND MECHANICAL AREAS.

(1) Purpose. Landscaping or other forms of screening shall be provided around outdoor service, storage, loading and mechanical areas to provide sensory (visual, olfactory, auditory) screening from adjacent properties, streets, affected pedestrian circulation routes, and affected pedestrian-oriented spaces.

(2) General. Integrate outdoor storage areas and loading facilities into the site design to minimize their size, reduce visual impact, and where appropriate allow for pedestrian and vehicular movement between sites.

(3) Outdoor Storage Areas. All outdoor storage and/or merchandise display areas shall comply with the regulations outlined in Section 102-405.

(4) Loading Areas. All loading areas shall comply with the regulations outlined in Section 102-228.

(5) Mechanical/Utility Equipment. Mechanical and utility equipment can detract from the quality of a development and the character of an area. These standards mitigate the negative visual and acoustic impacts of mechanical and utility equipment systems located in a commercial development.

(a) Locate and screen mechanical equipment so that the equipment is not visible when viewed from ground level of adjacent properties. Low-profile mechanical units on rooftops that are not visible from public ways should be used. Mechanical units shall be set back from the building edge and located in areas that are not visible or obtrusive. Screen or match the color of roof mounted equipment with the exposed color of the roof to minimize visual impacts when roof mounted equipment is visible from nearby buildings and higher elevations.

(b) Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so as not to be visible from adjoining and nearby streets.

(6) Outside Refuse/Trash Areas

(a) Trash enclosures shall be located in convenient but not prominent areas, such as inside parking courts, or at the end of parking bays. They should be well screened with landscaping and designed to protect adjacent uses from noise and odors. A clear and safe pedestrian route shall be established to each trash area.

(b) Trash enclosures shall be constructed from solid materials and adequately screened from adjacent units with landscaping. Architectural screening elements should be constructed of the same materials and finishes as adjacent buildings, and the color should be compatible with the adjacent buildings. Gates should be of a solid material and painted to match the architectural screening elements on nearby fences and walls. Chain-link fencing is not permissible.

(c) Trash receptacles should be accessible for trash collection but should not block circulation drives near loading areas or conflict with parking. For security reasons, trash enclosure locations should not create blind spots or hiding areas.

Section 102-502: Reserved
Section 102-503: Reserved
Section 102-504: Reserved

Section 102-505: Downtown Design Guidelines

A. GENERAL PROVISIONS.

(1) Purpose. These standards are intended to direct the design of buildings and sites within the Downtown Business District, in compliance with the City's Comprehensive Plan. The standards will promote quality development and reinforce the City's identity in the downtown area—a vision of an attractive, pedestrian-oriented, small-town downtown in scale and atmosphere. Buildings and sites should convey a sense of permanence, attention to detail, quality and investment. The standards are not intended to slow or restrict development, but rather to add consistency and predictability to the development process.

(2) Applicability.

(a) Geographic Area. The provisions of this section shall apply to properties within the DB, Downtown Business District.

(b) Development Type. The following development within the geographic area shall comply with the provisions of this Section:

(i) New construction, addition, or reconstruction of a principal building.

(ii) Principal building floor area expansion.

A. Expansion less than 25-percent. The building will be exempt from the standards for this Section. Upon the initial expansion of the building a sum floor area will be totaled for that parcel.

B. Expansion more than 25-percent and less than 50-percent. The front façade shall comply with the standards for this Section.

C. Expansion by 50-percent or greater (whether over a series of expansions or from an initial expansion) the entire building will be subject to meet all standards and requirements of this Section.

(iii) Primary building façade exterior alteration or renovation of a primary building façade is subject to all requirements of this Section.

(iv) Use of available city economic incentives will require conformance with the standards of this Section.

(3) Exemptions. The following shall be exempted from the provisions of this Section:

(a) All single-family detached and two-family residences on individual lots or zero-lot line.

(b) All multiple-family residences shall comply with the provisions of Section 102-510.

(c) The standards and requirements may be waived for buildings officially designated as historic if they would result in an unacceptable modification of the original, historic appearance of the building as determined by the Plan Commission.

(d) Routine maintenance (i.e. – painting, patching, etc.) is exempt from the standards and requirements of this Section.

(e) Existing building and site improvements may remain in their current condition as long as no additions are added to the existing building.

(4) Process. All projects shall be reviewed and approved as a part of the Building Site and Operation Plan procedures contained in Section 102-924.

B. RELATIONSHIP TO ADJACENT PROPERTIES.

(1) Purpose. To promote functional and visual compatibility between adjacent properties while avoiding negative impacts in a historic downtown setting.

(2) Design Standards.

(a) Proposed development shall coordinate with surrounding site planning and development efforts on adjacent properties.

(b) Development shall consider the following design features to create visual continuity between the proposed development and adjacent neighborhoods and the community:

(i) Site design features: building setbacks, placement of structures, location of pedestrian and vehicular facilities; and spacing from adjoining buildings.

(ii) Planting design features: composition of plant materials; type and quantity of plant materials; and street trees.

(iii) Building design features: scale; massing, proportion; spacing and location of windows, doorways and other features; roof silhouette; façade proportions and orientation; location of entries; surface material, finish, color and texture of surrounding development; and style of architecture.

(c) Properly link proposed development to existing and planned pedestrian, vehicular, drainage and utility systems, and assure efficient continuation of such systems.

(d) Building mass, color, lighting, and design shall be compatible with existing and planned adjacent public and private open spaces, parks and recreation areas.

C. RELATIONSHIP TO STREETFRONT

(1) Purpose. To create an active, safe pedestrian environment; to upgrade facades and streetscape to establish visual identity for Downtown Sterling; to unify streetscapes; to create visual interest and increased activity and public points at street corners.

(2) Design Standards.

(a) The street edge shall be defined by the building, landscaping, or other pedestrian-oriented features.

(b) All buildings shall comply with the bulk regulations outlined in Section 102-321.

(c) Along downtown streets:

(i) Principal pedestrian building entries must have direct access to the public sidewalk (entries may be on the side of buildings but they must be visible from the street and connected by a pedestrian pathway).

(ii) Outdoor displays shall comply with the regulations outlined in Section 102-405.

(iii) No vending machines are permitted to be visible from the street.

D. BUILDING DESIGN CHARACTER

(1) Purpose. To reflect a traditional "Main Street" character—a collection of structures designed and built in the early 1900s when structures were composed of simple forms expressed through commonly available materials such as brick, masonry, stone and ornamental trim.

(2) Design Standards.

(a) The general form of structures is to be simple, three-dimensional forms characteristic of early 1900s main streets that orient to and participate in the activities of the street.

(b) Structures with multiple component forms are to be integrated for visual unity.

(c) Visually expose components that support and/or stabilize structures when compatible with design.

(d) Avoid excessively themed architecture, corporate or franchise architecture that is not compatible with traditional main street character.

(e) Adapt building access to site conditions for level, convenient, obvious entry.

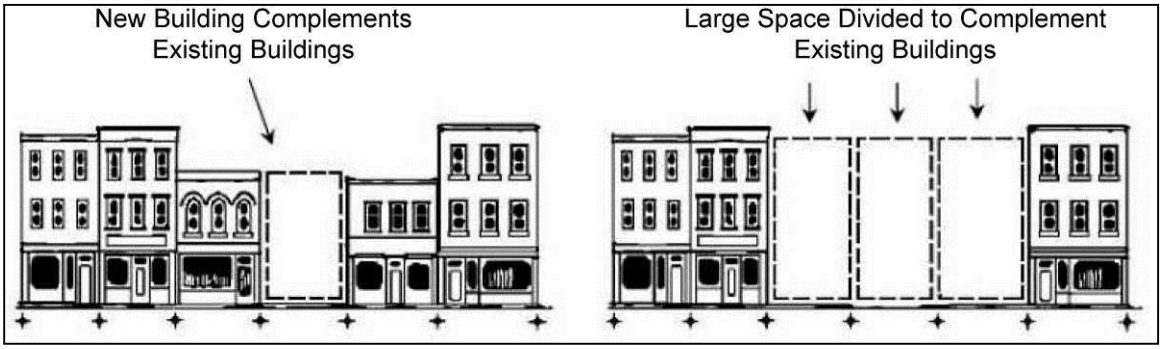
E. BUILDING SCALE AND MASS.

(1) Purpose. To encourage the use of building components that are human scale and appropriate in an historic downtown setting.

(2) Design Standards.

(a) Scale and Character. Buildings should provide rhythm and façade scaling elements, and encourage an architectural scale of development that is compatible with desired existing adjacent development, especially as mid- and late-20th Century development transitions from the historic "core" of the central business district. See Figure 5.1.

Figure 5.1: Appropriate Downtown Building Rhythm and Massing for Vacant Areas



(a) Horizontal Elements. Buildings should maintain the alignment of key horizontal elements along the block or street edge. Long, uninterrupted horizontal elements should be avoided and interrupted with

windowsills, moldings and mid-belt cornices. Building articulation should be accomplished with design elements and regular articulation intervals.

Where appropriate, the applicant should coordinate the horizontal elements (i.e. cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings that exhibit the City's desired scale and character for the area.

(i) Repeating distinctive window patterns at intervals less than the articulation interval.

(ii) Providing a porch, patio, deck, or covered entry for each articulation interval.

(iii) Providing a balcony or bay window for each articulation interval.

(iv) Changing the roofline by alternating parapet heights.

(v) Changing materials with a change in building plane.

(vi) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval.

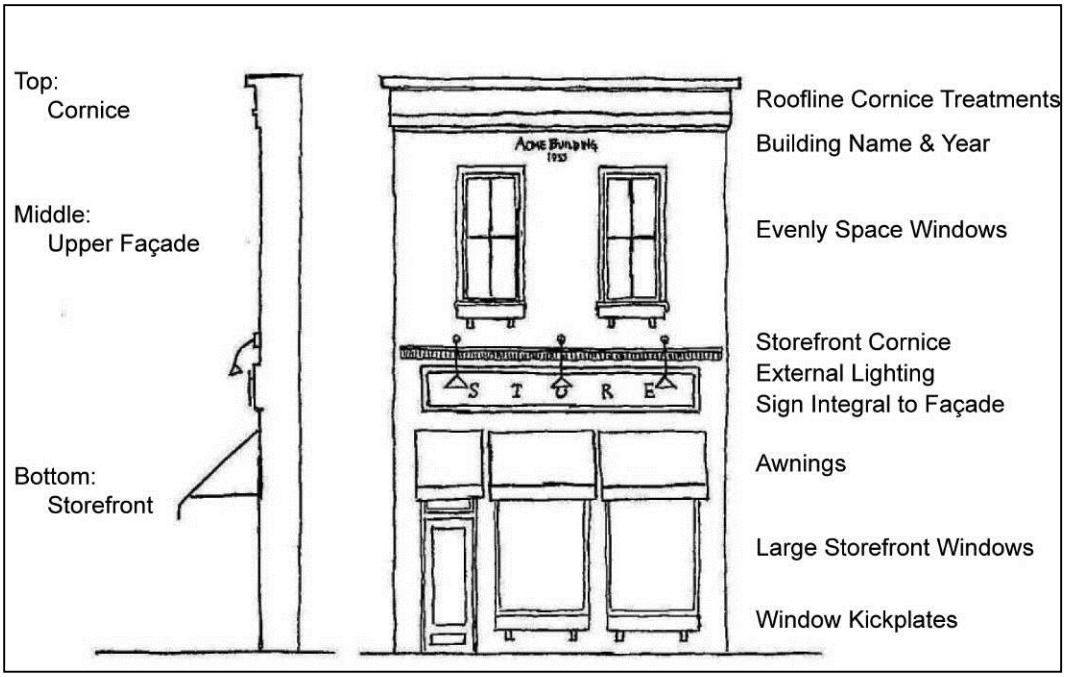
(b) Vertical "Articulation." To moderate the vertical scale of buildings, the design shall include techniques to clearly define the building's cornice, middle and bottom. See Figure 5.2. The following techniques are suggested methods of achieving vertical articulation:

(i) Top. Strong eave lines, cornice treatments, horizontal architectural detailing. This treatment should return into alleyways and the full length of any facades clearly visible to the public.

(ii) Middle. Windows with thoughtful solid-to-void ratios that exhibit window patterns of adjacent traditional buildings, balconies, material changes, railings and similar treatments that unify the building design.

(iii) Bottom. Pedestrian-oriented storefronts, large windows, pedestrian scale building detail, kick plates below windows, sign band awnings, and arcades.

Figure 5.2: Appropriate Architectural Elements for Downtown Buildings



B. BUILDING EXTERIORS

(1) Purpose. To ensure that buildings have design integrity at all observable distances; To ensure that exterior finishes are compatible with traditional main street character; To enhance buildings with appropriate design details; To encourage pedestrian-friendly street facades along streets and public parks or open spaces; To architecturally accentuate building corners at street intersections; to encourage the use of high-quality, permanent, compatible materials that will upgrade the visual image of Downtown Sterling; To reduce the visual impact of large, undifferentiated walls.

(2) Design Standards.

(a) Vernacular. Material finishes shall reflect the early 1900s "Main Street" vernacular for building materials for new building construction and buildings constructed before 1930. A new design that draws upon the fundamental similarities among older buildings in the area without copying them is preferred. This will allow the new project to be construed as a product of its own time, yet be compatible with its historic neighbors.

(b) Façades.

(i) Existing Buildings. Retain facades that reflect the heritage of the City. Facades of vintage buildings may be adapted to contemporary use with compatible materials. Use of metal or plywood siding, metal screening, plastic, plywood, sheet wood products, or fiberglass to cover over existing facades is prohibited. Wood should not be used to cover over existing brick or stone masonry.

(ii) New Buildings. Building facades located adjacent to a sidewalk along downtown streets shall include transparent window area or window displays along the majority of the ground floor façade between 2-feet and 8-feet above ground level and the following elements:

A. Storefront with recessed entrance(s).

B. Sign band (horizontal) or projecting sign.

C. Prominent building address.

D. Seasonal planters/landscaping.

(c) Building Entrances and Fenestration. Building entrances should appear similar to those used historically. Clearly define the primary entrance with traditional architectural detailing, landscape features such as ornamental paving, tile work, planters and/or planting beds, or canopies. A contemporary interpretation of a traditional building entry, which is similar in scale and overall character to those seen historically, is encouraged in new buildings. The arrangement, proportion and design of windows and doors shall conform to the following:

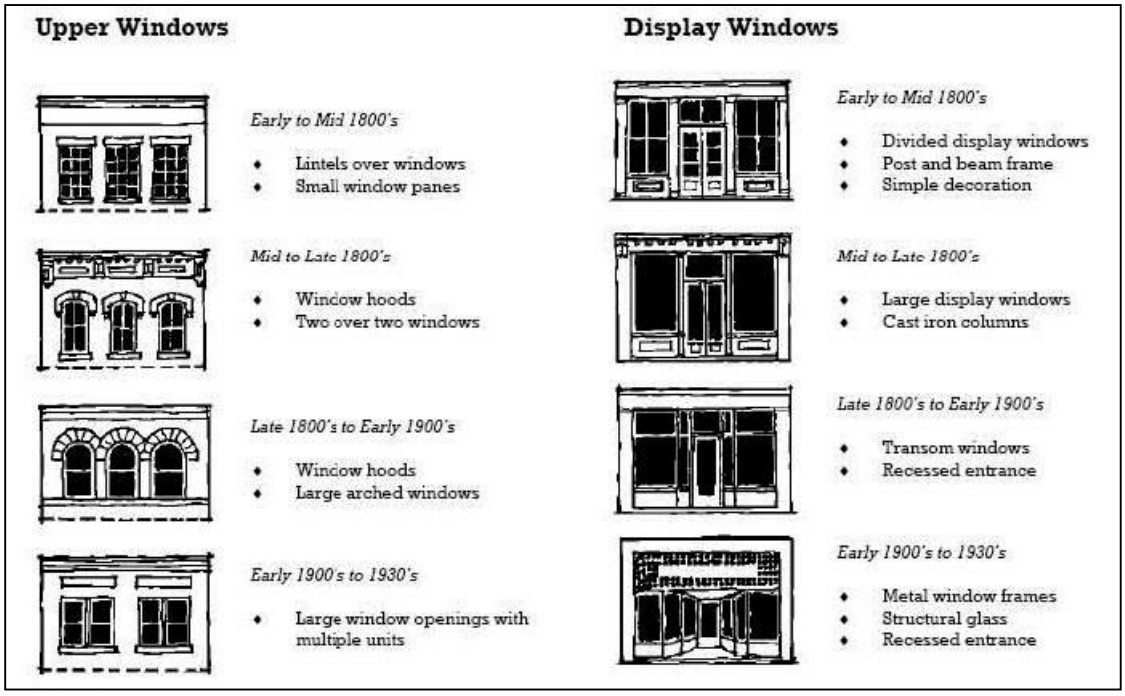
(i) The height to width ratio of single openings and group openings are to be proportionately scaled to the wall and adjacent buildings.

(ii) Door and window details and trim suitably scaled to the wall and adjacent buildings.

(iii) For ground floor retail uses and ground floor areas without retail use (such as customer lobbies, waiting rooms, offices, and employee lounges), devote at least sixty (60) percent of the street wall area to windows in order to enhance the pedestrian character of the primary street.

(iv) At upper level floors, devote at least thirty (30) percent of the street wall area to windows.

Figure 5.3: Appropriate Period Window Treatments for Downtown Buildings



(d) Ornamentation. New buildings should incorporate the following measures compatible with early 1900s "Main Street" buildings:

(i) Decorative rooflines. An ornamental molding, entablature, frieze or other roofline device visible from the ground level.

(ii) Decorative treatment of windows and doors. Decorative molding/framing details around all ground floor windows and doors, decorative glazing, or door designs located on facades facing streets or public parks or open spaces.

(iii) Decorative Light Fixtures. Decorative light fixtures with a diffuse visible light source such as a globe or "acorn" that is non-glaring or a decorative shade or mounting.

(iv) Decorative Materials. Natural building materials, including masonry, brick, tone, wood clapboard, or other materials with similar decorative or textural qualities.

(e) Building Materials. Building exteriors shall be constructed from high quality, durable materials.

(i) Preferred exterior building materials that reflect the City's desired traditional main street character and convey a sense of permanence:

A. Brick and clapboard siding as the two primary façade materials on all building sides.

B. Brick as the primary exterior finish material in most commercial and street-oriented projects. Detail and trim with brick, limestone, or pre-cast elements.

C. Wood, fiber cement, or "hardboard" horizontal clapboard siding for historic-type structures and for neighborhood-scaled residential projects

D. Other materials subject to approval by the City.

(ii) The following materials are prohibited in visible locations:

A. Corrugated or beveled metal siding.

B. Vinyl or plywood siding.

C. Tinted or mirrored glass (except stained glass) as a major building element.

D. Corrugated fiberglass.

E. Chain link fencing.

F. Crushed rock/crushed tumbled glass.

G. Exterior Insulation Finish Systems (EIFS) when used for the dominant façade material.

(f) Colors. Exterior finish colors are to express the integral color of building materials (i.e. brick, cast stone). Colors should be neutral shades of natural colors found in nature in the local region, and include limited compatible accent colors. The color of neighboring buildings that comply with this section should be considered when selecting colors for repainting or remodeling of existing structures and for new structures.

(g) Corner Buildings. Buildings located at the intersection of streets should include design elements or treatments to the building corner facing the intersection.

(i) Provide a corner entrance to a store, courtyard, building lobby, atrium, pedestrian pathway, or pedestrian-oriented space.

(ii) Include corner architectural elements.

(iii) Special treatment of pedestrian weather protection canopy at the corner of the building.

(iv) Other similar treatment or element approved by the City.

(h) Blank Walls. Blank walls shall not be visible from a street, public park or open space. Treatment of blank walls is to be proportional to the front façade. The applicant must submit architectural plans and elevations showing proposed treatments for approval.

(i) Franchise/Corporate Architecture. Prototype design for franchises should use customized components that are consistent with the desired traditional main street character and that reinforce visual consistency with other adjacent buildings. No franchise architecture will be allowed unless it can be shown that it is harmonious with the elements of typical early 1900s architectural detail.

(j) Awnings.

(i) Materials. Awnings shall be constructed of high-quality materials such as matte finish canvas or vinyl-coated canvas, and shall be of simple, historically compatible design to typical early 1900s downtown Sterling buildings. Awnings shall not be installed so as to obscure significant architectural details of a building. Bubble, box, or shiny plastic awnings shall be prohibited. Mansard awnings shall be prohibited in the DB district. Architectural metal awnings may be permitted with approval of the Building & Zoning Superintendent.

(ii) Colors. Solid color or striped awnings are permitted. Overly iridescent or fluorescent colors shall be prohibited.

(iii) Signage. Signage on awnings shall comply with the regulations outlined in Article 7: Signage.

(iv) Length. Awnings shall not exceed the width of a single building or building module. Awnings shall not be installed so as to extend across more than one storefront.

C. SERVICE, LOADING, OUTDOOR STORAGE AND MECHANICAL AREAS.

(1) Purpose. Landscaping or other forms of screening shall be provided around outdoor service, storage, loading and mechanical areas to provide sensory (visual, olfactory, auditory) screening from adjacent properties, streets, affected pedestrian circulation routes, and affected pedestrian-oriented spaces.

(2) General. Integrate outdoor storage areas and loading facilities into the site design to minimize their size, reduce visual impact, and where appropriate allow for pedestrian and vehicular movement between sites.

(3) Outdoor Storage Areas. All outdoor storage and/or merchandise display areas shall comply with the regulations outlined in Section 102-405.

(4) Loading Areas. All loading areas shall comply with the regulations outlined in Section 102-228.

(5) Mechanical/Utility Equipment. Mechanical and utility equipment can detract from the quality of a development and the character of an area. These standards mitigate the negative visual and acoustic impacts of mechanical and utility equipment systems located in a commercial development.

(a) For new projects all utilities to serve buildings shall be run underground to reduce visual clutter.

(b) Window air conditioning units shall not be installed on any building façade that faces a street.

(c) Locate and screen mechanical equipment so that the equipment is not visible when viewed from ground level of adjacent properties. Mechanical units shall be set back from the building edge and located in areas that are not visible or obtrusive, such as low-profile mechanical units on rooftops that are not visible from public ways. Screen or match the color of roof mounted equipment with the exposed color of the roof to minimize visual impacts when roof mounted equipment is visible from nearby buildings and higher elevations.

(d) Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so as not to be visible from adjoining and nearby streets.

(6) Outside Refuse/Trash Areas

(a) Trash enclosures shall be located in convenient but not prominent areas, such as inside parking courts, or at the end of parking bays. They should be well screened with landscaping and designed to protect adjacent uses from noise and odors. A clear and safe pedestrian route shall be established to each trash area.

(b) Trash enclosures shall be constructed from solid materials and adequately screened from adjacent units with landscaping as outlined in Section 102-520. Architectural screening elements should be constructed of the same materials and finishes as adjacent buildings, and the color should be compatible with the adjacent buildings. Gates should be of a solid material and painted to match the architectural screening elements on nearby fences and walls.

(c) Trash receptacles should be accessible for trash collection but should not block circulation drives near loading areas or conflict with parking. For security reasons, trash enclosure locations should not create blind spots or hiding areas.

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Section 102-510: Multi-Family Residential Design Guidelines and Standards

A. GENERAL PROVISIONS

(1) Purpose. The intent is to improve the overall quality of multi-family development in Sterling, ensure the compatibility of multi-family development with surrounding land uses, and improve the user-friendliness of the document and review process.

(2) Applicability. Multi-Family Residential Design Guidelines and Standards shall apply to the following:

(a) New multi-family development of three units or more.

(b) Major rehabilitation, renovation, restoration, modification, addition, or retrofit of a structure or site that exceeds 50-percent of the current value of any structure or site as established by Whiteside County. Major rehabilitation shall not include routine maintenance and repair of a structure or other feature on the surrounding site, such as roof replacement or general repairs to a parking area or other site feature.

(3) Process. All projects shall be reviewed and approved as a part of the Building Site and Operation Plan procedures contained in Section 102-924.

B. SITE PLANNING

(1) Purpose. Enhance the image of the city, reflect unique site characteristics, and provide strong neighborhood environments; Maintain local character by preserving and incorporating natural site features, significant natural areas, open space, and historic structures; preserve and integrate healthy and mature existing trees for the benefits of natural shading, air quality, stormwater management, and aesthetic value.

(2) Common Open Space. Common open space areas are to have easy access by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Common open space should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.

(a) Minimum Area Required. The minimum area of common open space shall be 15-percent of the total site.

(b) Location. The common open space shall be integrated as meaningful spaces. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the development plan. Such designated common open space shall be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation.

(c) Areas Not Allowed for Common Open Space. The following shall not count toward common open space set-aside requirements:

(i) Private lots, yards, balconies and patios dedicated for use by a specific unit.

(ii) Public right-of-way or private streets and drives.

(iii) Open parking areas and driveways for dwellings.

(iv) Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters.

(v) Designated outdoor storage areas.

(vi) Land areas between buildings and parking lots or driveways of less than 40 feet.

(vii) Required perimeter setbacks.

(3) Preservation of Natural Features. Preserving significant natural features enhances local character while benefitting stormwater management, air quality, and provision of natural shade.

(a) General Guideline. Integrate existing natural features, required open space, and existing on-site historic structures or cultural resources into the overall development.

(b) Preservation of Existing Trees and Vegetation.

(i) Tree Survey and Plan for Tree Preservation. An existing tree survey and plan for tree preservation and replacement shall be submitted with a required site plan to show compliance with the guidelines and standards.

(ii) General Guideline. Existing trees and vegetation should be preserved whenever possible to act as buffers between adjoining developments and as community amenities within the multi-family development.

(iii) Significant Trees. Significant trees shall be preserved or transplanted on-site to the maximum extent practicable. For purposes of this section, "significant" trees include the following:

A. Deciduous trees with twelve inch (12”) minimum caliper;

B. Evergreen trees twelve feet (12’) or more in height; or

C. Groups or stands of ten (10) or more trees with a minimum caliper of six inches (6”).

Significant trees in appropriate locations, such as along drainages and along the perimeter of the site should be used to fulfill landscaping or buffering requirements as outlined in Section 102-520.

(iv) Tree Replacement. If a significant tree is removed or substantially damaged during clearing, grading, or construction, the applicant or developer shall replace the removed or damaged tree with new trees. Replacement trees shall be the same or similar species to the trees removed or damaged, or alternately a species native to Whiteside County and approved by the Building & Zoning Superintendent. For every one inch (1”) of tree caliper removed or damaged, the applicant or developer shall install the equivalent diameter inches of replacement tree caliper

(v) Tree Protection During Construction. Significant trees shall be protected during construction barrier fencing. Grading shall be avoided within the root area or drip line of any existing preserved trees.

C. SITE LAYOUT AND DEVELOPMENT PATTERN

(1) Purpose. Site layout and building orientation often define the focus of activity that occurs at the front door or along the street. The layout of the site also establishes the sense of community for a neighborhood by providing opportunities for people to gather. These standards are intended to use site planning and building orientation to:

(a) Ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity for the neighborhood and attractive street scene;

(b) Promote efficient site layout in terms of vehicular and pedestrian circulation patterns;

(c) Create a unique and identifiable image for new multi-family development in Sterling;

(d) Ensure occupants' privacy through careful siting of buildings within a multi-family development (e.g., address sightline of window-to-window in adjacent buildings, limit buildings' primary orientation to parking lots).

(2) Site Layout Guidelines and Standards for Multi-Family Developments

(a) Building Organization. Individual buildings within a multi-family development shall be:

(i) Clustered or grouped to form neighborhoods.

(ii) Organized around a common open space, public open space (e.g., a greenway), natural features located on the site (e.g., stream corridor, stormwater management facility), or community amenities such as swimming pools or other recreational facilities.

(iii) Oriented or arranged in a manner to enclose required common open spaces to the maximum extent practicable.

(iv) Oriented to primary perimeter streets, including thoroughfares, or boundaries; or through-access drives.

(b) Building Orientation to Street Edges. To the maximum extent practicable, buildings along a public street should be oriented to avoid multiple parallel orientations to a public street. Instead, a variety of building orientations, including perpendicular and canted, or intervening open spaces should be provided to lessen the mass of buildings along the street. Multiple buildings may line up parallel to a public street if:

(i) A building entrance faces the perimeter street,

(ii) Common open space is centrally located in the interior of the site and accessible by all units.

(iii) Privacy Assurance. If any portion of a multi-family development is located adjacent to single-family residential uses, accessory structures including garages, then shall be set back a minimum of twenty-five (25) feet from the adjacent single-family residential property line. The developer shall provide a buffer between the structure and adjacent property. The buffer may be a fence, wall, heavy landscaping, or combination thereof. Fences and walls used for buffer purposes shall comply with the regulations outlined in Section 102-211, Section 102-212, and Section 102-520.

D. VEHICULAR AND PEDESTRIAN CIRCULATION AND ACCESS

(1) Purpose. These guidelines and standards are intended to:

(a) Create a hierarchy of streets and drives for new multi-family development.

(b) Design streets and drives to create identifiable, safe neighborhood environments.

(c) Provide safe and efficient vehicular circulation patterns within and between developments. Residential and collector drive design within a multi-family development should be designed to encourage building clusters that define identifiable neighborhoods within the multi-family development. So that a multi-family development should not become an isolated island in the surrounding community, the internal drive system should also offer connectivity between adjacent residential neighborhoods.

(d) Use internal drives to define and protect important views.

(e) Provide safe, identifiable pedestrian circulation patterns within and between developments.

(2) Vehicle Access and Circulation

(a) Internal Drive Hierarchy. The organization of the internal drive system in a multi-family development should provide a hierarchy of three types of drives:

(i) Low-volume, residential drives that serve individual building clusters.

(ii) Collector drives that distribute traffic within the development and connect separate building clusters.

(iii) Through-access drives that typically connect to the development's perimeter and to the public street system.

(b) Internal Drive Design. The internal drive network should respond to topography, intended traffic speed, pedestrian usage and safety, and views. Excessively straight and wide drives encourage high traffic speed and do not have a residential scale. Accordingly, internal drive design within a multi-family development's boundaries shall comply with the following guidelines and standards:

(i) The internal drive system shall connect to the perimeter public street system to provide multiple direct connections to and between local destinations such as parks, schools, and shopping.

(ii) Interconnectivity. The internal drive system shall connect to the perimeter public street system to provide for both intra- and inter-neighborhood connections to knit separate developments together, rather than forming barriers between them. Accordingly, the internal drive system shall provide vehicle connections, other than primary vehicle access, to each adjoining residential or collector street.

(iii) Multi-Family developments greater than 5 acres shall include a minimum of one (1) "through-access drive," which typically will be a private drive but may be a dedicated street, with detached sidewalks and landscaped terrace between the sidewalk and curb. The through-access drive shall be continuous through the site, and connect to a perimeter public street on either end.

(iv) The design of all through-access drives shall be consistent with, and aligned with, residential drives or through-access drives on adjacent properties.

(v) The internal drive system should be arranged to utilize both parallel and perpendicular streets in identifiable blocks or clusters, as well as occasional curvilinear or diagonal streets, except where sensitive natural areas would be unduly disturbed by such a pattern. "T" intersections are also encouraged in locations where views of important public spaces or natural or open areas can be highlighted.

(vi) To the maximum extent practicable, drives should follow the natural contours of the site.

(c) Vehicle Access and Circulation. Primary vehicle access to a multi-family development shall be from thoroughfare or collector streets. To the maximum extent practicable, unless required for emergency access, a multi-family development shall not have primary vehicle access from a local street that also serves single-family residences. Large multi-family developments shall have multiple primary access points from thoroughfare streets as required to ensure public safety.

(3) Pedestrian Access and Circulation

(a) Minimum Width. All on-site pedestrian walkways and sidewalks shall be a minimum of four feet (4') wide, except walkways adjacent to a parking area, where cars may overhang the walkway, shall be a minimum of six feet (6') wide.

(b) Pedestrian Connections. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

(i) The primary entrance or entrances to each principal multi-family building;

(ii) To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.

(iii) Any sidewalk system along the perimeter streets adjacent to the multi-family development as outlined in Subsection (d) below.

(iv) Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and

(v) Any adjacent public park, greenway, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(c) Connections to Primary Entrances. In addition to the connections required in Subsection (b) above, on-site pedestrian walkways shall connect each primary entrance of each principal multi-family building to the following:

(i) Parking areas or parking structures that serve the principal multi-family building;

(ii) Community amenities, such as swimming pools, community centers, other recreational facilities, or common open space; and

(iii) Sub-community facilities intended to serve the particular multi-family building, such as mail centers.

(d) Connections to Perimeter Street. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system shall be provided.

(e) Connection Markings. Each point at which the on-site pedestrian walkway system must cross a parking lot or internal street or driveway to make a required connection shall be clearly marked through the use of change in paving materials, height, or distinctive colors.

E. BUILDING DESIGN

(1) Purpose.

(a) Create and add to the visual interest of Sterling streets;

(b) Ensure distinctive quality and consistency in building architectural character and style;

(c) Ensure building design and architectural compatibility within a multi-family development.

(d) Promote compatibility with adjacent development, considering the context of adjacent residential neighborhoods, including the height, scale, mass, form, and character of surrounding development.

(e) Provide building design details to avoid featureless building massing and reduce the visual scale of large multi-family buildings;

(f) Achieve unity of design through the use of similar materials and colors;

(g) Ensure use of durable and attractive building materials;

(h) Encourage the provision of private open spaces for residents' enjoyment; and

(i) Ensure accessory structures are compatible in design with the primary buildings they serve.

(2) Building Height/Massing/Form. These standards are intended to achieve the following purposes:

(a) Building Height. All structures shall comply with the building height standards outlined in Section 102-321: Bulk Regulations.

(b) Building Massing and Form.

(i) Building Length/Number of Units.

A. No more than twelve (12) dwelling units shall allowed in a multi-family structure.

B. No more than six (6) townhouse dwelling units shall be attached in any single row.

(ii) Building design shall provide complex massing configurations with a variety of different wall planes and roof planes. Wall planes shall contain offsets or setbacks with a horizontal plane differential at least every fifty (50) linear feet. Plain, monolithic structures with long, monotonous, unbroken wall surfaces of fifty (50') feet or more are prohibited.

(iii) The façades of single-family attached townhouses should be articulated to differentiate individual units.

(iv) Multi-family building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building it supports.

(3) Architectural Detail: Style, Roof Form, Building Façades, and Fenestration

(a) Purpose. Provide a distinctive, quality, architectural character in new multi-family developments, incorporating architectural details to reduce the visual scale of large multi-family buildings and development.

(b) Consistency in Architectural Style. Each building in a multi-family development should have a definitive, consistent style. Mixing of various architectural styles on the same building is discouraged.

(c) Four-Sided Design Required. All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.

(d) Pedestrian-Scale Entrance Required. All building entries adjacent to a collector or residential (local) public street or to a public street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.

(e) Articulated Building Fronts. Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows. All buildings shall be designed to provide complex massing configurations with a variety of different wall planes. At least every seventy-five (75') linear feet, wall planes shall contain offsets or setbacks with a differential in horizontal plane.

(f) Windows. All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and laundry areas.

(g) Garage Doors. Garage doors of attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family building's front façade, and every two single-bay garage doors or every double garage door shall be offset by at least three feet (3') from the plane of an adjacent garage door(s).

(h) Roofs

(i) All multi-family buildings with pitched roofs shall have a pitched roof with a minimum slope ratio of 6:12, unless otherwise approved by the Plan Commission.

(ii) On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis.

(iii) All buildings shall incorporate varied roof planes. At least every seventy-five (75') linear feet, roof planes shall contain offsets or setbacks with a differential in horizontal plane.

(iv) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

(4) Mechanical/Utility Equipment Screening

(a) Intent. Mechanical and utility equipment can detracts from the quality of a development and the character of an area. These standards mitigate the negative visual and acoustic impacts of mechanical and utility equipment systems located in a multifamily residential development.

(b) Design Guidelines and Standards. Mechanical/utility screening shall be an integral part of the building structure and architecture and not give the appearance of being "tacked on" to the exterior surfaces. Screening shall be provided through the use of fencing, landscape materials, or other materials compatible with the primary structure.

(5) Mailboxes

(a) Mailboxes shall be located in highly visible, heavy use areas for convenience.

(b) Incorporation of design features, such as a built frame consistent with the development's architectural style, is encouraged.

(6) Trash/Refuse Enclosures

(a) Trash enclosures shall be located in convenient but not prominently visible areas. Trash receptacles should be accessible for trash collection but should not block circulation drives near loading areas or conflict with parking.

(b) Clear and safe pedestrian routes shall be established to trash enclosures. For security reasons, trash enclosure locations should not create blind spots or hiding areas.

(c) Trash enclosures shall be constructed from solid materials and adequately screened from adjacent units with landscaping. Architectural screening elements should be constructed of the same materials and finishes as adjacent buildings, and the color should also be compatible with the adjacent buildings. Gates should be of a solid material and painted to match the architectural screening elements on nearby fences and walls.

F. BUILDING MATERIALS

(1) Exterior Building Materials. High-quality building materials that are durable, attractive, and have low maintenance requirements shall be utilized.

(a) Natural materials (i.e. cedar siding, brick, stone) are preferred materials for the exterior treatment of structures.

(b) Brick, pre-cast textures concrete, architectural wood, architectural composites, or decorative (architectural) masonry block shall be utilized for at least seventy-five (75) percent of the exterior treatment of all buildings, exclusive of fenestration.

(c) Exterior building materials shall not include rough sawn or board and batten wood, smooth-faced or gray concrete block, painted concrete block, or tilt-up concrete panels. Metal or steel external siding shall not be permitted as a construction material for building elevations.

(2) Roof Materials. Predominant roof materials shall be high quality, durable material such as, but not limited to: wood shake shingles, clay or concrete tiles, composition shingles, and asphalt shingles. The use of metal/steel for roofing material is permissible and may be approved by the Plan Commission based upon context and overall site design.

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Section 102-519: Reserved

Section 102-520: Landscape and Buffer Regulations

A. GENERAL PROVISIONS

(1) Purpose. Uniform landscape, screening, and tree preservation standards for development of property in the City and the review of plans to ensure that the City remains attractive, safe and comfortable.

(2) Applicability. This Ordinance shall apply all developments except detached single-family detached, single-family attached, and two-family residential land uses. Every development shall provide sufficient landscaping so that neighboring properties are shielded from detracting visual aspects, and the appearance and desirability of development contributes to the overall attractiveness and economic health of the City.

(3) Plan Requirements.

(a) Landscape Plan Required. A landscape plan following the standards set forth in this Section shall be required for all projects requiring BSO Plan Review. The Landscape Plan shall be prepared by a landscape architect, certified nursery professional, or master gardener. Landscaping on any existing or proposed street right-of-way shall comply with the requirements as set forth by the City of Sterling Community Services Director. Landscape Plans shall be reviewed and approved as a part of the Building Site and Operation Plan procedures contained in Section 102-924.

(b) Content of Landscape Plan. All landscape plans shall include or have attached thereto the following information:

(i) North arrow, scale, date of plan and any subsequent revisions.

(ii) The location and dimensions of all existing and proposed buildings, structures, parking lots and driveways, roadways and rights-of-way, sidewalks, bicycle paths, signs, refuse disposal areas,

fences, free standing electrical equipment, light fixtures, other surface utility structures, and other free standing structural features, recreational facilities, setbacks and easements. The landscape plan shall be drawn at a scale not smaller than 1" = 100'.

(iii) The location, quantity, size at planting, and both scientific and common names of all proposed plant materials.

(iv) Existing and proposed contours, including the location of all proposed berming, at a one foot contour interval. Also included shall be the location, extent and general elevations of all detention and retention areas and drainage ways.

(v) Specification of the type and boundaries of all proposed ground cover, including both scientific and common names of all proposed plant materials.

(vi) The designation, location, type, and size of all existing trees 4 inches and larger in diameter measured one foot above natural grade. Any trees to be removed should be clearly identified. Trees which will be used to meet landscape requirements shall also be indicated. If required for reasons of clarity, this information may be placed on an additional illustration.

Where existing trees are grouped in a dense cluster, an overall tree mass may be used without a specific delineation of individual trees. If this technique is used, protected trees used to meet site landscape requirements must be tagged on-site and identified on the plan in tabular form.

(vii) Details of all fences and walls proposed to be constructed on the site.

(viii) Elevations, cross-sections and other site or construction details determined to be necessary by the Building & Zoning Superintendent.

(ix) The following notes shall be included on the face of all plans:

A. The landscape installer must receive approval from the Building & Zoning Superintendent for any substitutions or alterations to the plan.

B. It is the responsibility of the landscape installer to have underground utilities located by JULIE prior to installation.

(x) Name and contact information of the property owner.

(xi) Name and contact information of the person/company who prepared the plan.

(4) Timing of Landscape Improvements.

(a) All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy. The best times for planting in this area are early spring and early fall. Plants planted in the summer run the risk of dehydration.

(b) If weather conditions or other circumstances beyond the developer's control prevent installation of all or portions of the landscape materials and all other requirements for the issuance of a Certificate of Occupancy have been meet, a letter of credit or a performance guarantee approved by the City Attorney to insure completion of approved landscaping shall be filed with the City Treasurer. The amount of the performance guarantee and the required completion date shall be based on a cost estimate submitted to the Building & Zoning Superintendent. If such a letter of credit or performance guarantee has already been submitted for the proposed landscape improvements, the City Council may permit the developer to extend the performance guarantee for an additional specified period of time.

(5) Guarantee. All plantings shall be guaranteed to be in a healthy and flourishing condition for a period of eighteen (18) months.

B. LANDSCAPE REQUIREMENTS

The following shall establish standards for the landscape improvements required to be installed as part of the development of new buildings, structures and uses of land governed by this Section:

(1) Types of Landscaped Areas. This article regulates landscaping of four distinct areas of a parcel as follows:

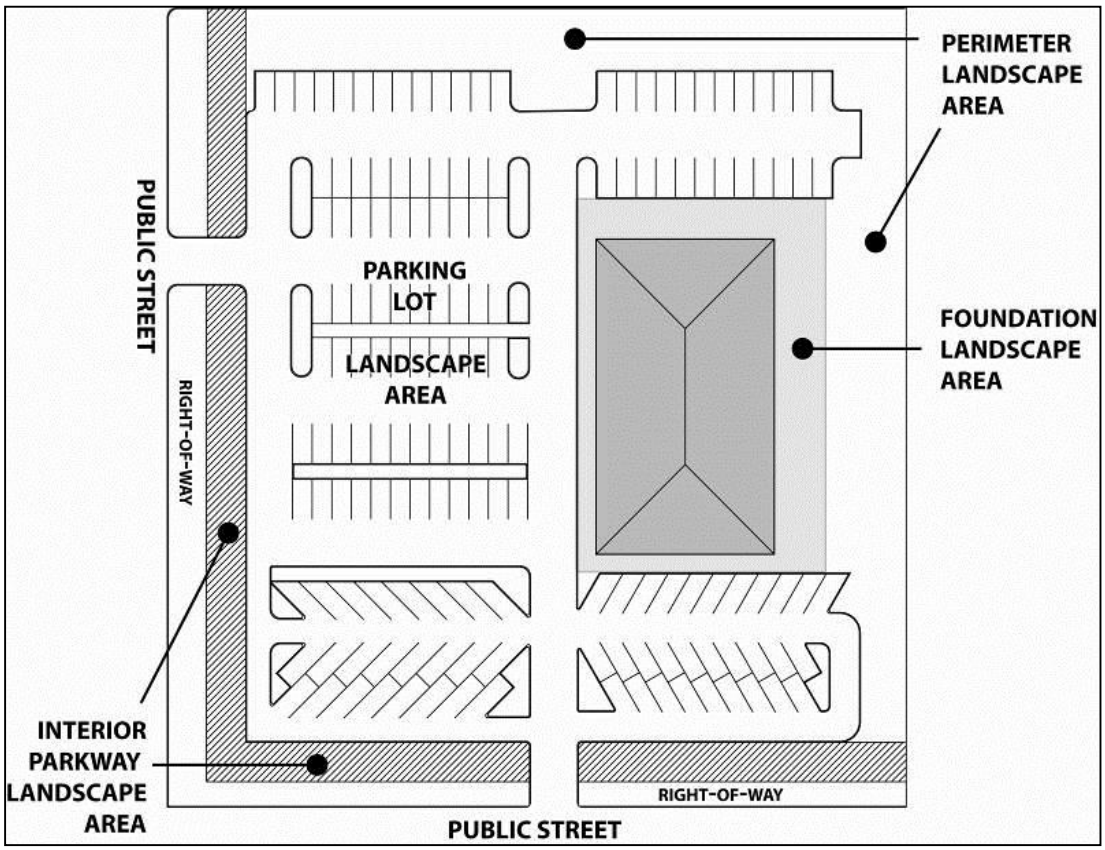
(a) Interior Parkway

(b) Perimeter Landscape Area

(c) Foundation Area

(d) Parking Lots

Figure 5.4: Landscaping Areas on a Typical Non-Residential Lot



(2) Landscaped Criteria.

(a) Interior Parkway Landscaping. An interior parkway shall be provided as identified in the Table 5.1. For corner lots, interior parkways shall be provided along both streets.

Table 5.1: Interior Parkway Depth

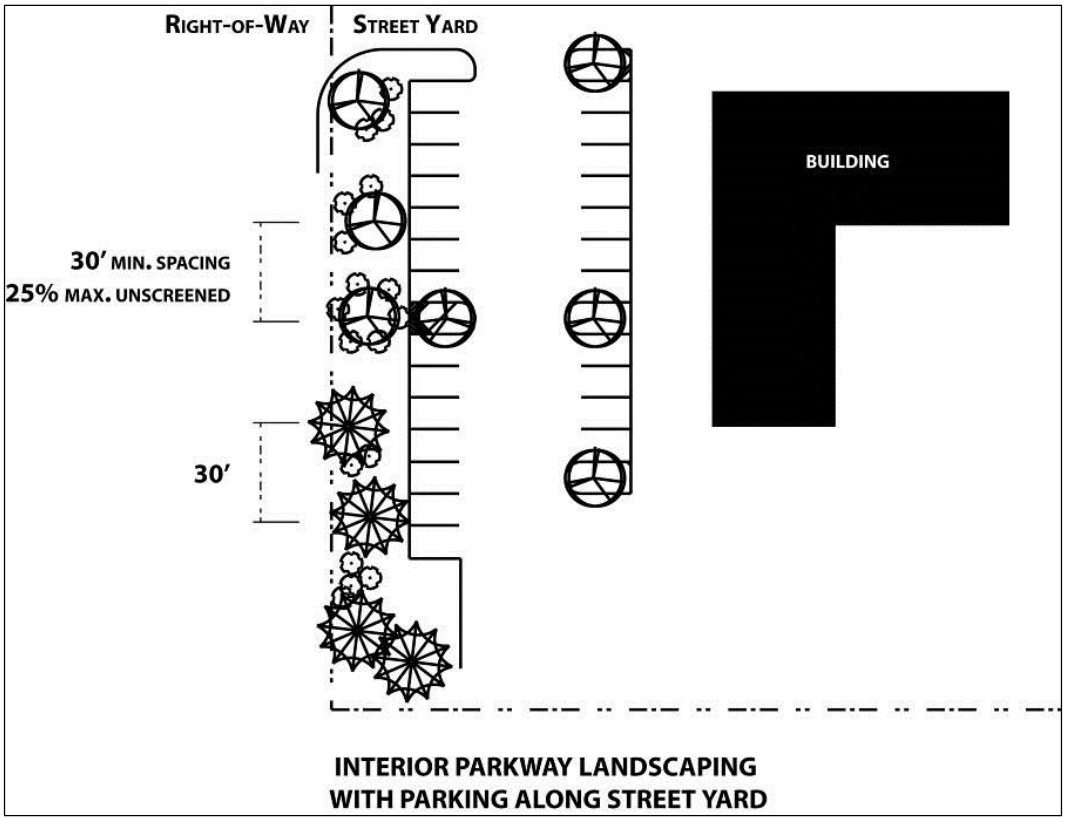
Zoning District	Min. Interior Parkway Depth
Multi-Family Residential-6 (MR-6)	15’
Multi-Family Residential-10 (MR-10) District	20’
Neighborhood Business (NB)	15’
Community Business (CB)	15’
Highway Business (HB)	20’
Downtown Business (DB)	0’
Light Manufacturing (PM)	15’
General Manufacturing (GM)	25’
Heavy Manufacturing (HM)	25’

Except for access drives, interior parkways shall be landscaped as follows:

(i) Parking Along Street Yard. One (1) tree per forty (40) feet of street frontage shall be provided. At least 50-percent of the required trees shall be large deciduous or evergreen trees as identified in the Recommended Trees, Shrubs, Evergreen, and Ground Cover List outlined in Subsection 102-520(D)(3). Species may vary depending on design intent.

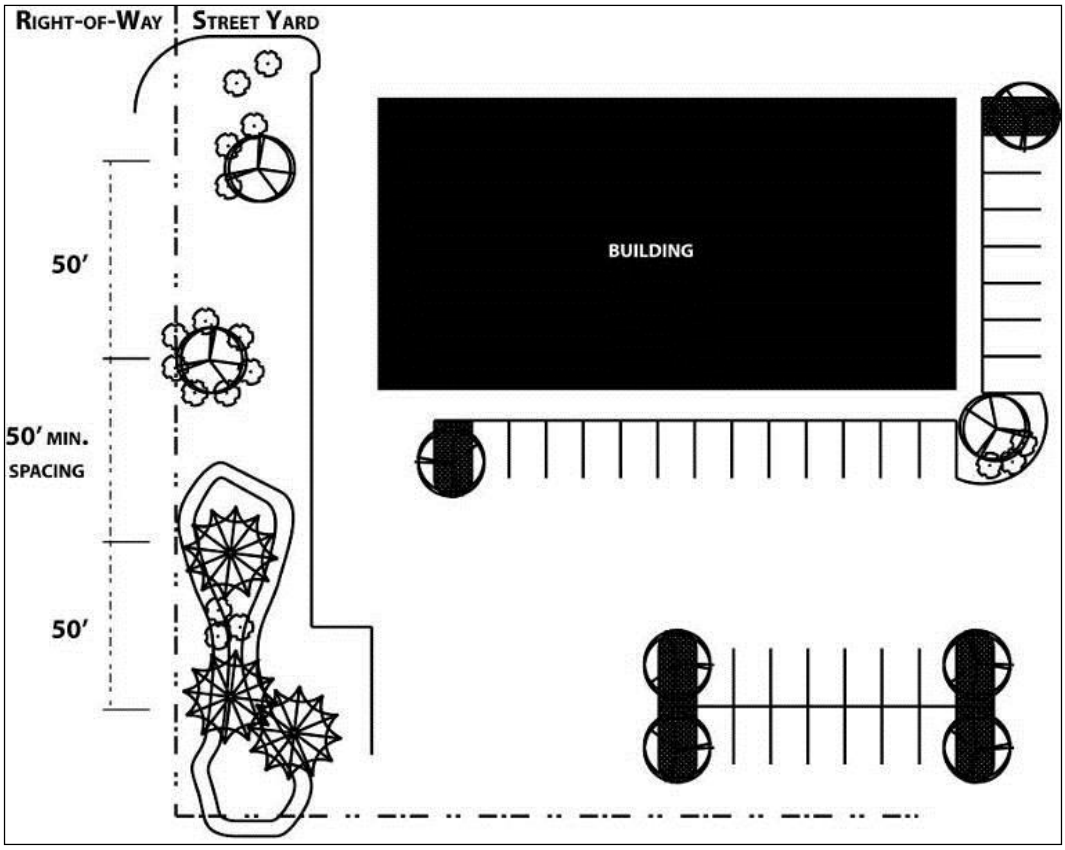
Shrub planting shall be a minimum of three (3) feet in height and be located within the interior parkway to screen the parking area from the roadway. At intersections of access drives and streets, Vision Clearance Triangles shall be maintained to allow unobstructed visibility between two and one-half (2.5) feet and eight (8) feet above grade, as shown in Section 10-2-31, Figure 2.3. A maximum of 25-percent (25%) of the parking lot frontage may be left unscreened to permit design flexibility. The remainder of the interior parkway shall be planted with ground cover, flowers, or grass.

Figure 5.5: Interior Parkway Landscaping with Parking along a Street Yard



(ii) No Parking Located Along Street Yard. One (1) tree per fifty (50) feet of street frontage shall be provided. At least 50-percent of the required trees shall be large deciduous or evergreen trees as identified in the Recommended Trees, Shrubs, Evergreen, and Ground Cover List. Tree type may vary depending on design intent. The remainder of the interior parkway shall be planted with shrubs, ground cover, flowers, or grass.

Figure 5.6: Interior Parkway Landscaping with No Parking along Street Yard



(iii) For corner lots, interior parkways shall be provided along both streets.

(b) Perimeter Landscape Area.

(i) The perimeter area shall be equal to the required zoning district side and rear yard setbacks for the property as outlined in Section 102-321: Bulk Regulations.

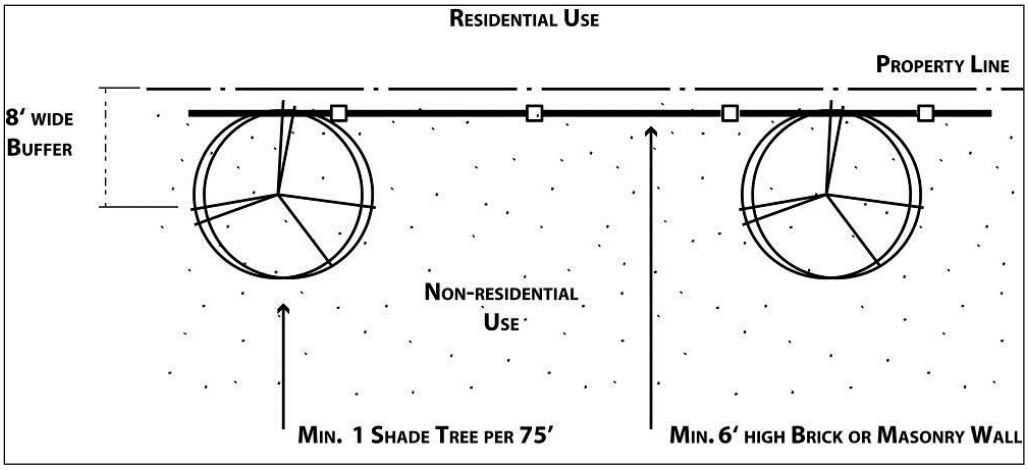
(ii) Within the perimeter areas, berming, trees, and shrubs shall be provided to create a visual separation between properties. Appropriate berm height will depend on the width of the landscape area, with no berm having a slope greater than 3:1. A minimum of 40-percent of the length of the perimeter shall be planted with shrubs that will reach a height of at least 4-feet. Trees shall be provided in a quantity equal to one tree per 75-feet of perimeter length. Tree spacing shall be determined by tree species and design considerations. Up to 50-percent of the required trees in this screening alternative may be small deciduous trees.

(c) Bufferyard Screening.

(i) Screening Between Adjacent Residential and Non-Residential Uses. To provide a substantial buffer between residential and non-residential uses, one of the following three buffering alternatives shall be required. The property owner may select the buffering alternative which best meets the configuration of the site and the proposed development. All fences, walls and hedges shall comply with Section 102-211 and Section 102-212.

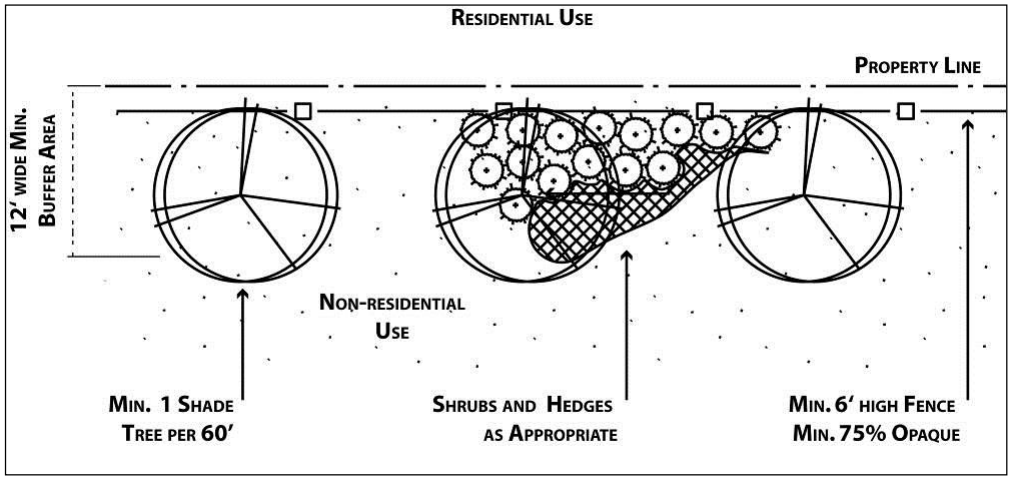
A. Alternative A: The buffering area shall be a minimum of 8-feet in width for this alternative. An opaque brick or other approved decorative masonry wall 6-feet high shall be constructed along the entire perimeter, excluding area within the required front yard setback. The wall may be continued within the front yard provided the height is reduced to 4-feet. Large deciduous trees in a quantity equal to one tree per 75-feet of perimeter length shall be provided. Tree spacing shall be determined by tree species and design considerations, and are not required to be evenly spaced.

Figure 5.7: Alternative "A" Screening between Adjacent Residential and Non-Residential Uses



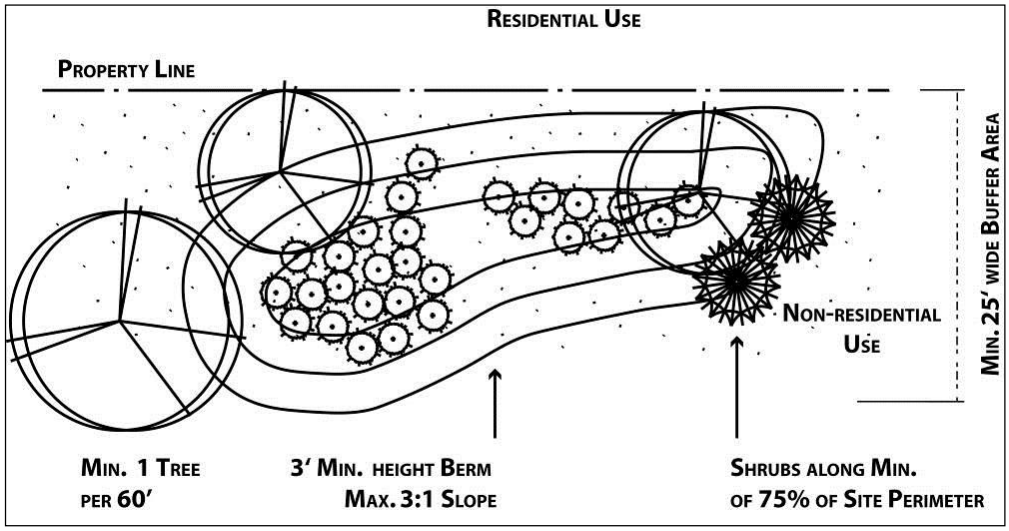
B. Alternative B: A minimum 12-foot average buffer area shall be required for this alternative. A fence of wood or other approved material 6 feet high and at least 75% opaque shall be constructed along the entire perimeter, excluding area within the required front yard setback. The fence may be continued within the front yard provided the height is reduced to 4 feet. Shrubs shall be planted within the buffer area at a minimum rate of 10 per 100', massed appropriately in clusters. Large deciduous trees shall be provided in a quantity equal to one tree per 60 feet of perimeter length. Tree location shall be determined by tree species and design considerations.

Figure 5.8: Alternative "B" Screening between Adjacent Residential and Non-Residential Uses



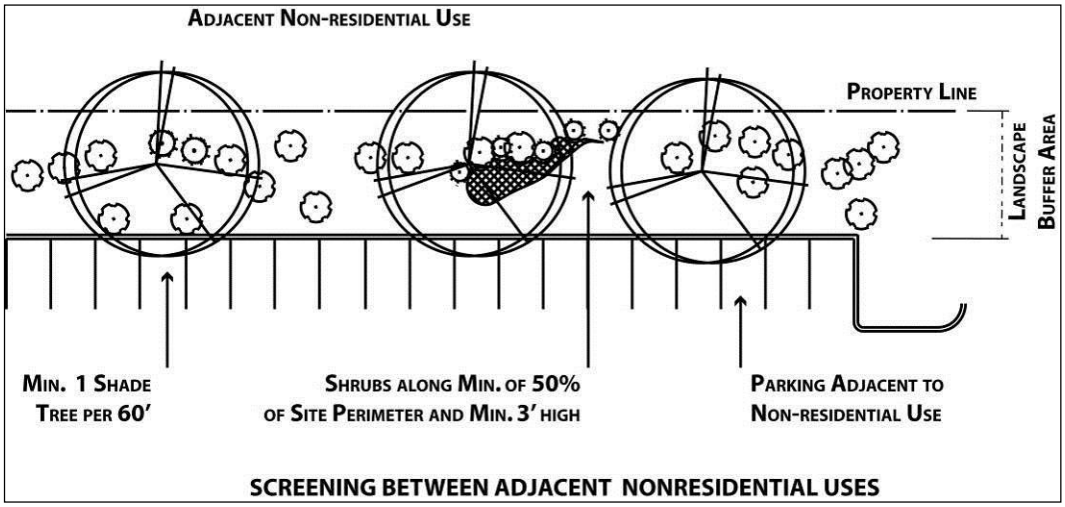
C. Alternative C: A minimum 25-foot buffer area shall be required for this alternative. A berm at least 3-feet in height with a maximum 3:1 slope shall be constructed along the entire perimeter. Breaks in the berm may be provided as appropriate to accommodate drainage. The berm shall be planted with shrubs 4-feet or greater in height to provide screening along at least 75-percent of the perimeter length. Trees shall be provided in a quantity equal to one tree per 60 feet of perimeter length. Tree spacing shall be determined by tree species and design considerations. Up to 25-percent of the required trees in this screening alternative may be small deciduous trees.

Figure 5.9: Alternative "C" Screening between Adjacent Residential and Non-Residential Uses



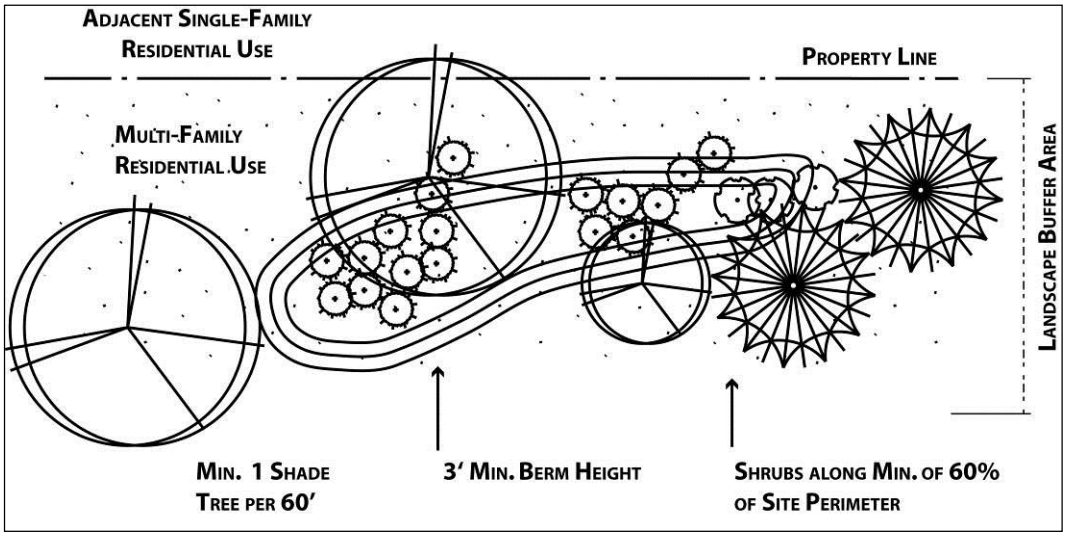
(ii) Screening of Parking Areas. Where a non-residential parking lot will be located adjacent to a residential use, the screening regulations outlined in Subsection (i) above apply. A parking lot will be placed along a perimeter such that parked cars will face the abutting non-residential property, shrubs and trees shall be required. Shrubs shall be provided along at least 50-percent of the length of the parking area. Shrubs shall be a minimum of three feet (3') in height at maturity when screening a parking lot. Trees shall be provided in a quantity equal to one large deciduous tree per 60-feet of parking lot length. Tree spacing shall be determined by tree species and design considerations. Up to 25-percent of the required trees in this screening alternative may be small deciduous trees.

Figure 5.10: Screening between Adjacent Non-Residential Uses



(iii) Screening Between Single- and Multi-Family Residential Uses. This landscape screening is generally required between single- and multi-family residential areas. Berming, trees, and shrubs shall be provided to create a visual separation between properties. Appropriate berm height will depend on the width of the landscape area, with no berm having a slope greater than 3:1. A minimum of 60-percent of the length of the perimeter shall be planted with shrubs that will reach a height of at least 6-feet. Trees shall be provided in a quantity equal to one tree per 60 feet of perimeter length. Tree spacing shall be determined by tree species and design considerations. Up to 25-percent of the required trees in this screening alternative may be small deciduous trees.

Figure 5.11: Screening between Single- and Multi-Family Residential Uses



(d) Foundation Area Landscaping.

(i) Purpose. To soften large expanses of building walls, accent building entrances and architectural features, and screen mechanical equipment. Where extended roofs or canopies are used to provide a covered walkway adjacent to a building, foundation plantings are not required. Landscaping is required to separate vehicular areas from buildings.

(ii) Location. Foundation landscaping areas shall be located along or adjacent to each applicable front, side or rear of a building, provided, however, where a portion of the front, side or rear of a building is devoted to pedestrian ingress/egress, vehicular ingress/egress, loading or drop-off zones, foundation landscaping areas may be aggregated into one or more locations along or abutting such front, side or rear of a building.

(iii) Relationship to Buildings. Foundation landscaping areas shall be located adjacent to the building or begin within twelve (12) feet of the building (in the case of a walkway which runs adjacent to the building).

(iv) Area. Foundation landscaping areas shall have a total area in square feet of not less than two (2) feet times the length of the wall (2' X Length of Wall = Area in Square Feet for Foundation Landscaping) to which the foundation landscaping is oriented, exclusive of building entries.

(v) Plantings. Foundation landscaping areas shall be landscaped with grass, trees, or shrubs/hedge plants, or in combination with other suitable ground cover materials and maintained.

(vi) Minimum Dimension. Foundation landscaping areas shall maintain a minimum depth in the smallest dimension of six (6) feet, provided, however, the Building & Zoning Superintendent may approve up to twenty-five (25) percent of a foundation landscaping area to be included in above-ground planters having a minimum dimension of three (3) feet.

(e) Parking Lot Landscaping. For parking lots with more than ten (10) parking spaces, the following standards shall apply:

(i) There shall be a minimum seven (7) foot wide planting island at both ends of parking rows and driveway entrances. The seven (7) foot dimension may be reduced to accommodate the triangular shape resulting from angled parking. The depth of the planting island shall be equal to the depth of the parking stalls.

Figure 5.12: Parking Lot Landscape Islands

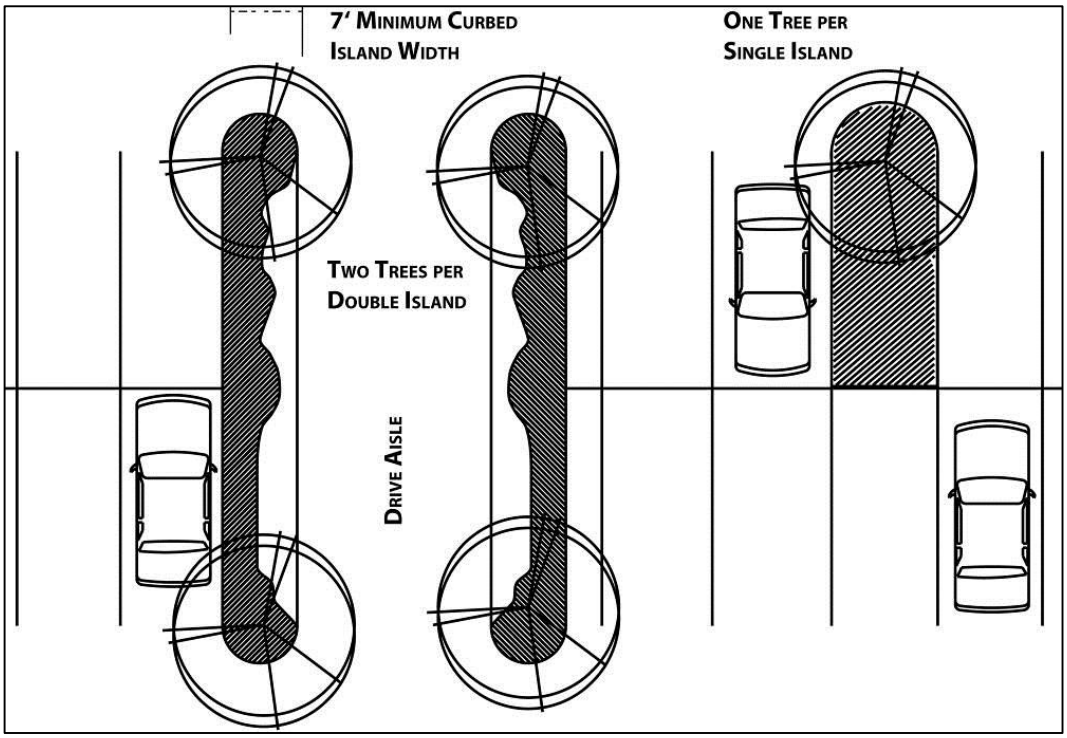
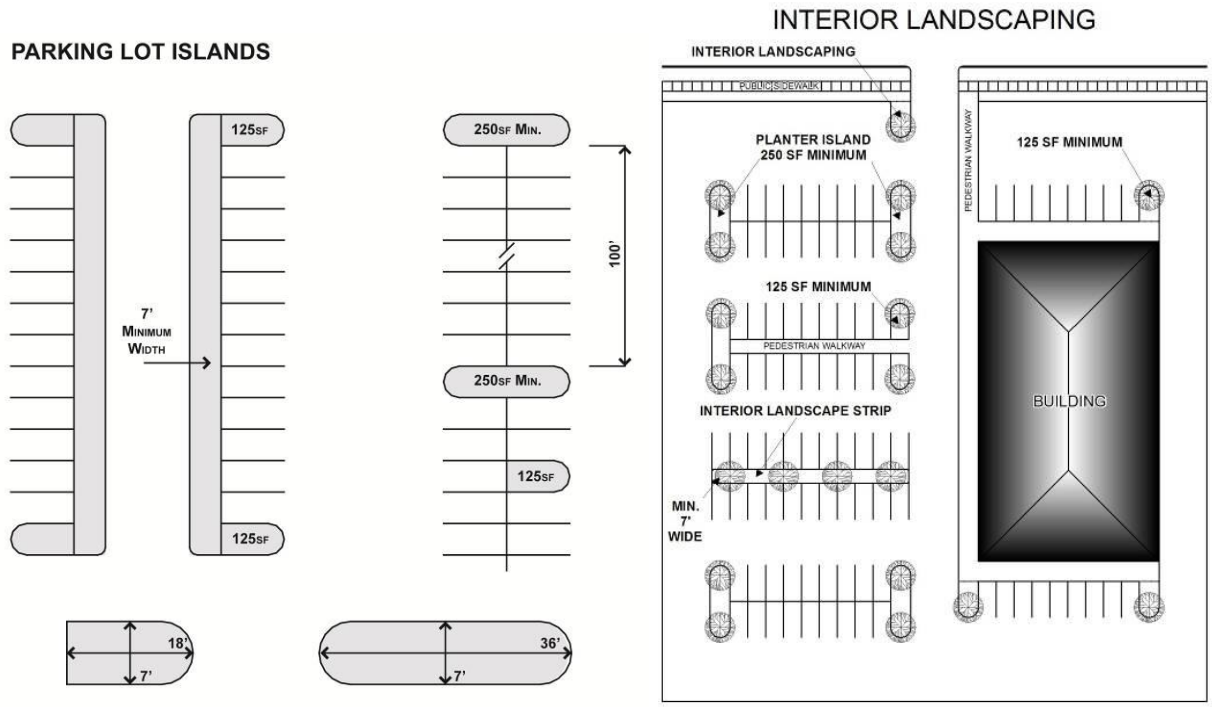


Figure 5.13: Parking Lot Landscape Islands Options and Dimensions



(ii) All trees within a landscape island shall be pruned to have branching starting no less than 6-feet above the pavement.

(iii) To break up long expanses of parking rows, landscape islands are required. One of the following alternatives shall be used to divide rows of parking spaces.

A. Alternative A. A continuous curbed landscape island between rows may be provided in lieu of full stall planting islands between parking bays. Where such a continuous island is provided, it shall be a minimum of 7-feet in width and shall contain a minimum of one tree per ten (10) lineal parking spaces.

B. Alternative B. One landscape island shall be constructed for every ten (10) parking stalls. A curbed island at least 7-feet wide and as deep as the parking stalls shall be provided to divide the bay length. There shall be a minimum of one large deciduous tree per island.

(iv) As an alternative to standards (i) through (iii) above, a parking landscaping plan may be submitted, with or without curbing, consistent with other provisions contained in Section 102-520 (B)(2)(e). Such plan shall provide landscaping for at least ten (10) percent of the interior parking lot area.

C. In addition to required trees, an appropriate planting of shrubs, ground cover plants, flowers, sod lawn and mulch shall be provided within all landscape islands. To insure vehicular visibility, shrubs shall not exceed a mature height of thirty (30) inches above pavement on landscape islands at the end of parking rows.

(1) Landscape Design Requirements. Functional activities within and adjoining the development site must be considered in the design of landscape improvements, including consideration of the following:

(a) Service Area Screening**.** All service areas shall be screened from view through the use of evergreen plant materials, a fence, or masonry screen wall compatible with the proposed building design.

(i) Trash dumpsters and other waste receptacles or equipment shall be screened with a fence or 3-sided brick or other approved masonry walls at least 6-feet in height, with a solid, attractive single or double access gate on one side only.

(ii) All utility equipment (air conditioners, transformers, etc.) shall be provided with appropriate planting screens. All dish antennas greater than 36-inches in diameter shall be adequately screened from adjoining properties by an opaque wall, fence, hedge or berm.

(iii) All loading areas shall be fully screened so as not to be visible from adjoining rights-of-way and property zoned for any residential use.

(iv) All outdoor storage facilities for fuel, raw materials and products within 500-feet of a residential district shall be effectively screened and enclosed by a solid wall or fence 8-feet in height. If materials to be stored outdoors are in excess of 8-feet in height, then landscape screening shall be provided in addition to the fence or wall installed along the outside perimeter of the fence or wall, equal or exceeding the height of the materials to be stored outdoors.

(b) Intersection Visibility. Landscaping must be designed and installed to minimize potential obstruction of critical sight lines. Landscape planting shall be so designed as to avoid obstruction of a motorist's vision at the intersections of outlot access drives and ring roads, access roads, alleys or municipal streets. Unobstructed visibility between two and one-half (2.5) feet and eight (8) feet above the height of the paved surface of the access road must be maintained at all intersections. To maintain this visibility, shrubs, trees, or other landscape material shall comply with the regulations outlined for sight triangles in Section 102-224.

(c) Berming shall not exceed a maximum slope of 3:1 except in parking islands, where the maximum slope shall not exceed 2:1.

(d) Mulch materials shall be shredded bark or other organic material best suited for the City of Sterling. Gravel and stone mulches are not permitted, unless specifically approved in writing by the Building & Zoning Superintendent.

(e) All fences proposed to be used to meet landscape requirements shall be comply with Section 102-211 of this Title.

D. LANDSCAPE PLAN AND DESIGN REVIEW

The following guidelines shall be considered in reviewing the design and implementation of landscape plans in conjunction with review of site plans and special use permits.

(1) Standards for Plant Materials. Materials planted in any development shall comply with the following requirements:

(a) The quality and size of plant material selected shall comply with the latest edition of the "American Standard of Nursery Stock" published by the American Association of Nurserymen unless otherwise indicated.

(b) No artificial plants of any type shall be used to meet the requirements of this Ordinance in any landscape area within the parcel.

(c) Minimum sizes for plant materials at time of installation for all landscape areas shall be as follows:

(i) Deciduous trees shall be a minimum size of 2.5-inch caliper when installed. Evergreen trees shall be a minimum 6-feet in height when installed.

(ii) Deciduous shrubs (other than dwarf varieties) shall be a minimum of 30-inches in height at time of installation if used as a perimeter screen planting, and 24-inches in height for all other installations. Dwarf varieties and plants normally measured by spread shall be a minimum of 18-inches in height/spread.

(iii) Ground cover shall be so planted and spaced that complete coverage can be obtained within two years after date of installation.

(iv) Flower beds and the use of native grasses is encouraged and shall be mass planted in acceptable areas to create color, texture and interest.

(d) Property owners shall be responsible for maintaining all landscaping shown on the approved landscape plan throughout the life of the development. All dead plants shall be replaced with plants which meet original requirements. Annual flower beds shall be replanted each year with flowers adapted to the City of Sterling. No changes shall be permitted without the approval of the Building & Zoning Superintendent or their designee.

(2) Guide for Landscape Planting. The plant materials recommended in Subsection (3) below have minimal maintenance requirements. However, all landscape material must receive a certain degree of care, especially during and immediately after planting. To protect an investment in new landscaping, proper horticultural techniques should be followed. The following recommendations are provided as a guide for planting based on current horticultural practice.

(a) The best times for planting are early spring and early fall. Plants planted in the summer run the risk of dehydration.

(b) Plant trees and shrubs at least 3-feet from the back of curb along head-in parking spaces to prevent damage from car overhangs. Mulch, lawn or planted ground cover shall be further help avoid damage.

(c) Dig tree pits at least 1-foot wider than the root ball.

(d) Especially in areas where construction activity has compacted the soil, the bottom of the pit should be scarified or loosened with a pick ax or shovel.

(e) After a pit is dug, observe subsurface drainage conditions. Where poor drainage exists, special provisions should be made to ensure proper drainage around the tree.

(f) Backfill should include a proper mix of soil, peat moss, and nutrients. All roots must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.

(g) Plants should remain plumb and level. Newly planted trees may be supported with stakes and ties to hold it firmly in place. Remove stakes and ties after one year.

(h) Spread at least two inches of mulch over plant beds in order to retain moisture and keep down weeds. A 3-inch deep saucer should be provided to form a basin around the trunk of the tree. This saucer helps catch and retain moisture.

(i) The lower trunks of new trees may be wrapped with burlap or paper to prevent evaporation and sun scald. The wrapping should remain on the tree for at least one (1) year.

(3) Lists of Recommended Trees, Shrubs, Evergreen, and Ground Cover. Table 5.2 indicates plantings which will meet the landscape requirements of this Ordinance. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for these purposes. Plants were selected for inclusion on these lists according to four principal criteria: General suitability for the climate and soil conditions of this area; Ease of maintenance; Tolerance to City conditions; and Availability from area nurseries. All plantings shall be approved by the Building & Zoning Superintendent.

Table 5.2: Plantings Meeting Landscape Requirements of this Ordinance

Botanical Name	Common Name	Height / Spread
Trees		
**Acer freemanii*	Freeman Maple	H 40-80 S 25-50
Acer nigrum	Black Maple	H 50-75 S 50
**Acer platanoide*	Norway Maple	H 40-50 S 35-40
**Acer rubrum*	Red Maple	H 40-60 S 30-50
**Acer saccharium*	Sugar Maple	H 50-75 S 50
**Acer Tataricum*	Tartarian Maple	H 15-20 S 15-20
**Amelanchier*	Serviceberry	H 25-30 S 25-30
Betula alleghaniensis	Yellow Birch	H 50-75 S 35-50
Betula nigra	River Birch	H 50-75 S 35-50
Betula papyrifera	Paper Birch	H 50 S 35
Betula populolia	Whitespire Birch	H 20-40 S 10-20
Carpinus caroliniana	Musclewood	H 25-30 S 25-30
Celtis occidentalis	Hackberry	H 60-75 S 40-60
Cercis Canadensis	Eastern Redbud	H 20-30 S 25-35
Cladrastis kentukea	American Yellowwood	H 30-50 S 40-55
Cornus alternifolia	Pagoda Dogwood	H 10-15 S15-20
**Crataegus*	Hawthorn	H 20-30 S 20-30
Ginkgo biloba	Ginkgo	H 40-80 S 30-40
**Gleditsia tricanthos*	Honeylocust	H 30-60 S 30-45
Gymnocladus dioica	Kentucky Coffeetree	H 50-60 S 50-60
**Magnolia*	Magnolia	H 20-30 S 15-35
**Malus*	Crabapple	H 15-30 S 15-30
Ostrya virginiana	Ironwood	H 30 S 20
Prunus maacki	Amur Chokecherry	H 20-30 S 20-30
Pyrus calleryana	Callery Pear	H 30-50 S 20-35
Quercus bicolor	Swamp White Oak	H 50-60 S 50-60
Quercus bicolor x macrocarpa	Swamp White x Bur Oak	H 75 S 70
Quercus macrocarpa	Bur Oak	H 70-90 S 60-80
Quercus muehlenbergii	Chinkapin Oak	H 45-80 S 50-80
Quercus robur	English Oak	H 40-60 S 40-60
Quercus alba	White Oak	H 50-80 S 40-70
Syringa reticulate	Japanese Tree Lilac	H 20 S 15
**Tilia*	Linden	H 50-70 S 35-50
**Ulmus*	Elm Hybrid	H 50-70 S 45-60
Shrubs		
**Amelanchier*	Serviceberry	
**Aronia*	Chokeberry	
**Berberis*	Barberry	
**Buddleia*	Butterfly Bush	
**Cornus*	Dogwood	
**Corylus*	Hazelnut	
**Cotinus*	Smokebush	
**Cotoneaster*	Cotoneaster	

Table 5.2: Plantings Meeting Landscape Requirements of this Ordinance

Botanical Name	Common Name	Height / Spread
**Euonymus alatus*	Burning Bush	
**Forsythia*	Forsythia	
**Hydrangea*	Hydrangea	
**Hypericum*	St. Johnswort	
**Philadelphus*	Mockorange	
**Physocarpus*	Ninebark	
**Potentilla*	Potentilla	
**Rhus*	Sumac	
**Ribes*	Alpine Current	
**Rosa*	Rose	
**Salix*	Willow	
**Sambucus*	Elderberry	
**Spirea*	Spirea	
**Syringa*	Lilac	
**Viburnum*	Viburnum	
**Weigelia*	Weigelia	
**Yucca*	Yucca	
Evergreens		
Abies concolor	Concolor Fir	H 30-50 S 15-30
Abies balsamea	Balsam Fir	H 45-75 S 20-25
Abies fraseri	Fraser Fir	H 30-40 S 20-25
**Picea*	Spruce	H 40-60 S 15-40
**Pinus*	Pine	H 50-80 S 20-40
**Thuja*	Arborvitae	H 10-60 S 6-30
Tsuga canadensis	Canadain Hemlock	H 40-70 S 25-35
Larix decidua	Common Larch	H 70-75 S 25-30
Larix laricina	Tamarack	H 40-80 S 15-30
Evergreen Shrubs		
**Juniperus*	Juniper	
**Taxus*	Yew	
Microbiota	Russian Cypress	
**Thuja*	Arborvitae (Globe & Compact)	
Evergreen Broad Leaf		
**Azalea*	Azalea	
**Buxus*	Boxwood	
**Euonymus*	Euonymus	
Ilex crenata	Holly	
Ilex verticillata	Winterberry	
**Rhododendron*	Rhododendron	

* Indicates many cultivars in each species.

ARTICLE VI: PERFORMANCE STANDARDS

Section 102-601: Purpose

The purpose of this Article is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Title.

Section 102-602: Compliance in All Zoning Districts

Any use established hereafter in any zoning district shall be so operated as to comply with the hazard prevention performance standards set forth in this Article as well as State and federal regulations unless otherwise specified.

Section 102-603: Reserved

Section 102-604: Reserved

Section 102-605: Reserved

Section 102-606: Exterior Lighting Standards

A. APPLICABILITY. All public and private outdoor lighting installed in the City of Sterling shall be in conformance with the requirements set forth in this section.

B. General Design Factors:

(1) Style: The style of the light and light standard shall be consistent with the architectural style of the principal building.

(2) Locations. No exterior light fixture may be located within three feet (3’) of a property line.

(3) Base. The base for all lighting fixtures shall be no greater than six-inches (6”) as measured from grade. Lighting fixtures shall be located inside landscape islands or behind curb lines and pavement edges for protection.

(4) Fixtures. All off-street lighting fixtures shall be ninety-degree (90°) down-cast, cutoff fixtures. Drop-lens fixtures are prohibited.

(5) Height: Fixture height shall be measured from grade to top of the fixture, including the base.

(a) Pathways, sidewalks, and trails shall be lighted with low level fixtures not to exceed twelve feet (12') in pole height.

(b) The total height of all fixtures for non-residential developments shall not exceed the lesser of twenty feet (20’) or the ridge line of the principal structure.

(c) Multi-family residential lighting fixtures shall not exceed fifteen feet (15’) in height.

(6) Lamps. Lamp-types and wattages shall be not be restricted regardless of application. The site must comply with the Lighting Level Standards and Requirements as specific in (c) below.

(7) Glare Control: All lighting shall include glare controls and shall be shielded. Floodlighting is discouraged, and if used, shall be shielded to prevent disability glare for drivers or pedestrians.

(8) Building Mounted Lighting. Building-mounted lighting may be used to highlight architectural features or illuminate primary customer or building entrances. General floodlighting or the neon outlining of building façades is not permitted.

(9) Canopy Lighting.

(a) The maximum average maintained foot-candles under a canopy shall be twenty (20) foot-candles. Areas outside the canopy shall be regulated by the standards in (c) below.

(b) All canopy fixtures shall be recessed, incorporating a flat lens cover to shield against glare.

C. Lighting Level Standards and Requirements:

(1) Lighting Levels: Lighting shall be provided in accordance with the standards of the Illuminating Engineering Society of North America (IESNA) as follows for parking and pedestrian areas of all uses, with the exception of automotive sales establishments as specified in subsection (c)(2):

Table 6.1: IESNA Lighting Level Standards for Parking and Pedestrian Areas

	IESNA Levels of Activity	IESNA Maintained Horizontal Illuminance Standards (Foot-Candles)			
		Max.	Min.	Ave.	Uniformity Ratio
High	Major cultural events Regional shopping centers (retail space >100,000 SF) Fast food facilities Entertainment theaters	10	0.9	3.6	4:1
Medium	Community shopping centers (retail space <100,000 SF) Office building parking Hospital parking Multi-family residential complex Cultural, civic events Recreational events Community centers Transportation parking (commuter lots, etc.)	10	0.6	2.4	4:1
Low	Neighborhood shopping centers (retail space <5,000 SF) Industrial business parking Educational, civic, and institutional facilities Single-family residential properties	10	0.2	0.8	4:1

(2) Lighting for Automotive Sales Establishments.

(a) Lighting shall be provided in accordance with the standards of the IESNA as follows for automotive dealerships:

Table 6.2: IESNA Lighting Standards for Automotive Sales Establishments

Areas Of Activity	Description	Footcandle Levels
Feature display area	The first row of vehicles adjacent to a major/minor arterial, including the area in front of the vehicle up to the property line and behind the vehicle up to the merchandise area and/or the circulation area including drive aisles.	Maximum of 40 fc
Merchandise area	All other rows of vehicles on a lot used for general auto sales, including all areas surrounding the vehicle up to the defined circulation area including related drive aisles, including site entrances.	Maximum of 10 fc
Circulation area	Includes all portions of the lot dedicated to customer parking, employee parking, and inventory areas including related drive aisles.	Maximum of 10 fc
Security lighting, Monday - Sunday	The average amount of light found on the entire site within each of the areas of activity, including the feature display area, merchandise area, and circulation area from 10:00 P.M. until sunrise.	Average of 10 fc

(b) Height of Luminaire at Automotive Sales Establishments: The maximum height of a luminaire at an automotive sales establishment shall comply with the regulations outlined in subsection (b)(5) above.

(c) Drop lenses are prohibited from use on all car dealership luminaries. All existing dealerships using drop lenses at the time of adoption date hereof, will be considered legal nonconforming for the sole purpose of its lens type. All new or replacement fixtures shall have flat lenses that shield glare.

(d) Light shields used by car dealerships to control light and reduce glare shall be made of non-reflective material.

(3) Lighting Levels at Property/Right-of-Way Lines: Exterior lighting shall be designed at or below the following average maintained foot-candles at the property/right-of-way line:

Table 6.3: Lighting Levels at Property/Right-of-Way Lines

Location	Maximum Horizontal Footcandle (HFC) Level at Property/ROW Line
Residential to residential	0.10 hfc
Nonresidential to nonresidential	0.50 hfc
Nonresidential to residential	0.10 hfc
Intensity at adjoining right of way, including automotive sales establishments.	0.50 hfc

D. Measuring Light Levels:

(1) Metering Equipment: Light levels of both direct and indirect light shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading.

(2) Method of Measurement: Foot-candle horizontal measurements shall be taken at a height of three and one-half feet (3.5') above grade.

(3) Measuring Average Foot-candle Levels. In determining the average foot-candle standard, all foot-candle measurements shall be taken from the ground at ten foot (10') increments throughout the areas of activity.

E. Exceptions: The following are exempt from the lighting requirements of this section, except that the Director of Community Services may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

(1) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal or state agencies (to include streets, walkways, street lights, traffic signals and signage within public rights-of-way maintained by the City and/or IDOT)

(2) Lighting fixtures for public recreation and athletic facilities, including ball diamonds, playing fields, tennis courts, and other outdoor recreational facilities shall be exempted from the general standards of this section. Lighting for outdoor recreational facilities shall be shielded to minimize light and glare from spilling onto adjacent residential properties. The maximum permitted illumination at adjoining residential property lines shall be one foot-candle. The maximum permitted illumination at adjoining nonresidential property lines shall be two (2) foot-candles. Lighting fixtures for private recreation and athletic facilities may be approved by special use.

(3) Illumination of flags of the United States, the State of Illinois, or a principal business or corporation provided such lighting does not exceed 100-watts and is focused primarily on the individual flag or flags.

(4) Temporary emergency lighting used by police, firefighters, and other emergency services, as well as all vehicular luminaires shall be exempt.

F. Nonconforming Luminaires: Exterior lighting luminaires in existence on the effective date of this section shall be exempt from the standards of this section and shall be considered legally nonconforming. Such fixtures may be repaired and maintained. However, if any legal nonconforming luminaire is moved or damaged by any means to an extent that replacement is necessary, the luminaire, or replacement, shall comply with this section. At such time as sixty-percent (60%) of the existing fixtures on-site are replaced, full compliance for all fixtures shall be required. For development activity involving improved property, all existing luminaires shall be required to comply with this section when the floor area of any building or structure, or parking areas, or any combination thereof, is increased by forty-percent (40%) or greater.

G. Exterior Lighting Plan Required:

(1) A lighting plan shall be required any time exterior lighting is proposed, or modified, that is associated with a residential use of greater density than a one- or two-family dwelling or with any commercial, office, industrial or other use. The lighting plan shall be submitted with the site plan information as required in this title.

(2) The lighting plan shall include a site plan indicating: the location, height, type, design, orientation, anchorage, and wattage of all proposed of light fixtures; a photometric plan prepared by a lighting professional showing spot illumination levels at regularly spaced intervals on the lot and at all lot lines and average proposed illumination levels on the site; a summary table containing average foot-candles, minimum foot-candles, maximum foot-candles, uniformity ratio (average/minimum), catalog cuts of the proposed fixtures. The plan

shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan complies with the requirements of this Article and the criteria of the Illuminating Engineering Society of North America (IESNA) recommendations for outdoor lighting. Once the plan is approved, the exterior lighting of the property shall conform to the plan.

Section 102-607: Erosion Control

The disturbing of land and land developing activities within the boundaries and jurisdiction of the City and the public and private lands subject to extraterritorial review shall comply with the regulations outlined in in Title III of Chapter 80 of the Municipal Code.

Section 102-608: Reserved

Section 102-609: Reserved

Section 102-610: Vibration Standards

A. MEASUREMENT. Earth-borne vibrations are measured with a seismograph or accelerometer and are measured in three (3) mutually perpendicular directions (one (1) vertical and two (2) horizontal). Vibration shall be measured at the site boundary lines. All uses shall conform to the standards set forth in this section.

B. PERMITTED STEADY VIBRATION DISPLACEMENT. Except temporary construction activities and agricultural activities, no activity shall cause or create a displacement greater than the permitted steady state vibration displacement for the frequencies set forth in Table 6.4.

Table 6.4: Maximum Permitted Steady Condition Vibration Displacement

Frequency (cycle per second)	Vibration Displacement (inches)
10 and below	.0008
10--20	.0005
20--30	.0003
30--40	.0002
40 and over	.0001

C. IMPACT VIBRATIONS. For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.

D. TEMPORARY CONSTRUCTION ACTIVITIES EXEMPT FROM REQUIREMENTS. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 8:00 p.m. shall be exempt from the requirements of this section if steady state vibrations and impact vibrations shall not exceed twice the permitted displacement for permanent operations.

E. PROHIBITION ON VIBRATIONS BEYOND PROPERTY BOUNDARIES. Except temporary construction activities, no activity shall be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of 0.003 of one (1) inch.

F. PUBLIC NUISANCE PROHIBITED. In no case shall vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.

Section 102-611: Noise Standards

A. MEASUREMENT OF NOISE. Noise shall be measured using a sound level meter meeting the standards of the American National Standards Institute's (ANSI S1.4-1983 as amended) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted filter response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound." Measurements of sound may be made at any point along a district boundary or site boundary line of the noise generating property. For measuring impact sounds, however, the impact sound shall be measured using the fast response of the sound level meter. Traffic, aircraft, and other background noises must not be considered in measuring noise levels unless the background noise is a part of the noise being measured.

B. EXEMPTIONS FROM STANDARDS OF THIS SECTION. Noises exempt from the requirements of this section include the following:

(1) Noises of vehicles to the standard noise reduction of manufacturer's specifications.

(2) Home appliances.

(3) Chain saws, lawnmowers, and snow blowers in private use (not commercial repair services).

(4) Occasionally used safety signals, warning and emergency signals, and emergency pressure relief valves.

(5) Unamplified human voice.

(6) Bells or chimes.

(7) Temporary construction operations.

C. MAXIMUM PERMITTED SOUND LEVELS IN ALL ZONING DISTRICTS. At no point either on the boundary of a zoning district or site boundary line shall the sound level of a use exceed the decibel level shown in Table 7.2 for the zoning districts indicated.

D. INCREASES TO MAXIMUM PERMITTED SOUND LEVELS. The sound levels set forth in Table 7.2 may be exceeded by ten (10) dBA for a single period, not to exceed fifteen (15) dBA in any one (1) day except in the LM, GM, PIO, and PUD (business and industrial uses only) Districts.

E. IMPACT NOISES. For impact noises, the sound levels set forth in Table 6.5 may be increased by ten (10) dBA, in the GM, HM, PIO, and industrial PUD Districts.

Table 6.5: Maximum Permitted Sound Levels in dBA by Zoning District

Zoning District	Maximum Permitted Sound Level	
	Monday through Saturday 8pm – 7am	Sunday 6pm – 8am
All Residential, NB, and DB Districts	67 dBA	67 dBA
CB, RB, BP, and MU Districts	67 dBA	65 dBA
LM and PIO Districts	70 dBA	65 dBA
GM and HM Districts	75 dBA	65 dBA
HPO, RFO, and TBO Districts	As Per Underlying Zoning District.	
SWO, FPO, and CO Districts	55 dBA	55 dBA

F. CREATION OF EXCESSIVE NOISE IN AREAS ADJACENT TO NOISE-SENSITIVE AREAS PROHIBITED. The creation of, or causing the creation of, any sound adjacent to any noise-sensitive area, containing a hospital, nursing home, school, court or other designated area, to exceed the specified land use noise standards set forth in this section and to interfere with the functions of such activity or unreasonably annoy the occupants in the activity, is prohibited, if conspicuous signs are displayed indicating the presence of the noise-sensitive area.

G. OCCASIONAL OUTDOOR ACTIVITIES EXEMPTED. The provisions of this section shall not apply to occasional outdoor gatherings, shows, and sporting and entertainment events (excluding regularly scheduled school athletic events), provided the events are conducted pursuant to any permits issued by the City of Sterling concerning the event. A temporary use permit is required from the City for such exempt activities.

H. HIGHWAY NOISE. The purpose of these regulations is to guide the development of noise sensitive land uses (such as homes, schools and recreational areas) abutting to highway corridors and to ensure that any such development that does occur is planned to mitigate the adverse effects of noise. The standards contained are based on the requirements for development of the best possible urban environment outlined by the American Society of Civil Engineers, American Public Health Association, National Recreational Association, American Association of State Highway Officials, Institute of Transportation Engineers, Federal Emergency Management Administration, American Society of Planning Officials Reports, Illinois Administrative Code, and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter H, Par.722. In general, residential subdivisions will be encouraged to provide generous distances between building sites and existing industries and between building sites and high capacity streets, highways, expressways, and freeways to act as buffers against noise and noxious fumes. Residential subdivisions will also be discouraged from locating too close to existing or proposed airport approach zones.

(1) General Provisions.

(a) These provisions shall apply to unplatted lands abutting to any existing state or federal roadway for which a preliminary plat approval was not previously granted. These provisions shall not apply to structures existing at the time of adoption of this ordinance.

(b) No owner of any unplatted lands which is abutting to any existing state or federal roadway and for which a preliminary plat approval was not previously granted, shall be granted final plat approval or shall commence or cause to be commenced construction of any structure, unless approved by the Plan Commission and Common Council.

(c) Prior to approval of any preliminary plat, final plat or commencement or construction of any structure, every application for approval shall be submitted in writing to the Building & Zoning Superintendent by the owner of the land on which the structure is proposed to be constructed and shall contain the following information:

(i) Identification of the land on which the construction is proposed;

(ii) The section under which approval is requested;

(iii) The information and data supporting the claim that the appropriate requirements shall be met including specific enumerations that the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR Chapter I, Subchapter H, Part 772 provisions, shall be met and any other information which the City may require.

(iv) Certification by an engineering or other qualified testing firm that hourly traffic sound levels Leq(h) as hereinafter indicated, are within permissible levels or that appropriate sound

attenuation measures are incorporated into the design and construction of any structures to satisfy the highway noise provisions within this ordinance.

(d) In addition to the requirements contained in subsection (a)(iii) above, the application shall also contain the following information as well as any other information bearing on the approval:

(i) The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with guidelines presented in "Sound Procedures for Measuring Highway Noise: Final Report," August 1981, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA, or modeled according to a methodology in the FHWA Highway Traffic Noise Prediction Model(Report No. FHWA-RD-77-108);

(ii) The projected future Leg(h) at the site resulting from future traffic increases; and

(iii) Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.

(2) Construction concerns for residential and institutional structures.

(a) New residential or institutional structures approved for construction, where the exterior hourly traffic sound level Leq(h) within a proposed outdoor living area is projected to be equal to or in excess of 67 dBA upon completion of the structure, should evaluate opportunities to mitigate noise levels.

(b) Prior to issuance of any building permit for any structure regulated pursuant to this subsection, the City may require submission of plans and specifications to the Illinois Department of Transportation (IDOT) for review. The City or IDOT may conduct such inspections and measurements as are necessary to ensure the proper implementation of traffic sound mitigation measures.

(3) Remedies. Failure to comply with the requirements of this section may invalidate purported transfers of titles at the option of the purchaser in accordance with provisions of Illinois Plat Act. Building permits may also be refused for construction on sites created in violation of these requirements.

Section 102-612: Glare of Standards

A. MEASUREMENT OF GLARE. Glare illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, using the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Illumination levels shall be measured in foot-candles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of use.

B. GLARE STANDARDS. All uses shall conform to the following minimum standards:

(1) Maximum illumination increase. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause an illumination increase greater than 0.2 foot-candles as measured at a location beyond the site boundary line as measured during the day or at night.

(2) Flickering and intrinsically bright sources of illumination. Flickering and intrinsically bright sources of illumination, even if meeting the standard set forth in paragraph (1) above, shall be controlled by luminaire shielding or aiming the light source away from roads and nearby sites. Exposed sources of light shall be shielded so as not to exceed the outdoor lighting standards set forth in Section 102-606.

(3) Reflective materials that cause glare prohibited. Reflective roofs, sidings, and building surfaces including reflective glass shall not be permitted except solar heating devices.

C. EXCEPTIONS. Solar energy systems regulated by 765 ILCS 165 shall be entitled to the protection of its provisions.

D. DECLARATION OF PUBLIC NUISANCE. Any operation producing intense glare shall be done within a completely enclosed building and effectively screened as not to create a public nuisance or hazard along property boundaries.

Section 102-613: Heat Standards

A. LOCATION. Any activity producing intense heat shall be conducted within an enclosed building as not to raise the temperature of the air beyond the site boundary line.

B. INCREASES IN HUMIDITY IN THE FORM OF STEAM OR MOIST AIR FROM COOLING TOWERS OR EQUIPMENT. Increases in humidity in the form of steam or moist air from cooling towers or equipment shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.

C. STANDARDS. There shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Building & Zoning Superintendent or a designee) at the lot line.

D. DECLARATION OF PUBLIC NUISANCE. Any operation producing intense heat or humidity shall be done within a completely enclosed building and effectively screened as not to create a public nuisance or hazard along property boundaries.

Section 102-614: Fire and Explosion Standards

Fire and explosive hazards shall be controlled as set forth in this section. All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices that are standard in the industry. All such activities shall be in compliance with Illinois State Statutes, applicable Illinois Administrative Codes and Municipal Codes of the City of Sterling. When such activities are not specifically governed by law, the most current standards of NFPA (National Fire Code Standards) shall apply.

A. STORAGE OR MANUFACTURE OF MATERIALS OR PRODUCTS THAT DECOMPOSE BY DETONATION NOT PERMITTED. Activities involving the storage or manufacture of materials or products that decompose by detonation (e.g. – ammonium nitrate, TNT, nitroglycerin) are not permitted unless licensed by the City of Sterling. If such activities are permitted by City of Sterling license, such activities shall take place exclusively in the LM, GM, HM, PIO, or industrial PUD Districts.

B. STORAGE, USE, OR MANUFACTURE OF MATERIALS RANGING FROM FREE TO ACTIVE BURNING MAY BE PERMITTED WITH CONDITIONS. The storage, use, or manufacture of materials ranging from free to active burning--as determined by the Building & Zoning Superintendent is permitted in the HM Districts (storage only in the LM and GM District, and may be permitted by the Building & Zoning Superintendent in the PIO District or an industrial PUD District) under the following conditions:

(1) Location. All storage, use, or manufacture of such materials or products shall be within completely enclosed buildings or structures having noncombustible exterior walls.

(2) Setbacks and Fire Protection. All materials shall be setback a minimum of four-hundred (400) feet from any residential or commercial district or use, except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of

flammable and explosive materials at any point shall be provided with adequate safety and fire-fighting devices in accordance with all fire prevention codes of the National Fire Protection Association, the State of Illinois, and this Code.

(3) Noncombustible to moderate burning materials. The storage, use, or manufacture of materials ranging from noncombustible to moderate burning, as determined by the Building & Zoning Superintendent, is permitted.

(4) Materials or products that produce flammable or explosive vapors. Materials or products that produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted, except the following, which are permitted:

(a) Materials required for emergency or standby equipment.

(b) Materials used in secondary processes that are auxiliary to a principal operation, such as paint-spraying of finished products.

(c) Flammable liquids and oils stored, sold, and used with the operation of an automobile service station and customarily required or used in such operation.

(5) Manufacture, possession, storage, transportation, and use of hazardous materials. All manufacture, possession, storage, transportation, and use of hazardous materials that include explosives and blasting agents, flammable and combustible liquids, liquefied petroleum gas, and hazardous chemicals shall be required to comply with all applicable state and local fire codes or as set forth in the most current edition of the NFPA Fire Protection Handbook as amended, whichever is stricter.

(6) No storage allowed within 100-year recurrence interval floodplain. Any permitted structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials that could be hazardous to public health or safety, shall be located at elevations a minimum of four (4) feet above the 100-year recurrence interval flood elevation.

Section 102-615: Reserved
Section 102-616: Reserved
Section 102-617: Reserved
Section 102-618: Reserved
Section 102-619: Reserved

Section 102-620: Air Pollution, Contaminants, and Smoke

A. SMOKE AND PARTICULATE MATTER. The provisions of paragraphs (1) and (2) below shall not apply in the case of an equipment breakdown that makes compliance not reasonably possible, and shall not apply to residential interior fireplaces, to home barbecues and firepits, campfires on legal campgrounds, and to burning incidental to agricultural operations for clearing land, but not for waste disposal.

(1) Measurement of smoke emissions. Smoke emissions shall be measured by using the Ringelmann Chart, as adopted and published by the United States Department of the Interior, Bureau of Mines Information Circular 8333, May 1967, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform to the following standard.

(a) The density of smoke shall be measured at the point of emission, except when the point of emission cannot be readily observed.

(b) The smoke may be measured at an observable point on the plume nearest the point of emission.

(2) Established requirements not to be exceeded. No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities to substantially contribute to exceeding the established requirements of the City of Sterling, Whiteside County, State of Illinois, or Federal air pollution standards set forth by the U.S. Environmental Protection Agency. In case of conflict, the most restrictive requirements shall govern.

(3) Maximum amount of particulate matter on a single site. Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site as prescribed by the requirements of the agencies and regulations cited in paragraph (2) above.

(4) Wind-borne particulate matter. Emission of particulate matter from materials or products subject to becoming wind-borne from such sources as storage areas, yards, roads, and so forth, within lot boundaries, shall be kept to a minimum by landscaping, paving, wetting, or other means not violating any other applicable laws or regulations to render the surface wind-resistant.

(5) Maximum smoke units. No stack shall emit more than ten (10) smoke units during any one (1) hour, nor shall smoke of a density greater than Ringelmann No. 2 be emitted, if during a single one (1) hour period in each twenty-four (24) hour day, each stack may emit up to twenty (20) smoke units when blowing soot or cleaning fires, and during such cleaning of fires, smoke of a density of Ringelmann No. 3 may be emitted, but for not more than four (4) minutes each period except a plume consisting entirely of condensed steam.

(6) Declaration of public nuisance. In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance.

B. TOXIC AND NOXIOUS MATTER. All uses shall conform with the following standards.

(1) Ambient air quality standards. The ambient air quality standards of the State of Illinois and the U.S. Environmental Protection Agency, or any other federal agency having jurisdiction shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.

(2) Toxic materials not included in ambient air quality standards. When toxic materials are not included in the ambient air quality standards of the State of Illinois, the U.S. Environmental Protection Agency, or any other federal agency, the release of such materials shall not exceed one one-fortieth (1/40) of the threshold limit value across site boundary lines of those toxic materials currently listed in the "Threshold Limit Values" adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a twenty-four (24) hour sampling period. The City of Sterling may request that an applicant submit a statement from the Illinois Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.

(3) Discharge across property boundaries prohibited. No use on any property shall discharge across the boundaries of said property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to other property or business.

Section 102-621: Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature except in accordance with Article II: Sewers of Chapter 94 of the Municipal Code and as set forth by the Illinois Department of Public Health.

Section 102-622: Odor

A. APPLICABILITY. This section is applicable to all zoning districts and uses.

B. GENERATION OF ODOR. Any use in any district may generate any odor that reaches the "Odor Threshold Concentration" or does not exceed the lowest amount set forth in Table III, "Odor Thresholds," of Chapter 5, "Physiological Effects," of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such tables for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods shown in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods as measured at:

(1) Two or more uses occupying a single lot or parcel of land. The outside boundary of the immediate space occupied by the use generating the odor.

(2) Single use lot or parcel of land. The lot line of the use generating the odor if said use is the only use on the lot.

C. PUBLIC NUISANCE OR HAZARD PROHIBITED. The emission of odorous matter from any property in such concentrations at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

Section 102-623: Radioactivity

A. APPLICABILITY. All land uses shall conform to the following specified standards concerning radioactivity.

B. MAXIMUM CONCENTRATIONS OF RADIOACTIVITY PERMITTED. The maximum permissible concentrations of radioactivity that can be released shall be subject to the regulations of the State of Illinois, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.

C. STORAGE OF RADIOACTIVE MATERIALS. Radioactive materials shall be stored in fireproof containers made of steel and concrete, but shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.

D. MEDICAL SOURCES OF RADIATION RESIDUES. Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility. Other uses of radioactive materials shall be limited to measuring in X-ray and similar apparatus, and concerning the processing and preservation of food.

Section 102-624: Electrical Disturbance, Interference, and Electromagnetic Fields

A. APPLICABILITY. In all zoning districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields or radiation that adversely affects public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity or process is conducted or the use is located.

B. MINIMUM STANDARDS FOR ELECTROMAGNETIC RADIATION. Where electrical systems are planned to be established which are either equal to or exceed a level of electromagnetic radiation of sixty (60) Hertz (Hz), the following standards shall be applicable:

(1) Environmental and health assessment reports required. Environmental and health assessment reports of such proposed systems shall be prepared at the expense of the developer of such systems. An electromagnetic field mitigation plan shall be a component of all such reports.

(2) Location of residential land uses and places of assembly. No residential land uses or places of assembly shall be allowed to be sited in areas exposed to four (4) or more milligauss of sixty (60) Hertz (Hz) electromagnetic fields.

Section 102-625: Chemical, Asbestos, and Other Hazardous Material Storage

The following standards shall apply to chemical, asbestos, or other hazardous materials or wastes use and/or storage:

A. LOCATION. Any activity involving chemical, asbestos, or other hazardous materials or wastes use or storage shall be conducted within an enclosed building.

B. TRANSFER OFF PARCEL BY NATURAL CAUSES OR FORCES PROHIBITED. No chemical, asbestos, or other hazardous materials or wastes shall be deposited upon a parcel in any zoning district in such form or manner that they may be transferred off the parcel by natural causes or forces.

C. OUTDOOR STORAGE PROHIBITED. In all zoning districts no chemical, asbestos, or other hazardous materials or wastes that might cause fumes, dust, or which are a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors.

D. PUBLIC NUISANCE PROHIBITED. In no zoning district shall the storage of chemical, asbestos, or other hazardous materials or wastes be allowed to create a public nuisance or hazard beyond the property boundaries.

E. COMPLIANCE WITH ALL FIRE AND BUILDING CODES FOR HAZARDOUS MATERIALS USE AND STORAGE. In all zoning districts uses involving the storage of chemicals, asbestos, or other hazardous materials or wastes shall be designed to comply with all fire and building codes for the hazardous materials use and storage, and adequate precautions using the best available technology shall be taken to protect against negative off-site impacts of a hazardous materials release.

F. HAZARDOUS MATERIALS IMPACT ANALYSIS REQUIRED. In all zoning districts where chemical, asbestos, or other hazardous materials or wastes are used or stored, a hazardous materials impact analysis shall be required to determine potential off-site impacts and required mitigation precautions. Said hazardous materials impact analysis shall be submitted to the Plan Commission for its review and consideration.

Section 102-626: Reserved
Section 102-627: Reserved
Section 102-628: Reserved
Section 102-629: Reserved

Section 102-630: Solar Energy System Standards

A. PURPOSE. The City of Sterling finds that diminishing supplies of nonrenewable energy resources threaten the physical and economic well-being of the residents of this community who presently rely on such resources to maintain their homes, industries, businesses, and institutions. The purpose of this section is to promote the use of solar energy systems and to ensure that such systems are constructed and installed in a manner that protects public and property owner safety.

B. PERMITS.

(a) Zoning Permit. A zoning permit shall not be required for the installation or construction of a solar energy system.

(b) Building Permit. A building permit issued by the Building & Zoning Superintendent shall be obtained prior to construction of a solar energy system to ensure compliance with the International Building Code.

(c) Plumbing Permit. A plumbing permit issued by the Building & Zoning Superintendent shall be obtained prior to construction of a solar energy system to ensure compliance with 765 ILCS 165 and the Illinois State Plumbing Code.

(d) Electrical Permit. An electrical permit issued by the Building & Zoning Superintendent shall be obtained prior to construction of a solar energy system to ensure compliance with the National Electrical Code.

(2) APPLICATION REQUIREMENTS. A petition to construct or install a solar energy system shall include the following:

(a) Location of all underground utility lines on the property where a solar energy system site is proposed.

(b) Dimensional representation of the structural components of the supports or tower construction, including the base and footings.

(c) Schematic of electrical systems associated with the solar energy system including all existing and proposed electrical connections.

(d) Manufacturer's specifications and installation and operation instructions or specific photovoltaic design information, including model and installation instructions.

(e) Certification by a registered professional engineer or structural engineer that the solar energy system design is sufficient to withstand wind load requirements for structure as defined in the International Building Code.

(3) GENERAL PERFORMANCE STANDARDS. All solar energy systems shall be subject to the following requirements to ensure public safety:

(a) Support or Tower Construction. Guyed or lattice towers or supports are expressly prohibited. All towers and supports shall be structurally designed to withstand 100mph winds and handle loads imparted.

(b) Access. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(c) Electrical Wires. All electrical wires associated with a solar energy system, other than wires necessary to connect the photovoltaic to the support or tower wiring, the support or tower wiring to a disconnect junction box, and the grounding wires shall be located underground. All wires and connections shall be wholly located on the subjects property.

(d) Utility Notification and Interconnection. solar energy systems that connect to the electric utility shall comply with the Distributed Generation Interconnection Standard.

(e) Required Safety Features

(i) All solar energy systems shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

(ii) All solar energy systems shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the solar energy systems from supplying power to a de-energized electrical distribution system.

(iii) Any solar energy systems thereof declared to be unsafe by the Building & Zoning Superintendent by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Municipal Code.

Section 102-631: Geothermal Standards

A. PURPOSE. The City of Sterling recognizes the environmental benefits associated with the use of geothermal/ground source heat pump (GSHP) systems for heating and cooling. GSHP systems offer the benefit of reduced generation of air pollution (including greenhouse gases) in comparison with conventional heating and cooling systems. The potential environmental and human health risks associated with an accidental release of the GSHP fluids that are permitted under this Section are relatively low. The main goal of these guidelines is to have GSHP wells and systems sited in a manner that will not adversely affect abutting properties and that are installed in a manner that will not provide potential contaminant pathways that would allow surface runoff to enter groundwater aquifers or the transfer of natural or man-made contamination between two different aquifers or between aquifers and surface water bodies. An additional goal of these guidelines is to minimize the potential for subsurface system leaks.

B. TYPES OF SYSTEMS AND TYPICAL ARRANGEMENT

(1) Closed-Loop System – Horizontal. Horizontal ground source heat pump installation is generally most cost-effective for residential installations, particularly for new construction where sufficient land is available. It requires trenches at least four feet deep. The most common layouts either use two pipes, one buried at six feet, and the other at four feet, or two pipes placed side-by-side at five feet in the ground in a two-foot wide trench. The method of looping pipe allows more pipe in a shorter trench, which cuts down on installation costs and makes horizontal installation possible in areas it would not be with conventional horizontal applications.

(2) Closed Loop System – Vertical. Vertical systems are often used for large commercial buildings and schools because the land area required for horizontal loops would be prohibitive. Vertical loops are also used where the soil is too shallow for trenching, and they minimize the disturbance to existing landscaping. For a vertical system, holes (approximately four inches in diameter) are drilled about 20 feet apart and 100 to 400 feet deep. Into these holes go two pipes that are connected at the bottom with a U-bend to form a loop. The vertical loops are connected with horizontal pipe (i.e., manifold), placed in trenches, and connected to the heat pump in the building.

(3) Closed Loop System - Pond/Lake. The coils are placed in an open water source (pond or lake) that meets minimum volume, depth, and quality criteria. A supply line pipe is run underground from the building to the water source and coiled into circles at least eight feet under the surface to prevent freezing.

(4) Open-Loop System. This system uses a well or surface water body such as a pond or lake as the heat exchange fluid that circulates directly through the ground source heat pump system. Once the water has circulated through the system, it returns to the ground through the well, a recharge well, or surface discharge. This option is only practical where there is an adequate supply of relatively clean water, and all regulations regarding groundwater discharge are met.

C. PROHIBITIONS. GSHP wells or systems shall not be located, constructed, or operated in a manner that will cause further degradation of aquifers, wetlands, or surface water bodies.

D. UNDERGROUND INJECTION CONTROL REQUIREMENTS. The federal Underground Injection Control (UIC) Program regulates every injection of fluid into the subsurface.

(1) United States Environmental Protection Agency (USEPA). All wells and systems shall comply with the regulations outlined in 40 CFR 144.26.

(2) Illinois Department of Public Health (IDPH). All wells and systems shall comply with the regulations outlined in Title 77 of the Illinois Administrative Code.

E. CONSTRUCTION.

(1) Plan Submittal. The owner/operator/installer of the GSHP system shall submit to the City a BSO Plan and comply with the regulations outlined in Section 102-924. All construction plans must be designed and stamped by a professional engineer licensed in the State of Illinois or an individual that is certified by the by the International Ground Source Heat Pump Association (IGSHPA).

(2) Required Permits/Approvals.

(a) A City of Sterling Zoning Permit shall be required as outlined under Section 102-910.

(b) A City of Sterling Building Permit shall be required as outlined under Chapter 18 of the Municipal Code.

(c) The owner/operator/installer of the GSHP system shall submit to the Building & Zoning Superintendent approval for the system by the IDPH.

(3) Prior to Construction. Prior to the construction of a GSHP system, the owner/operator/installer must submit to the IDPH a notification of intent to construct. This notification requirement includes GSHP systems that do not include the use of wells.

(4) Contractors.

(a) Well Drilling. Only contractors complying with 77 Ill. Adm. Code Part 915 shall be permitted to construct, alter, or decommission wells for geothermal heating and cooling systems.

(b) Plumbing. All plumbing installation/modification shall be performed by a licensed Illinois plumber.

(c) GSHP Equipment. The installation or modification of all GSHP equipment shall be performed by an individual certified by the IGSHPA.

(5) Materials.

(a) The use of refrigerants, antifreeze chemicals, and lubricating oils is prohibited in water that is returned to the subsurface via open-loop GSHP systems.

(b) The use of plasticizers in grout used in well construction is prohibited for open-loop GSHP wells.

(c) The following are the only currently IDPH approved refrigerants, plasticizers, antifreeze, lubricating oils, and corrosion inhibitors that are allowed for closed-loop GSHP wells.

(i) Propylene glycol and ethanol are acceptable antifreeze additives for closed-loop systems. All other antifreeze chemicals must be approved by IDPH prior to use.

(ii) Food grade lubricating oils are acceptable for closed-loop and direct exchange wells. Direct exchange wells may also use polyester as a lubricant. All other lubricating chemicals or oils must be approved by IDPH prior to use.

(iii) R-22 refrigerant and its EPA recommended substitutes R-407C and R-410A are acceptable for use in direct exchange systems. All other refrigerants must be approved by IDPH prior to use.

(iv) Sodium naphthalene sulfonate conforming to ASTM C 494 Type F is an acceptable plasticizer for use in grouts that contain cement. Plasticizers shall not be used for the construction of GSHP wells that will also serve as sources of potable water.

(v) Corrosion inhibitors must be approved by IDPH prior to use.

(6) Location on Property.

(a) Wells.

(i) Open-loop GSHP wells that also serve as potable water supply wells shall meet the location requirements outlined in 77 Ill. Adm. Code Part 920.

(ii) Open-loop GSHP wells that do not also serve as a potable water supply source shall be sited at least 25 feet from existing and potential sources of contamination including, but not limited to septic tanks/fields, lagoons, livestock pens, and oil or hazardous materials storage tanks.

(iii) Closed-loop and direct exchange wells shall also be sited at least 25 feet from these potential sources of contamination.

(iv) Closed-loop and direct exchange wells shall be sited at least 50 feet from private potable water supply wells.

(v) Closed-loop and direct exchange wells shall not be permitted within the Zone 1 of public water supply wells.

(vi) An open-loop GSHP well that does not also serve as a public water supply well shall not be permitted within the Zone 1 of a public water supply well.

(vii) Closed-loop and direct exchange wells shall be sited at least 10 feet from surface water bodies.

(b) No GSHP appurtenances shall be permitted to be located with the required setbacks for the parcel on which it is sited.

Section 102-632: Small Wind Energy Conversion Systems

Small Wind Energy Conversion Systems (SWECS) in the City of Sterling shall be subject to the following regulations to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system. No person shall construct or operate a SWECS without having fully complied with the provisions of this Section.

A. Permits Required:

(1) A building/zoning permit shall be obtained to allow construction of a SWECS.

(2) A SWECS permit shall be obtained from the City Code Enforcement Department for the construction of all SWECS.

B. Application Requirements. An application for a permit to build a wind energy system shall include the following:

(1) Property lines and physical dimensions of the property of the proposed construction site.

(2) Proposed location of the SWECS.

(3) Location and description of all structures located on the property where the WECS site is proposed.

(4) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed SWECS.

(5) Location of all underground utility lines on the property where a SWECS site is proposed.

(6) Dimensional representation of the structural components of the tower construction including the base and footings.

(7) Schematic of electrical systems associated with the SWECS including all existing and proposed electrical connections.

(8) Manufacturer's specifications and installation and operation instructions or specific SWECS design information, including model and rotor diameter.

(9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the International Building Code.

C. General Performance Standards. A SWECS shall be permitted as a special use in all zoning districts subject to the following requirements:

(1) Number. Only one (1) SWECS shall be permitted per property regardless of the number of dwelling units or tenants.

(2) Location.

(a) A SWECS shall be prohibited from being located in front of the building setback line or in front of the principal building on a property.

(b) SWECS setback shall comply with the yard areas established for principal structures for each zoning district.

(c) The SWECS shall be located such that its fall zone plus five (5) feet will be located entirely on the permitted property in the event of collapse or other structural failure.

(d) All SWECS shall be prohibited to be located in the view corridors established in (d) of this Section.

(3) Tower Construction. All towers for a SWECS shall be a single monopole type constructed without guy wires or ground anchors. Guyed towers and lattice towers are expressly prohibited. All towers shall be structurally designed to withstand 100mph winds and handle loads imparted.

(4) Height, Blade Length, Turbine Capacity. The total height of a SWECS shall be measured as the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. The SWECS shall comply with the following:

Table 6.6: Maximum Height, Blade Length, and Turbine Capacity by Land Use

Use	Maximum Height	Maximum Blade Length	Maximum Nameplate Capacity
Single-Family Residential	35’	4’	1,000w
Two-Family Residential	35’	4’	1,500w
Multiple-Family Residential	40’	6’	3000w
Commercial	50’	8’	5 kW
Manufacturing	75’	10’	10 kW

(5) Blades and Clearance. Protected blades shall be used if a SWECS is installed on a rooftop or if located within twelve (12) feet of a structure. A minimum vertical blade clearance of fifteen (15) feet shall be required from grade or rooftops.

(6) Access. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

(7) Electrical Wires. SWECS including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code. All electrical wires associated with a SWECS, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground. All wires and connections shall be wholly located on the subjects property, and in no case shall connections to multiple detached structures be permitted.

(8) Lighting. A wind tower and generator shall not be artificially illuminated unless such lighting is required by the Federal Aviation Administration.

(9) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. Generally acceptable colors shall be muted or understated colors that are unobtrusive to surrounding properties, such as galvanized metal or earth tones.

(10) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(11) Noise And Shadow Flicker

(a) Audible sound from a Wind Energy Facility shall not exceed twenty-five (25) dBA in residential districts or fifty (50) dBA in all other districts, as measured at the exterior of any occupied building on an adjacent or neighboring property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

(b) Low Frequency Harmonics. The SWECS shall be designed to avoid emitting low frequency harmonics that can be disruptive to neighboring properties.

(c) The property owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on an adjacent or neighboring property.

(12) Utility notification and interconnection. SWECS that connect to the electric utility shall comply with the Illinois Distributed Generation Interconnection Standard.

(13) Compliance with FAA Regulations: SWECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports/airstrips. If lighting is required by the FAA, a dual mode fixture/lamp shall be installed.

(14) Required Safety Features

(a) All SWECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.

(b) All SWECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.

(c) All SWECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the SWECS from supplying power to a de-energized electrical distribution system.

(d) Any SWECS thereof declared to be unsafe by the Code Enforcement Department by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Sterling Code of Ordinances.

D. View Corridors Established. View Corridors as defined in Section 102-3 shall be maintained from the right-of-way lines of the following described roadways by land use in Table 6.7.

Table 6.7: View Corridors to be Maintained by Roadway and Land Use

Roadway	Use			
	One- and Two-Family	Multi-Family	Commercial	Industrial
Route 2/Lincolnway east of Freeport Road and west of Lynn Boulevard and River Road	25’	50’	100’	200’
Route 2/Lincolnway east of River Road and Lynn Boulevard	40’	50’	100’	200’
Locust Street/Route 40 north of Miller Road and south of 23rd Street	25’	50’	100’	200’
Locust Street/Route 40 north of 23rd Street	40’	50’	100’	200’
W. 4th Street west of Maple Lane	40’	50’	100’	200’
W. 4th Street west of Avenue M and east of Maple Lane	25’	50’	100’	200’
Lynn Boulevard/23rd Street/River Road	40’	50’	100’	200’
Freeport Road north of Lincolnway/Route 2	50’	75’	100’	200’
Science Ridge Road/37th Street	50’	75’	100’	200’

ARTICLE VII: SIGNS

Section 102-701: Purpose of this Article

Purpose of article. The purposes of this article are to encourage the effective use of signs as a means of communication in the city, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of this article. This article is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in this chapter.

Section 102-702: General

A. Applicability and effect of article.

(1) A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this article.

(2) The effect of this article, as more specifically set forth in this article, is to:

(3) Establish a permit system to allow signs in residential, commercial and industrial zones subject to the standards and the permit procedures of this article;

(4) Allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;

(5) Provide for signs in limited circumstances in the public right-of-way;

(6) Prohibit all signs not expressly permitted by this article; and

(7) Provide for the enforcement of the provisions of this article.

B. Sign Purposes.

(1) Advertising.

(2) Auxiliary.

(3) Community/public information.

(4) Directional.

(5) Group.

(6) Identification.

(7) Temporary.

C. Sign Types.

(1) Awning.

(2) Animated or Moving.

(3) Changeable Copy. Also referred to as “reader boards.”

(4) Electronic Message.

(5) Freestanding.

(6) Ground.

(7) Individual Channel Letter.

(8) Kiosk.

(9) Marquee.

(10) Menu Board.

(11) Mobile.

(12) Monument.

(13) Pole. Also referred to as a “pylon” sign type.

(14) Portable.

(15) Projecting.

(16) Pylon. Also referred to as a “pole” sign type.

(17) Reader Board. See Changeable Copy sign type.

(18) Sandwich Board.

(19) Wall or Façade.

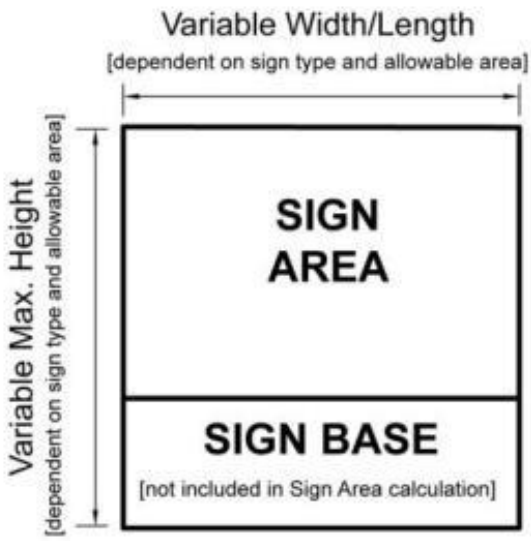
(20) In-Window.

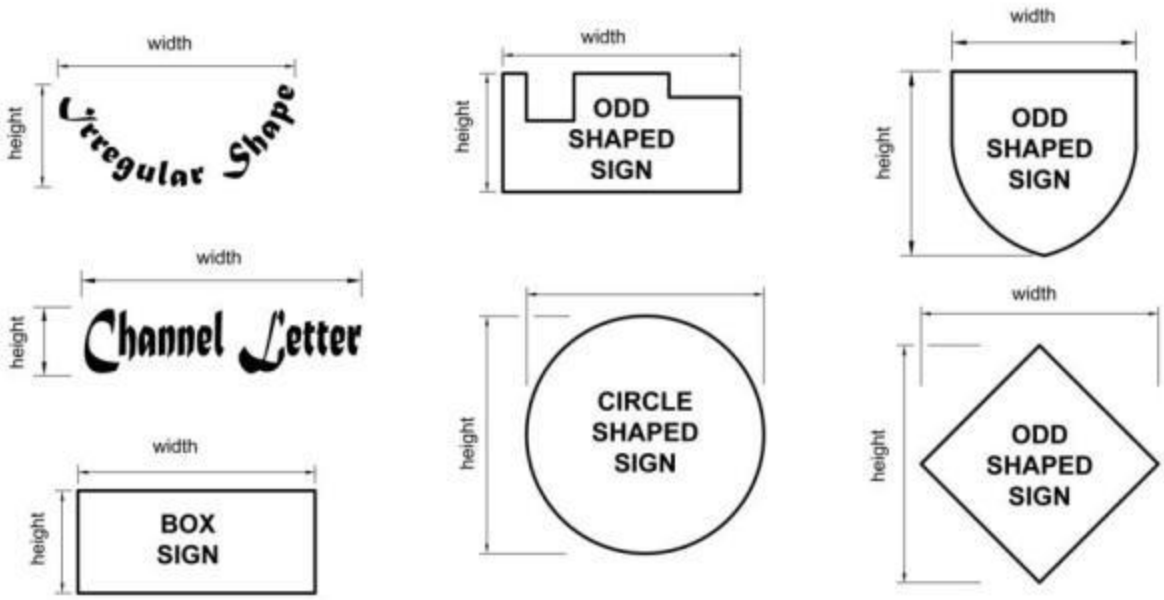
D. Computation of area and height.

The following principles shall control the computation of sign area and sign height:

(1) Area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.

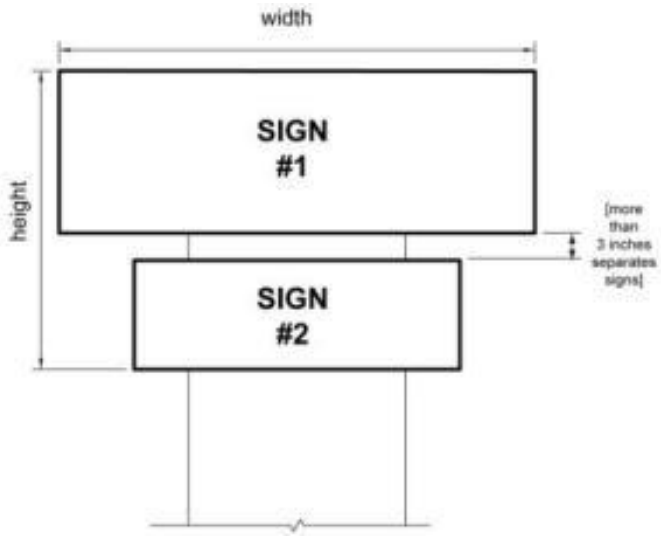
Figures 7.1 and 7.2: Area of Individual Signs





(2) Area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all of the sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than three (3) inches apart, the sign area shall be computed by the measurement of one of the faces.

Figure 7.3: Area of Multi-faceted Signs



(3) Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the Building and Zoning Services Coordinator shall establish such street grade or its equivalent for the purpose of this article.

(4) Total area. The permitted sum of the area of all individual signs on a zoning lot shall be determined by the values outlined in Table B for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted wall sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.

Section 102-703: Signage Definitions

A. Rules of construction. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and phrases not defined in this section but otherwise defined in this chapter shall be given the meanings set forth in this chapter. Principles for computing sign area and sign height are contained in Section 102-702: General. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

B. Definitions. Definitions for this Article are found in Section 102-115.

Section 102-704: Sign Plans, Approvals, and Permits

A. Permit requirements.

(1) If a sign requiring a permit under the provisions of this article is to be placed, constructed, erected or modified on a zoning lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of Section 102-704(D).

(2) No signs shall be erected in the public right-of-way except in accordance with Section 102-271 and the special use requirements of Section 102-818.

(3) No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this article, including those protecting existing signs, in every respect, and with the signage plan in effect for the property.

B. Submission of signage plan; contents; effect. No permit shall be issued for an individual sign requiring a permit unless and until a signage plan for the zoning lot on which the sign will be erected has been submitted to the Building and Zoning Services Coordinator and approved by the Building and Zoning Services Coordinator as conforming with this article.

(1) Required information. For any zoning lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Building and Zoning Services Coordinator a signage plan containing the following:

(a) An accurate plot plan of the zoning lot, at such scale as the Building and Zoning Services Coordinator may reasonably require;

(b) Location of buildings, parking lots, driveways and landscaped areas on such zoning lot;

(c) Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zoning lot included in the plan under this article; and

(d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

(2) Window signs. A signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window), and need not specify the exact dimensions or nature of every window sign.

(3) Other restrictions. The signage plan may contain such other restrictions as the owners of the zoning lots may reasonably determine.

(4) Consent of owners. The signage plan shall be signed by all owners or their authorized agents in such form as the Building and Zoning Services Coordinator shall require.

(5) Submission and processing. A signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(6) Amendments. A signage plan may be amended by filing a new signage plan that conforms with all requirements of this chapter then in effect.

(7) Binding effect. After approval of a signage plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, this article shall control.

(8) Assignment of sign permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. This assignment shall be accomplished by filing and shall not require approval.

C. Approval of sign permits and signage plans. The following procedures shall govern the application for and issuance of all sign permits under this article, and the submission and review of signage plans:

(1) Application. All applications for sign permits of any kind and for approval of a signage plan shall be submitted to the Building and Zoning Services Coordinator on an application form or in accordance with application specifications published by the Building and Zoning Services Coordinator. Applications for display advertising signs shall include the name and address of the owner of the display advertising sign if different from the owner or tenant of the property.

(2) Fees. Each application for a sign permit or for approval of a signage plan shall be accompanied by the applicable fees, which shall be established by the council from time to time by resolution.

(3) Determination of completeness. Within five working days of receiving an application for a sign permit or for a signage plan, the Building and Zoning Services Coordinator shall review it for completeness. If the Building and Zoning Services Coordinator finds that it is complete, the application shall then be processed. If the Building and Zoning Services Coordinator finds that it is incomplete, the Building and Zoning Services Coordinator shall, within such five-working-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this article.

(4) Issuance or denial of permit. Within five working days of the submission of a complete application for a sign permit, the Building and Zoning Services Coordinator shall either:

(a) Issue the sign permit, if the signs that are the subject of the application conform in every respect with the requirements of this article and of the applicable signage plan; or

(b) Reject the sign permit, if the signs that are the subject of the application fail in any way to conform with the requirements of this article and of the applicable signage plan. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article or applicable plan with which the signs are inconsistent.

(5) Action on signage plan. On any application for approval of a signage plan, the Building and Zoning Services Coordinator shall take action as follows: not more than ten working days after the submission of a complete application if the application is for signs for existing buildings; or on the date of final action on any related application for a building permit, site plan or development plan for signs involving new construction. On or before such applicable date, the Building and Zoning Services Coordinator shall either:

(a) Approve the proposed plan if the signs as shown on the plan and the plan itself conforms in every respect with the requirements of this article; or

(b) Reject the proposed plan if the signs as shown on the plan or the plan itself fails in any way to conform with the requirements of this article. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article with which the plan is inconsistent.

D. Permit for construction or modification; inspection. Signs identified as "P" on Table A shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Building and Zoning Services Coordinator. Such permits shall be issued only in accordance with the following requirements and procedures:

(1) Signs outside of public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a signage plan then in effect for the zoning lot. One application and permit may include multiple signs on the same zoning lot.

(2) Signs within public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign within the public right-of-way shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are

not contained on a signage plan then in effect for the zoning lot. Prior to the issuance of a permit for a sign within the public right-of-way, the applicant shall comply with the requirements of Chapter 102 Article VII.

(3) Inspection. The Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which each permit for a new sign or for modification of existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete but not in full compliance with this article and applicable codes, the Building and Zoning Services Coordinator shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected.

E. Certificate of compliance for existing signs. The owner of a zoning lot containing signs present at the date of adoption of this chapter or annexation to the city and requiring a permit under this chapter shall be provided a certificate of compliance for such property.

(1) Signs existing at adoption of chapter. A preliminary certificate of compliance for all zoning lots with existing signs shall be issued by the Building and Zoning Services Coordinator within 180 days of adoption of this chapter. The Building and Zoning Services Coordinator may cause an inspection of the zoning lot for which the certificate is to be issued.

(2) Signs existing at time of annexation. For any sign on property annexed after the date of adoption of this chapter, a preliminary certificate of compliance shall be issued within 180 days of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner.

(3) Objection to accuracy of preliminary certificate of compliance. Upon receipt of the preliminary certificate of compliance, the owner of the zoning lot or a designee shall be allowed 30 days to object in writing to the accuracy of the certificate. Upon objection, the Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which the certificate is to be issued. A final certificate of compliance shall be issued within 60 days of receipt of the objection. If no objection is filed within 30 days, a final certificate of compliance shall be issued by the Building and Zoning Services Coordinator.

(4) Assignment. A current and valid certificate of compliance shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

(5) Permit Fees. The Building and Zoning Services Coordinator shall collect fees in advance for sign permits. Fees for permits shall be established in resolution form by the city council.

Section 102-705: General Signage Regulations

A. Sign Prohibitions and Limitations:

(1) No sign shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs that incorporate typical street-type and/or traffic control-type signage designs and colors.

(2) Portable signs shall be prohibited;

(3) Roof signs shall be prohibited;

(4) Signs imitating or resembling official signs shall be prohibited;

(5) Strings of lights not permanently mounted to a rigid background, except those exempt under the Section 102-705(B).

(6) No undulating, swinging, rotating, or otherwise moving signs or other decorations shall be permitted.

(7) No illuminated flashing signs shall be permitted. Electronic message signs are permitted as outlined in Section 102-709: Changeable Copy Signs and Electronic Message Signs. Chasing lights shall not be allowed.

(8) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district. All illuminated signs shall comply with the Section 102-606: Exterior Lighting and the National Electrical Code.

(9) Sign panels, other than font and graphics, if translucent and illuminated, shall not emit light and shall emit a darker color than that used for illuminated font and graphics. This shall not apply to channel letter or changeable copy signs.

(10) No mobile signs shall be permitted.

(11) Off-premise directional signs shall be permitted only for governmental and institutional uses.

(12) No inflatable signs shall be permitted, except as temporary signs.

(13) No sign shall be placed so as to obstruct or interfere with traffic visibility.

(14) No off-premise advertising signs shall be permitted except for the small blue highway information signs as provided within the right-of-way per applicable State of Illinois Statutes. Existing, legally permitted off-premise advertising signs shall made nonconforming by this Article and shall be permitted to continue as legal, nonconforming structures.

(15) Window obstruction by interior signs shall comply with the regulations outlined in Table B.

(16) Abandoned Signs. See Section 102-715: Closed Business Signs and Abandoned Signs.

(17) Floodlighted Signs. Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs shall be prohibited.

(18) Unclassified Signs.

(a) Which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

(b) Which is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.

(c) Which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.

(19) Painted Wall Signs. Painted wall signs which are painted directly on the surface of the building.

(20) Illegal Placement. Signs, which are attached or otherwise affixed to rocks, trees or other living vegetation.

(21) Strobes and Lasers. Strobes and lasers are not allowed.

(22) Flags. Flags that advertise any product are not allowed.

(23) Beacons. The use of beacons is not allowed.

(24) Balloons. Balloons exceeding a diameter of two (2) feet) may not be used on a permanent basis. A permit for such an advertising device may be issued for up to three (3) days and may not exceed a total of fifteen (15) days or five (5) permits per year.

B. Exempt Signs. The following signs shall be exempt from regulation under this article:

(1) Public Signs. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or Ordinance;

(2) Signs Inside Buildings. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zoning lot or parcel on which such sign is located;

(3) Art. Works of art that do not include a commercial message;

(4) Memorial Signs and Plaques. Memorial signs and tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.

(5) Historic markers or identification signs which are externally illuminated and do not exceed eight (8) square feet in area and six (6) feet in total height.

(6) Professional and Business Name Plate Signs. Professional and business name plate signs shall be located on the premises being served and shall be limited to one (1) such sign per business. One (1) professional name plate sign shall not exceed two (2) square feet.

(7) Flags. Governmental entity flags which are the official flags of the United States, State of Illinois, or City of Sterling, or related agencies and which are properly displayed shall be exempt from the provisions of this Ordinance. Flags not exceeding 15 square feet displaying the logo or name of a non-governmental entity shall be exempt.

(8) Patriotic Buntings. Red, white and blue patriotic buntings shall be allowed to be tastefully displayed without time limitation.

(9) Murals. Artwork or other pictorial display on a building or structure, judged by the Mural Commission and Building and Zoning Services Coordinator not to be signage, shall be exempt from this Ordinance.

(10) Holiday Related. Holiday lights and decorations with no commercial message, but only between November 1 and January 15.

(11) Traffic Control on Private Property. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meets state department of transportation standards and which contain no commercial message of any sort.

(12) Safety Signs. Signage as required by the Occupational Safety and Health Administration (OSHA).

C. Sign Location Requirements.

(1) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. Freestanding signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility.

(2) No sign shall be located within a required bufferyard or within a permanently protected green space area.

(3) No sign shall be mounted or displayed on the roof of a structure.

(4) Private signs shall not be allowed within road right-of-way lines, except as outlined in Section 102-711: Signage in the Public Right-of-Way.

(5) Awnings shall be free of backlighting and only contain a lettering band with a single line of copy less than eight inches tall located on the vertical face of the awning and shall be located a minimum of seven and one-half feet for the fabric, and eight feet for the frame, over pedestrian ways. Awnings shall not project more than 2/3 of the distance of the sidewalk width, and the leading edge of the awning shall be located a minimum of 2-feet from the curb line.

(6) No person shall erect, construct, or maintain any sign upon any property or building without the express consent of the owner or person entitled to possession of the property or building or their authorized representative.

D. Directional Signs

(1) A Sign not to exceed five (5) square feet in area indicating direction to a church, hospital, school or other public service building may be permitted in any district upon approval by the Plan Commission. Not more than four (4) such signs may be erected within the City for any organization.

(2) Directional signs located in the public right-of-way shall conform to the regulations outlined in Section 102-711: Signage in the Public Right-of-Way.

E. Sign Configuration Requirements

(1) Freestanding sign configuration. A freestanding sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs.

(2) Projecting sign configuration. The bottom edge of a projecting sign shall be located a minimum of ten feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. In no instance shall such sign project more than four feet into or 2/3 of the distance of the sidewalk width over a public right-of-way or private walk, street, drive, or parking area. The leading edge of the sign shall be located a minimum of 2-feet from a curb line.

(3) Wall sign configuration. A wall sign shall not extend beyond the edge of any wall or other surface to which it is mounted, nor shall it project more than twelve (12) inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted without a special use permit. Signs painted directly on a wall or other portion of a building are not permitted.

(4) Advertising vehicle sign configuration. No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, that has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Licensed business vehicles containing typical business signage and that are actively used on a daily basis for business purposes, are exempt from this prohibition.

(5) Incidental signs. Signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits shall be allowed. Such a sign may include a building marker indicating only the name of the building, and the date and incidental information about its construction which is cut into a masonry surface or made of bronze or other permanent material. Incidental signs shall not exceed four (4) square feet in area.

(6) Menu Boards. Menu board signage for restaurants present unique communication needs and concerns. One menu board not to exceed 36 square feet in sign area and not to exceed six (6) feet in height is allowed per order station up to a maximum of two (2) menu boards. Menu boards are allowed in addition to other permitted freestanding and directional signs on site. No additional signage may be attached to menu boards that exceed the permitted area or height for the respective menu board. When a site directly abuts a residentially zoned and used site, a menu board must be set back at least 75 feet from the residential property line. Illumination is permitted.

Section 102-706: Permitted signs by zoning district; sign location, number and dimensions; signs requiring permit

A. Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 7.1. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

B. Although permitted under subsection (a) of this section, a sign designated by an "Y" or "P" in Table 7.1 shall be allowed only if:

(1) The sum of the area of all building and freestanding signs on the zoning lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 7.1.

(2) The size, location, and number of signs on the lot conform with the requirements of Table 7.1 and Table 7.2, which establish permitted sign dimensions and characteristics by sign type, and with any additional limitations listed in Table 7.1.

C. Key to Table 7.1 and Table 7.2. On the tables in this article which are organized by zoning district, the headings have the following meanings:

SFD	Residential, single-family detached districts, including E-1, R-1 and R-2.
MFD	Residential, duplex and multifamily districts, including R-3, R-4, R-5 and R-5-1.
INS	Institutional uses permitted in residential zoning districts.
NBD	Neighborhood business districts, including B-1-1 and B-4.
GBD	General business districts, including B-1-2, B-2-1 and B-2-2, except the CBD.
CBD	Central business district.
HBD	Highway business district, including B-3.
IND	Industrial district, including M-1, M-2 and M-3

Table 7.1: Permitted Signs by Type and Zoning District

Sign Type	Districts							
	SFD	MFD	INS [a]	NBD	GBD	CBD	HBD	IND
Freestanding:								
Residential [b]	P	P	N	--	--	--	--	--
Off-premise Sign	N	N	N	N	N	N	N	N
Temporary [b]	P	P	P	P	P	P	P	P
Other	N	P	P	P	P	P	P	P
Building:								
Awning or Canopy	N	N	P	P	P	P	P	P
Banner	N	N	Y	Y	Y	Y	Y	Y
Building Marker	Y	Y	Y	Y	Y	Y	Y	Y
Identification	Y	Y	Y	Y	Y	Y	Y	Y
Incidental	N	Y	Y	Y	Y	Y	Y	Y
Marquee [c]	N	N	N	N	P	P	P	P
Projecting [c]	N	N	N	P	N	P	N	P
Residential [b]	N	N	Y	--	--	--	--	--
Roof	N	N	N	N	N	N	N	N
Suspended [c]	N	N	N	P	P	P	P	P
Temporary [b]	P	P	P	P	P	P	P	P
Wall	P	N	P	P	P	P	P	P
Window	N	N	Y	Y	Y	Y	Y	Y
Miscellaneous:								
Banner	N	N	Y	Y	Y	Y	Y	Y
Flag	Y	Y	Y	Y	Y	Y	Y	Y
Portable	N	N	N	N	N	N	N	N
Animated	N	N	N	N	P	P	P	P
Changeable copy	N	N	P	P	P	P	P	P
Flashing	N	N	N	N	N	N	N	N
Illumination, internal [d]	N	N	P	P	P	P	P	P
Illumination, exposed bulbs	N	N	N	P	P	P	P	P

Notes to Table 7.1:

a) This column does not represent a zoning district. It applies to institutional uses permitted under this chapter in residential zoning districts. Such uses may include but are not necessarily limited to schools, churches, universities, government facilities, medical facilities, nursing homes, golf courses, funeral homes.

b) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

c) If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the city harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the city may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $500,000.00 per occurrence per sign.

d) No direct light or significant glare from the sign shall be cast onto any adjacent zoning lot that is zoned or used for residential purposes.

Table 7.2: Permitted Sign Characteristics and Locations by Zoning District

	SFD	MFD	INS [a]	NBD	GBD	CBD	HBD	IND
Freestanding—permanent:								
Area	N/A	20sf	100sf	80sf	100sf	100sf	150sf	150sf
Maximum Height at ROW	-	5’	8’	8’	14’	10’	18’	14’
Maximum Height	-	10’	10’	10’	18’	15’	22’	20’
Setback	-	Sign setback shall be equal to the height of the sign when the sign exceeds the maximum height permitted at the ROW.						
Number per zoning lot [b]	-	1	1	1	1	1	1 [c]	1
Freestanding –temporary:								
Area	16sf	16sf	32sf	32sf	32sf	32sf	64sf	64sf
Building:								
Area								
Façade/Wall [d]	-	20sf	100sf	5%	Lesser of 10% or 225sf			
Awning or Canopy [e]	N/A	N/A	Business name or address may be displayed on the face parallel to the building or the lowest twelve (12) inches of the side panels provided lettering does not exceed six (6) inches in height.					
Marquee	N/A	N/A	50sf	N/A	75sf	50sf	75sf	75sf
Window	N/A	N/A	50%	25%	50%	25%	50%	50%
Number [f]	0	One (1) primary wall sign for each façade abutting a public right-of-way.						
	# of Secondary Wall Signs Permitted							
Façade Length: 75’ <100’	0	0	0	0	1	0	1	0
Façade Length: 100’ < 200’	0	0	0	1	2	1	2	0
Façade Length: 200’ < 300’	0	0	0	2	3	1	3	0
Façade Length: 300’ +	0	0	1	3	4	2	4	1

Notes to Table 7.2:

a) This column does not represent a zoning district. It applies to institutional uses permitted under this chapter in residential zoning districts. Such uses may include but are not necessarily limited to schools, churches, universities, government facilities, medical facilities, nursing homes, golf courses, funeral homes.

b) One sign is allowed per frontage with one additional sign for any frontage in excess of 500 feet. Signs may not be located within 300 feet of each other.

c) Secondary freestanding signs for automobile dealers. A lot containing motor vehicle sales which are sanctioned by a manufacturer's franchise contract may have additional, secondary freestanding signs based on the number of manufacturers whose motor vehicles are sold on the premises, shall require a special use permit and be subject to the following regulations: for a site having one such manufacturer, no secondary signs; for a site having two such manufacturers, one secondary freestanding sign; for a site having three or more such manufacturers, two secondary freestanding signs. Each additional secondary sign may identify only a manufacturer not represented on any other freestanding sign. All secondary freestanding signs on a lot utilizing the provisions of this paragraph shall be located not less than 50 feet from each other. The area for each additional secondary freestanding sign shall not exceed eighty (80) square feet or exceed an aggregate area of two hundred (200) square feet for all additional freestanding signs.

d) The value listed is the aggregate for all wall signs on a façade. The percentage figure here shall mean the percentage of the area of the surface of which such sign is a part, or to which such sign is most nearly parallel. For multi-story buildings with more than one floor of occupancy, there will be no limitation on the

height of sign placement above the first story. A total of only one (1) sign per occupant, per façade, will be allowed. Signs may not cover or block building fenestration.

e) An awning or canopy may be designated the "signable" area as an alternative the building façade, provided the awning or canopy does not exceed the façade in area. The sign area displayed on the awning or canopy shall not exceed forty (40) percent of the area of the principal face of the awning or canopy or one hundred (100) percent of the sign allowed on the façade area.

f) Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage. Secondary wall signs shall be permitted based upon the lineal feet of building façade. Each secondary wall signs shall not exceed fifty (50) percent of the size of the primary business identification sign. The aggregate area of all façade/wall signs (both primary and secondary) shall not exceed the maximum area permitted by Note (d) above.

Section 102-707: Sign Regulations Applicable to Residential Districts

Signs permitted in residential districts. All signs are prohibited in all residential and agricultural districts, except the following signs, which are permitted subject to the following regulations:

A. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, and not to exceed two feet in height and ten feet in length;

B. Real estate signs.

1. Real estate signs which advertise the sale, rental or lease of premises upon which they are temporarily located only, may be placed in any district. A real estate sign shall not exceed eight square feet in area.

2. Real estate signs shall be limited to one sign for each lot except corner lots where two signs, one facing each street, shall be permitted. Real estate signs shall be removed within seven days of the sale or lease of the subject property.

3. Subdivision entrance signs shall be allowed at the main entrance(s) to a subdivision with a maximum area of thirty-two square feet and shall not be located in the right-of-way. Temporary real estate open house directional signs may be located on private property only with owner permission. Directional signs may also be posted in the right-of-way between the curb and sidewalk or in the absence of curb or sidewalk, within three feet of the edge of the road.

4. All temporary real estate directional signs must be removed the same day posted, immediately after closing of the open house.

5. Confiscated signs will be available for owner pick-up at the Code Enforcement Office.

6. Temporary flags or banners may be displayed to promote the sale or rental of model homes or apartments for the duration of their use as models only after authorization by the Building and Zoning Services Coordinator.

C. Name, occupation and warning signs not to exceed two square feet located on the premises;

D. Bulletin boards for public, charitable or religious institutions not to exceed sixteen square feet in area located on the premises;

E. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure;

F. Historic markers or identification signs as outlined in Section 102-705(B).

G. Official signs, such as traffic-control signs, parking restrictions, information, notices and directional signs not to exceed six square feet in area;

H. Temporary signs or banners for promotion of events sponsored by civic clubs, churches, schools or other non-profit organizations shall comply with the regulations outlined in Section 102-712.

I. Temporary rummage sale signs may be located only on the lot or parcel on which the rummage sale is occurring, or may be placed on other private property, provided the property owner's permission is given. Rummage sale signs shall not exceed eight square feet in area and shall be in place only during the daily hours of operation of the rummage sale. Signage for a group or neighborhood event shall comply with the regulations outlined in Section 102-712;

J. Election campaign signs may be located only on private property in any district; provided the property owner's permission is given in accordance with 65 ILCS 5/11-13-1(12). Election campaign signs may not be located on public property or within public rights-of-way.

K. Changeable Copy Signs and Electronic Message Signs shall not be permitted in residential districts, except for institutional uses.

L. Home occupation signs not to exceed two (2) square feet.

Section 102-708: Sign Regulations Applicable to the Central Business District

All signs in the CBD and other downtown districts. All signs in the CBD District within the area defined by the Sterling Zoning Code shall meet those requirements set forth in this Section:

A. Approval required. Any new, replacement, or relocated sign intended for installation for a period exceeding 30 days shall be permitted only after the specific size, design, appearance, and location have been approved by the Code Enforcement Office and has been issued a permit by the Inspection Department, following submittal of a complete application with required application materials specified by the Building and Zoning Services Coordinator.

B. Minimum standards. All new and replacement signs, including temporary signs, shall, at a minimum, meet the requirements of Table A and Table B applicable to signs permitted in business and industrial districts and all other applicable sections of this Article.

C. Downtown sign design guidelines. Historic downtown Sterling contains a significant number of structures that are important to the original fabric of the community. Special consideration should be given to preserve the appearance and character of these buildings and the role of downtown. Signage should be selected and installed done carefully so not to visually impact the significant nature of the original building and to complement the turn-of-the century character of the area.

D. Sign lighting. All sign lighting shall be in conformance with Section 102-606: Exterior Lighting.

E. Permitted signs. The following standards are requirements for permanent signs:

1. On-building signs. On-building signs include signs mounted flat onto an exterior wall, awning mounted or integrated signs, and projecting signs, but do not include window signs.

   a. Only building facades facing the front yard and/or street side yard may be used for on-building signage.

   b. In cases where more than one business occupies a single building, the assignment of on-building sign area to the various businesses shall be at the discretion of the property owner. This allocation shall be specified in the application to the Code Enforcement Office.

c. Only one side of any projecting sign shall be counted in the calculation of total permitted on-building sign area. There shall not be more than one projecting sign per occupant along each facade.

d. Box-type signs shall be prohibited in the Central Business District.

2. Freestanding signs.

a. Pylon type signs shall be prohibited in the Central Business District.

b. In cases where more than one business occupies a single lot, the assignment of the freestanding sign area to a business shall be at the discretion of the property owner and shall be specified in the application to the City.

c. The maximum height of any ground sign shall comply with Table B. Monument signs that do not comply with Table B shall be considered legal nonconforming.

d. The minimum setbacks for ground signs shall be as specified in Table B.

3. Window signs. The gross surface area of all permanent and temporary window signs visible from public rights-of-way, including directional and informational signs, shall not exceed 30 percent of the area of the window within which the sign(s) are placed or displayed.

4. Directional and informational signs. Directional and informational signs, which include such signs as parking lot signs, entrance signs, memo boards, “open” and “closed” signs, and hours of operation signs, have a primary function of providing essential information as opposed to business identification or advertising. No directional or informational sign shall exceed 4 square feet. All requested directional and informational signs shall be specified within an application to the City, and shall be compatible with other signage for the business.

5. Banners Signage of Decorative Parking Lot Light Poles. Banner type signage attached to architectural styled light poles in private parking lots and brackets may be permitted in the downtown based upon the review and determination by the Code Enforcement Office that the signage fits in with the intent of the downtown master plan. The Code Enforcement Office may deny such signage based upon its design, size, amount, placement, or any other issue pertinent as determined by the Staff.

6. A-Frame Signs. A-Frame or sandwich board type signs are only allowable in the CBD District and NBD District subject to approval of Code Enforcement Office based on design, size, placement, submittal of a certificate of insurance and a letter indemnifying the City of Sterling or adjacent right-of-way designee of any liability associated with the sign, and compliance with all other requirements and issuance of a permit by the Code Enforcement Office.

a. One A-Frame sign is allowed by permit per business standing no more than 4 feet in height with each sign surface not exceeding 8 square feet.

b. A-Frame signs can only be placed within the linear building frontage of the business or entity it represents and can only advertise that business.

c. A-Frame signs can only be displayed during the business hours of the entity it represents.

d. A-Frame signs must be professionally built of durable materials such as wood or plastic composites that mimic wood and must be framed around the edges.

e. A-Frame signs must be placed so as not to block building entrances, exits, sidewalks, or other traveled right-of-way areas, and on private property when available. If there is no private location for an A-Frame sign, only then will public right-of-way be considered for placement.

f. A-Frame signs must be adequately weighted or anchored to prevent movement by wind or other elements.

g. A-Frame signs must have identifiable information including the name, address and telephone number of the business advertised permanently inscribed on the inside of the sign.

F. Prohibited signs. Specifically prohibited signs in the CBD District include:

1. Billboards and other off-premise advertising signs.
2. New or replacement signs projecting above the roof line of a building.
3. New or replacement on-building signs located on a building façade that faces a rear yard or interior side yard, except for facades that have a rear parking lot or façades that have a side or rear business entry.
4. New on-building signs painted directly on a building wall, except for painted signs installed prior to the adoption of this Ordinance, preserved or restored as a historic building feature and for murals without elements of business or product advertising.
5. New signs that are both internally illuminated and surfaced with plastic, vinyl, or other translucent material, not in keeping with the turn-of-the-century/historic character of the downtown.
6. Neon signs, except for “open” and “closed” signs and product advertising signs not exceeding 2.5 square feet in area. The Building and Zoning Services Coordinator shall review all proposed signage for compliance with this requirement.
7. Trailer or vehicle signs.
8. Inflatable signs and advertising devices.
9. Pennant strips.
10. More than one temporary sign or banner on one lot at any one time.
11. Electronic Message Signs as defined by this Title. Electronic signs depicting the static display of gasoline and diesel fuel prices or for Institutional uses shall be permitted in the CBD.

G. Nonconforming signs in CBD district and other downtown districts. Any sign constructed in accordance with ordinances and other applicable laws in effect on the date of its construction, but which by reason of its type, size, height, location, design, materials, method of illumination, number of signs, or construction is not in conformance with this Article shall be considered a legal nonconforming sign. Any legal nonconforming sign shall either be eliminated or made to conform with the requirements of this chapter upon the occurrence of one or more of the following events:

1. When any proposed change, repair, or maintenance would constitute an expense of more than 50 percent of the lesser of the original value or replacement value of the sign; or
2. When the design, logo, or message on the face of the sign is considered or proposed that accompanies a change in the ownership, name, or type of use; or
3. When the sign is considered or proposed for relocation; or
4. When any new sign is proposed on the lot where the nonconforming sign is located.

Section 102-709: Changeable Copy Signs and Electronic Message Signs

A. Approval. All changeable copy signs and electronic message signs shall require a permit as outlined in Section 102-704.

B. Number: Only one changeable copy sign or electronic message sign shall be permitted on a parcel, unless otherwise approved with a Planned Unit Development or by Section 102-710: Shopping Center and Multiple-

Tenant Building Sign Regulations regulating shopping center and multiple-tenant commercial buildings. Changeable Copy Signs and Electronic Message Signs shall only be permitted on Ground and Monument Signs as defined in this Article. Video displays for electronic message menu signs that apply to ordering systems for drive-thru restaurants that do not exceed three (3) square feet in size shall not be included. Electronic message menu signs shall be limited to one (1) in number for each occupant. Signs depicting the daily price of gasoline and diesel fuel shall not be included.

C. Sign Size: All Changeable Copy Signs and Electronic Message Signs shall comply with the requirements outlined in Table 7.3. Said signs shall be architecturally integrated into the Ground Sign, including the exterior casing or frame.

Table 7.3: Sign Size Requirements for Changeable Copy Signs and Electronic Message Signs

DISTRICT / USE	MAXIMUM SIGN AREA	
	ELECTRONIC MESSAGE SIGNS	CHANGEABLE COPY
CBD Central Business	Prohibited in the CBD.	Greater of 24 square feet or 20% of the identification sign area.
NBD Neighborhood Business	20% of the identification sign area.	Greater of 24 square feet or 20% of the identification sign area.
GBD General Business	20% of the identification sign area.	Greater of 24 square feet or 20% of the identification sign area.
HBD Highway Business	25% of the identification sign area.	Greater of 24 square feet or 50% of the identification sign area.
IND Industrial	20% of the identification sign area.	Greater of 24 square feet or 20% of the identification sign area.
INS Institutional	50% of the total sign area.	Greater of 24 square feet or 50% of the identification sign area.
Note: Message reader board cannot be constructed/installed without primary freestanding signage (identification sign).		

D. Copy Size Height Requirements. The height of the letters installed or used on all Changeable Copy Signs and Electronic Message Signs shall conform to the minimum values outlined in Table 7.4.

Table 7.4: Copy Size Height Requirements for Changeable Copy Signs and Electronic Message Signs

DISTANCE FROM CENTERLINE OF ROADWAY TO CENTER OF SIGN	POSTED ROADWAY SPEED LIMIT				
	30 MPH	35 MPH	40 MPH	45 MPH	50+ MPH
Less than 50-feet	4-inch	4-inch	4-inch	6-inch	6-inch
50- to 60-feet	5-inch	6-inch	6-inch	6-inch	6-inch
60- to 100-feet	6-inch	6-inch	6-inch	8-inch	8-inch
More than 100-feet	8-inch	8-inch	8-inch	8-inch	8-inch

E. Illumination.

1. Color. Multi-colored message or multi-colored video displays shall be permitted. Flashing or video messages shall not be permitted.

2. Intensity or Brightness. The lighting intensity of all changeable copy signs or electronic message signs shall automatically adjust as ambient light levels changes. In no case shall the light produced by an electronic message sign exceed 0.3 foot candles (approximately 3.2 nits) above the level of the ambient light conditions. The lighting intensity for all electronic message signs shall be uniform and avoid excessive glare. The lighting level shall be subject to the approval of the Building and Zoning Services Coordinator and Police Chief upon construction. All electronic message signs shall comply with Section 102-606: Lighting Standards of the Municipal Code.

F. Minimum Message Display Duration. All messages shall be displayed for a length of time according to the following formula:

$$\frac{\textit{Sight Distance to the Sign (ft)}}{\textit{Adjacent Roadway Posted Speed Limit (ft/sec)}} = \textit{Minimum Display Duration (sec)}$$

G. Message Change Interval or "Twirl Time" between Successive Displays. The maximum message change interval shall be one-half (0.5) second.

H. Portable/Temporary Signs. Portable changeable copy signs or electronic message signs shall be permitted on a commercial property in accordance with Section 102-712: Temporary Signs.

I. Exemptions. Signs that do not exceed 10 square feet and display only current time, temperature, and/or stock market report (no ticker) may be exempted from the regulations of this Section subject to the approval of the Building and Zoning Services Coordinator.

Section 102-710: Shopping Center and Multiple-Tenant Commercial Building Sign Regulations.

A shopping center or multiple tenant commercial building may provide the following signage:

A. Master Identification Signage. Master identification signage may be provided which displays the name of the shopping center, and may also include information such as, but not limited to: names or lists of anchor stores, hours of operation and/or special sales information.

(1) One master identification sign may be permitted along each arterial street abutting a shopping center.

(2) Each master identification sign shall be permitted one hundred (100) square feet of sign area for the name of the shopping center, and this shall be exempt from the maximum freestanding sign area permitted for the site.

(3) The master identification signage for tenants shall comply with the regulations outlined in Table B.

(4) The location shall be approved by the Code Enforcement Office prior to the issuance of a sign permit.

B. Supermarket Signage. In the case of multiple-tenant shopping centers where a supermarket food store is a tenant, the supermarket shall be permitted a separate freestanding sign. The sign for the supermarket shall comply with the regulations outlined in Table B.

If a supermarket food store has a sign which is part of a master identification sign as described in subsection (a) above, a separate free-standing ground sign shall not be allowed.

C. Directional Signage. A shopping center may provide directional signage located on-site which provide instructions or directions and do not in any way advertise a business. This includes, but is not limited to, signs such as those identifying entrances, exits, parking areas, telephones and restrooms. Each such sign shall not exceed eight (8)

square feet in area and their number and location(s) shall be subject to approval by the Building and Zoning Services Coordinator.

D. Interior Site Signage. Signs located within the interior of a shopping center which are not visible from any public right-of-way shall be regulated by the shopping center landlord or management entity regarding size and placement of signs. However, such interior signage is not exempt from structural, electrical or material code regulations in other applicable building codes. A sign permit shall be obtained prior to the erection of an interior sign.

E. Interior Window Signs. In shopping center tenant spaces with windows on exterior walls, the interior window area may be used for temporary window signs installed only on the interior of the window. The total area of such window signage visible from the exterior comply with the regulations outlined in Table B. Such window signage shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such interior window signs shall not require a sign permit.

F. Changeable Copy Signs and Electronic Message Signs. Changeable Copy Signs and Electronic Message Signs shall be permitted in accordance with Section 102-709 of this Article. In reviewing the permit request the Building and Zoning Services Coordinator may approve or deny any application subject to, but not limited to, architectural design, size, interference with surrounding development, area, size, shape, height, lighting, traffic and location, any adverse impact, and compliance with all standards for message reader boards.

Section 102-711: Signage in the Public Right-of-Way

A. No signs shall be allowed in the public right-of-way, except for the following:

(1) Permanent signs. Permanent signs, including:

(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

(b) Bus stop signs erected by a public transit company;

(c) Informational signs of a public utility regarding its poles, lines, pipes or facilities;

(d) Awning and suspended signs projecting over a public right-of-way in conformity with the conditions of Table A and Table B of this article; and

(2) Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

(3) Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

B. Special use permit for private signs in right-of-way. Permits for private signs in the public right-of-way shall be issued in accordance with the following conditions:

(1) Procedure for issuance. Prior to the construction, creation or installation of any freestanding sign in the public right-of-way, the owner requesting the installation of the sign shall petition the city council for permission to install a sign in the public right-of-way. The process of securing this permit shall be identical to the process of obtaining a special use permit under article VII of this chapter.

(2) Term and number of permits. The term of permits for freestanding signs in the public right-of-way is subject to the discretion of the city and the requirements of subsection (4) of this section. The city shall provide the owner of the sign with 30 days' notice prior to the required removal of any sign erected under this section.

(3) Number of signs. The number of signs shall be subject to the regulations established elsewhere in this Code.

(4) Other conditions. The issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the city harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the city may reasonably from time to time determine; provided that the amount of such liability insurance shall be at least $500,000.00 per occurrence per sign. The lowest point of all banners, canopies, marquees, projecting signs and flags shall measure at least eight feet from the normal grade as determined by the Building and Zoning Services Coordinator.

Section 102-712: Temporary Signs

A. Permit Required. For all temporary signs larger than ten (10) square feet, the owner or tenant must contact the Building and Zoning Services Coordinator and provide the name and address of the applicant, and the description and location of the sign to be erected prior to actual installation.

B. Number. Only one temporary sign may be displayed on a property at any one time.

C. Term of use. Except as provided by (1) through (5) below, any one lot is permitted to display a temporary sign for a maximum of ninety (90) days within any twelve (12) month period. Signs may be displayed for a maximum of fifteen (15) consecutive days, and must be removed for a minimum of fifteen (15) consecutive days. Temporary signs in use for more than 90 days of any 12-month period will no longer be defined as temporary under this article and will be required to conform to the regulations for signs other than temporary in this article.

(1) For each lot: one "For Sale," "For Rent," or "Garage Sale" sign, not more than eight (8) square feet in area, up to thirty-two (32) square feet for vacant commercial and industrial properties.

(2) For construction on or development of a lot, one sign not more than thirty-two (32) square feet in area, indicating the name of the contractors, engineers or architect, or products being used in the construction of a building but only during the time that construction or development is actively under way.

(3) For a temporary event of public interest such as a neighborhood garage sale or church fair, one sign, not over thirty-two (32) square feet in area located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event.

(4) Political signs are permitted subject to the regulations outlined in 65 ILCS 5/11-13-1.

(5) For each real estate subdivision that has been approved in accordance with the City of Sterling Subdivision Regulations, two temporary development project identification signs are permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. These signs shall comply with the visibility standards of Section 102-7(g). These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for 80 percent or more of the lots in the subdivision.

(6) One personal greeting/congratulatory sign per premises shall be permitted, that is limited to eight feet in height and thirty-two (32) square feet in dimension and that is not intended for commercial purposes.

(7) Inflatable signs.

D. Other conditions. Temporary signs shall be allowed subject to all of the requirements for temporary signs as noted in Table B.

Section 102-713: Appearance, Construction and Maintenance of Signage.

General standards for all signs. All signs shall be designed, constructed and maintained in accordance with the following standards:

A. All signage within the jurisdiction of this Article shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

B. All signs shall comply with applicable provisions of the IBC, International Building Code and the NEC, National Electrical Code.

C. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.

D. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

E. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

F. The repainting, changing of parts, and preventive maintenance of signs that completely conform to the requirements of this Article, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

G. The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

H. Any signs that may be, or may hereafter become rotted, unsafe, or in a state that is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Building and Zoning Services Coordinator.

I. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

J. All signs shall in no instance impair traffic visibility or create other safety hazards.

K. Signage found to be in violation of the provisions of this Article shall be subject to the provisions of the International Building Code.

Section 102-714: Nonconforming Signs

Signs legally existing as of the effective date of this Chapter that do not conform to the provisions of this Article, shall be nonconforming signs and shall be subject to the following provisions. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article.

A. Continuance of use. A sign which was in existence on December 15, 1991, or on a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction shall be included in the certificate of compliance as a nonconforming sign. Such certificate shall allow the sign subject to such certificate, which was made nonconforming by the adoption of this article, to remain in place and be maintained; provided that no action is taken which increases the degree or extent of the nonconformity.

B. Removal of Nonconforming Signs. Any business maintaining or possessing a non-conforming sign, that becomes vacant or is closing operations, must remove the non-conforming sign(s) and sign structure(s) within thirty (30) days of closing or becoming vacant.

C. Change of Owner. Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or property owner on which the sign is located, the new sign user, sign owner, or property owner shall forthwith notify the Building and Zoning Services Coordinator of the change.

D. Alteration of Nonconforming Signs.

(1) For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including: changing the identification sign (except for box-type signs), symbols, material, height, location, or any other alterations as determined by the Building and Zoning Services Coordinator.

(2) Altering a sign does not include maintaining the existing appearance of the signor changing the message of a marquee sign or changeable copy sign.

(3) any nonconforming sign shall either be eliminated or made to conform with the requirements of this article when any proposed change, repair or maintenance would constitute an expense of more than 50 percent of the lesser of the original value or replacement value of the sign.

Section 102-715: Closed Business Signs or Abandoned Signs

A. Signs for Closed or Vacant Businesses. Signs for businesses that have closed or for vacant tenant spaces shall comply with the following standards:

(1) Identification signs for a business or use that is no longer in operation shall be removed by the property owner within thirty (30) days of the closing or vacancy. Box-type signs shall be required to be replaced with a blank identification sign. No inner workings or lighting of signs shall be allowed to be exposed. Sign structures which comply with the provisions of this Code may remain in place.

(2) Nonconforming signs and sign structures shall comply with Section 102-714: Nonconforming Signs.

B. Abandoned Signs. A sign that was constructed, painted, installed or maintained in conformance with a permit under this article, but which is abandoned or in disrepair, may be removed by the city. The property owner and the sign owner shall be provided with notice of intent to remove the sign at least twenty (20) days prior to its removal. The owner may file a written objection to removal of the sign during this 20-day period. The city will delay removal of the sign until thirty (30) days from receipt of the written objection to allow the repair of the sign, if such repair does not conflict with Section 102-714: Nonconforming Signs.

Section 102-716: Enforcement

A. Violations. Any of the following shall be a violation of this article and shall be subject to the enforcement remedies and penalties provided by this article and otherwise provided by this chapter, and by state law:

(1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

(2) To install, create, erect or maintain any sign requiring a permit without such a permit;

(3) To fail to remove any sign that is installed, created, erected or maintained in violation of this article; or

(4) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this article.

(5) Each sign installed, created, erected or maintained in violation of this article shall be considered a separate violation when applying the penalty portions of this article.

(6) Enforcement of article; remedies.

(7) Any violation or attempted violation of this article or of any condition or requirement adopted pursuant to this article may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this article shall be considered a violation of this chapter. The remedies of the city shall include the following:

(a) Issuing a stop work order for any and all work on any signs on the same zoning lot.

(b) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the nonconformity.

(c) Imposing any penalties that can be imposed directly by the city under this chapter.

(d) Seeking in court the imposing of any penalties that can be imposed directly by the city under this chapter.

(e) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this chapter and the building code for such circumstances.

(8) Removal of Defective or Dangerous Signs by the City. The Building and Zoning Services Coordinator shall cause to be removed any sign that endangers the public safety or health and extends or projects into any public thoroughfare or right-of-way within the City such as abandoned, dangerous, or materially defective signs or signs for which no permit has been issued. Said removal shall only be accomplished after at least a five-day written notice has been given stating the reasons for said emergency violation or removal. Said notice shall state that if the sign is not removed or the violation is not corrected within said emergency five-day time period that the sign shall be removed in accordance with the provisions of this Subsection. All notices mailed by the Building and Zoning Services Coordinator shall be mailed to the owner of the property on which the sign is located, to the owner of the sign, and to the occupant of the property, if the identity and whereabouts of such persons can be determined. Otherwise, notice should be mailed to such at their last known address and posted on the sign.

(9) The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of this chapter.

(10) All such remedies provided in this section shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth in this section for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

Section 102-717: Appeals

Any person feeling himself aggrieved by any order or ruling of the Code Enforcement Office may appeal such ruling, conditioned on the case's ripeness, to the Board of Appeals within 30 days after written notice of such ruling shall have been delivered to him. Such appeal is to be filed in accordance with procedures as outlined in Chapter 102, Article II of the Zoning Ordinance, in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order or filing is erroneous or illegal. Said notice of appeals shall be filed with the Code Enforcement Office, and the appeal shall be heard at the next available meeting upon submittal of a completed application. The Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling as is just.

ARTICLE VIII: FORM-BASED CODE

Section 102-801: Sterling Redevelopment Form District

A. Introduction to Form-Based Code. The Sterling Redevelopment Form-Based Code (SRFBC) is a legal document that regulates land-development within the Sterling Redevelopment Form District (Form District) through standards and controls related to building form and placement. Form District regulations govern the design framework of the built environment and public areas while employing more flexible requirements relative to building use and density. This flexibility allows for dynamic change in uses over time as the needs of the community and marketplace evolve, while creating a more predictable physical environment. The SRFBC uses clear and simple graphics for the building envelope, including height, Site Layout, and Building Elements that define the public spaces; and incorporates broad guidelines for use.

B. Establishment of the Form District. The proposed Form District is generally bounded by the Rock River on the south, Avenue G on the west, West 3rd Street on the north, and Locust Street and 1st Avenue on the east. (See Figure 8.1: Regulating Plan for specific boundaries.) Boundaries indicated as approximately following platted parcel lines shall be construed as following the parcel lines. Boundaries indicated as following natural features or shorelines shall be construed as following those features or shoreline. Projections from the shoreline into water areas shall be subject to the regulations pertaining to the land at the shoreline.

C. Foundations for the SRFBC and relationship to Adopted Plans. The standards provided in the SRFBC were built on community input received during the public involvement events for the Riverfront Redevelopment Plan, as well as principles of Traditional Neighborhood Design and Smart Growth, and are consistent with many of the principles outlined in the Comprehensive Strategic Plan.

D. Intent. The standards outlined in the SRFBC assert the following principles that facilitate the vision of this community:

- Communities should be designed to reestablish and reinforce the public domain.
- Districts should exhibit human scale.
- Neighborhoods should be diverse in use and population.
- Form should derive from historic context, and be sensitive to natural features and climatic conditions.

These principles result in strategies that retain distinctive traditional form, reduce negative environmental impact, support pedestrian and bicycle environments, reduce auto dependence, encourage adaptive reuse and investment, ensure compatibility of development between uses and Sub-Districts, and create more affordable and sustainable neighborhoods. These principles embrace the idea that pedestrians are the catalyst for meaningful communities. The SRFBC is designed to create development that reinforces the public domain without sacrificing the diversity of character of individual buildings, and to reintroduce the pedestrian within a mixed-use, compact neighborhood setting.

This is a district which has traditionally included a variety of transitioning residential, commercial, and industrial uses. This provides the background context for the SRFBC. The goal of the SRFBC is to promote development that is compatible in context and character with traditional urban neighborhood centers, and is consistent with the community vision and goals. The Sterling Redevelopment Form-Based Code is designed to foster sustainable infill redevelopment in a vibrant, mixed-use, pedestrian-friendly pattern that encourages diverse and compact development.

The SRFBC promotes a lively pedestrian environment by allowing for small businesses and other commercial uses at the street level, and encouraging upper story residences and offices that overlook public space. Building Form

Standards encourage high quality buildings that respect their urban context. The SRFBC prescribes design principles that are pedestrian friendly, demonstrate environmental responsibility, and integrate public space within the built environment.

E. Conformance with Form District Regulations. The Form District regulations apply only to new construction and development, including expansions. Structures in existence prior to the effective date of the SRFBC shall not be required to meet the standards created herein until any of the following conditions occurs.

No building, structure, or land shall be subdivided, erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the regulations contained in the SRFBC and in conformity with the area requirements (including height restrictions) of the Form Sub-District in which the property is located. Lots created after the effective date of the SRFBC shall meet the requirements of the applicable Form Sub- District.

Prior to the issuance of any building or site construction permit, a determination of conformance with these regulations shall be made by the Zoning Administrator. Where there is doubt concerning the interpretation of the provisions of the SRFBC, the decision of the Plan Commission shall prevail, subject to appeal. Wherever there appears to be a conflict between the Sterling Redevelopment Form-Based Code and other sections of the Sterling Zoning Ordinance, the requirements specifically set forth in the Sterling Redevelopment Form-Based Code shall prevail. For development standards not covered by the Sterling Redevelopment Form-Based Code, the other applicable sections in the Sterling Zoning Ordinance shall be used as the requirement. Relief from the standards in this Ordinance can be obtained only through the Zoning Board of Appeals. Any elements located on the public right of way require a license from the City of Sterling.

F. Appeals. Deviations from the Building Form Standards can be approved only through a variance process as provided for in Section 102-905 of the Sterling Zoning Ordinance.

Section 102-802: Components of the Sterling Redevelopment Form-Based Code

The primary components of the SRFBC are: the Regulating Plan; District-Wide Guiding Principles (including parking requirements); Sub-District Standards (including illustrated Building Form Standards, Streetscape Principles, Site Layouts, and Uses); and Definitions. These components are explained below.

A. Regulating Plan. The Regulating Plan is the coding key for the Form District and serves as a public space master plan referring the reader to specific information on prescribed development for each Sub-District within the district. Building on the results of the Riverfront Redevelopment Plan and the Comprehensive Strategic Plan, a Regulating Plan has been produced for the Sterling Redevelopment Form District. Sub-Districts reflect unique context, locational considerations, and desired future form and function of the public realm.

B. Guiding Principles and Standards. This section includes both general advisory principles and prescriptive standards, both of which apply to the entire Form District and address topics such as connectivity and access; streets, blocks and alleys; buildings; streetscapes; and parking requirements.

C. Sub-District Standards. The Sub-District Standards illustrate and explain the Building Form Standards, Streetscape Standards, and Site Layout for all development within the Form District. Relationships between each lot and public spaces (Street-Space**,** open space**,** pedestrian pathways, etc.) are prescribed.

(1) Building Form Standards

(a) The intent of the Building Form Standards is to shape the specific physical form and functional character of the built environment within the Form District in order to frame the Street-Space in accordance with community goals. The standards are designed to reflect the minimum level of control necessary to accomplish this intent.

(b) The Building Form Standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain permitted/required Building Elements, such as window and door openings, porches and stoops**,** balconies, and street walls. The Building Form Standards establish both the boundaries within which development may occur and specific elements that may or shall be present. The applicable standard for a building is determined by its Sub-District, as identified on the Regulating Plan. This produces a coherent Street-Space and allows the building greater latitude behind its street façade.

(2) Site Layout

The Site Layout section assists owners and builders in understanding the relationship between the public space and their own building/lot, and how primary and secondary structures and parking can be configured within each Sub-District. Illustrations identify the parameters for the placement of street trees and other public space amenities (e.g., benches, signs, street lights, etc.), and detail typical corner and inner lot layouts from an overhead view.

(3) Uses. Land uses and activated permitted by right and/or by special use permit are outlined in Section 102-919.

(4) Streetscape Standards

(a) The purpose of the Streetscape Standards is to define coherent Street-Space and to assist owners and builders in understanding the relationship between the public space and their own building/lot. These principles describe the parameters for the placement of street trees and other public space amenities (e.g., benches, signs, street lights, etc.) on or near each building site. The prescribed general physical characteristics of the street-space are intended to establish a safe, environmentally responsible, pedestrian-friendly environment. The Streetscape Standards illustrate typical configurations for streets within the Form Sub- Districts. Vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations are addressed.

(b) The Street-Space is designed to balance the needs of all modes of transportation, including motorized and non-motorized, and to ensure maximum mobility and access. While all streets must appropriately balance multimodal transportation needs, street character will vary within each Sub-District. Some streets will accommodate a large volume of fast-moving traffic and provide a more active and intense urban pedestrian experience while other streets will provide a less active and more intimately scaled street-space**.**

D. Definitions. Some words in the SRFBC are applied in a more specific way than typical common usage, and have been defined herein. Definitions are found in Article I: Introduction and Definitions of this Title.

E. Approval Process. In order to obtain zoning compliance approval for construction within the boundaries of this district, an applicant shall follow the Building Site and Operation Plan process outlined in Section 102-924 of this Title.

F. How to Use the Form-Based Code. The SRFBC will prescribe building placement, the parameters for its three-dimensional form, both required and allowed architectural/functional elements, and the range of allowable uses. Following are the steps to follow in using the SRFBC:

(1) Review the Regulating Plan. This plan identifies five (5) Sub-Districts within the Sterling Redevelopment Form District. Find the property in question. Note the color of the Sub-District—this determines the applicable Building Form Standard, Streetscape Standards and Street Type Specifications for each property. (See Regulating Plan key for guidance)

(2) Find the appropriate Building Form Standard page in this Article. The Building Form Standard explains the basic parameters for building on a particular site in terms of height, site layout, elements, and use.

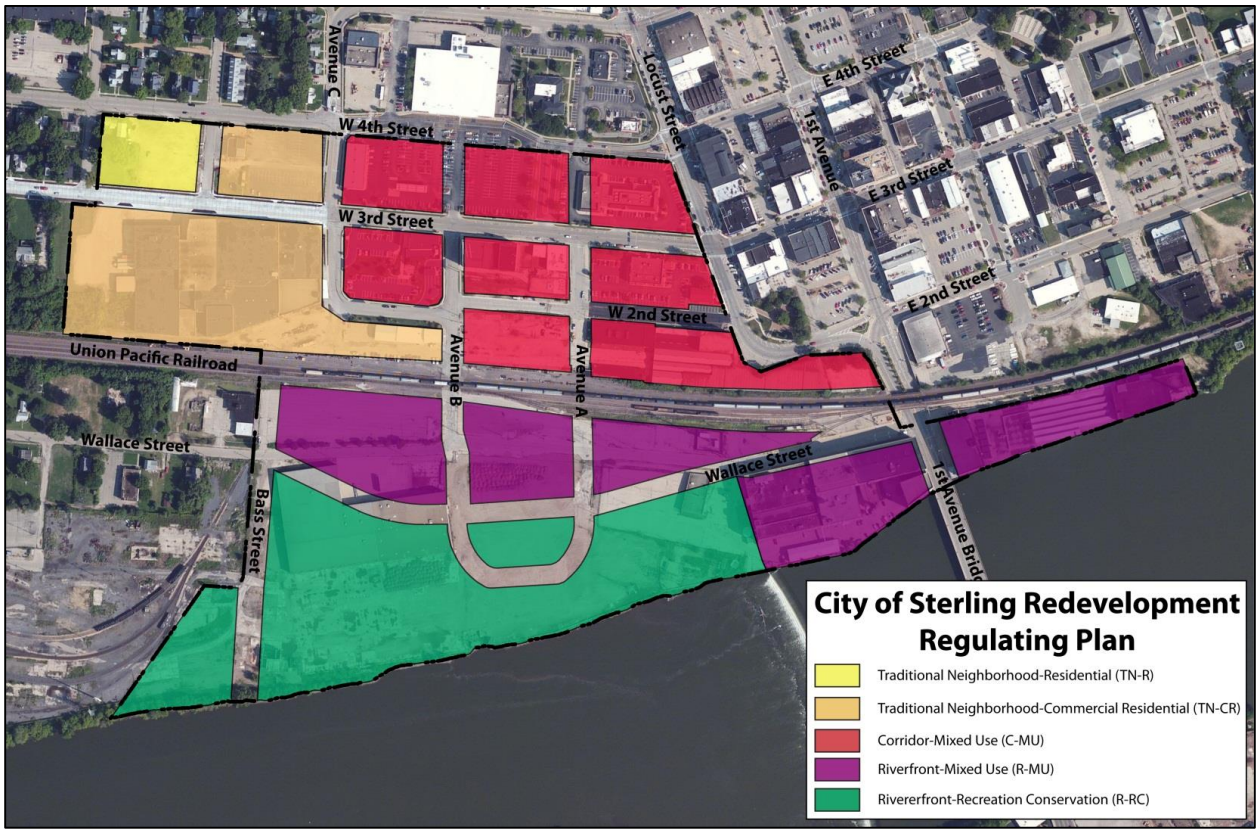
(3) See Sub-District Street Type Specifications for illustrations of general parameters pertaining to the street space.

(4) Check the Guiding Principles and Standards for conformance with all general principles including parking requirements.

Section 102-803: Sterling Redevelopment Form-District Regulating Plan

The regulating plan provides standards for the disposition of each property or lot and illustrates how each relates to the adjacent properties and street-space. The regulating plan is the coding key for the Form District that provides specific information on permitted development for each property. The graphic below explains the elements of the regulating plan and serves as a reference when examining the regulating plan.

Figure 8.1: City of Sterling Redevelopment Regulating Plan



Section 102-804: District-Wide Guiding Principles and Standards

Sterling neighborhoods in and around the Downtown reflect traditional neighborhood design principles which serve as the context and framework for this ordinance. The following sections outline the underlying principles and prescriptive standards that apply to the Sterling Redevelopment Form District as organized by topic.

A. General Layout and Orientation

(1) Guiding Principles

(a) The front façade Required Building Line exists within a prescribed zone defined by distance from the public right-of-way. In this way, building placement within each Sub-District is coherent and agreeable, but not regimented to the degree that the effect is of a contrived, sterile, themed or highly planned development. This prescribed zone is based on the existing framework of a traditional urban neighborhood oriented to the pedestrian, and not a suburban environment oriented to motorized transportation.

(b) New development in the Sterling Redevelopment Form District should integrate street (roadway) design, public space, open space, the natural environment, and the built environment to create a complementary and connected pattern for efficient growth and development access.

(c) Existing buildings are encouraged to incorporate onsite stormwater management techniques per current City of Sterling stormwater management design standards.

(d) Consideration should be given to adjusting the Site Layout to accommodate development occurring in harmony with and supportive of the natural environment or designed to mitigate harsh, winter conditions, thereby creating a more pedestrian supportive environment.

(2) Standards. New or infill development:

(a) Front and street setbacks necessary to comply with buffer requirements set forth in Section 102-520(B)(2)(c) shall supersede Sub-District requirements.

(b) All site plans for redevelopment or new construction shall include provisions for on-site stormwater management, per City of Sterling stormwater management design standards, using appropriate techniques such as rain gardens, green roofs, rain barrels collecting water for landscaping, or other bio-filtration methods to minimize storm water run-off into the public space and public storm water system.

B. Connectivity and Access

(1) Guiding Principles

(a) The SRFBC is intended to create and enhance a safe and welcoming pedestrian environment within a multimodal transportation network; to decrease dependence on the automobile; and improve streetscapes and connections to make walking and biking in the Form District easy, safe, convenient, and desirable.

(b) The SRFBC embraces compact, traditional development patterns with street and Site Layouts offering multiple connections without cul-de-sacs or dead-ends.

(2) Standards. At the time of, and within, new or infill development:

(a) All non-residential developments which provide automobile parking facilities shall provide bicycle parking facilities (racks) at a ratio of at least one (1) bicycle parking space for every fifteen (15) automobile parking spaces. Multi-Family developments shall provide said facilities at a ratio of at least one (1) bicycle parking space for every five (5) units in a multi-family development.

(b) Where the traditional street grid is broken, pedestrian connections will be established through a designated pedestrian pathways. The area within a pedestrian pathway shall be a public access easement or public right-or-way. Pedestrian pathways or rights-of way illustrated on the Regulating Plan are not considered to be established until the City of Sterling obtains the property or lands are dedicated for such purposes.

(c) Clearly defined, safe pedestrian spines shall be provided from adjacent public rights-of-way through off-street parking areas or front landscaping areas to non-residential building entrances (at least one per site).

(d) Proposed developments that create new streets shall place utility lines underground.

C. Blocks, Streets, and Alleys

(1) Streets.

(a) The street is a coherent space, with consistent building placement and scale on both sides. Consistent standards ensure a cohesive and coherent street identity while allowing for individual variation.

(b) Wherever possible, streets are narrow to encourage traffic calming techniques, but will accommodate on-street parking (except as prohibited on State highways).

(c) Wherever practical (i.e. – upon redevelopment of streets or narrowing of travel lanes) bicycle accommodations should be added to streets to encourage multi-modal access.

(d) Streets are lined with sidewalks and well placed trees and landscaping, and are fronted by porches, balconies, and entries rather than garage doors and wide driveways.

(2) Standards

(a) All lots shall be considered to be part of a block. No block face shall have a length greater than 400 feet without an alley, common drive or access easement, or pedestrian pathway providing through-access to another street, alley or common access easement, street-space, or recreational land. Individual lots with less than seventy-five (75) feet of frontage are exempt from the requirement to interrupt the block face; those with over 250 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.

(b) Where shown on the Regulating Plan for the Form District, alleys shall be developed within the rear setback as part of a redevelopment project, and in accordance with the following:

(i) Alleys shall be constructed to meet the City construction standards in order to be suitable for emergency and service vehicle access.

(ii) Alleys shown on the Regulating Plan represent suggested and approximate configurations. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

(iii) Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to maintain the area within the rear setback by, at a minimum:

(1) The placement of sod or seeding and provision of routine landscape maintenance to the area

(2) Keeping the area clear of debris, stored materials, vehicles, and structures.

(c) The SRFBC prohibits the vacation or closure of alleyways functioning in accordance with the Sterling Redevelopment Form District Regulating Plan. Roadways and alleyways not functioning in accordance with the Regulating Plan may be vacated and/or replatted to conform to the Regulating Plan.

D. Buildings

(1) Guiding Principles

(a) Building form promotes diversity by accommodating flexible opportunities for a variety of residential, commercial, light industrial, and recreational uses.

(b) Buildings oversee the street-space with visually active fronts. For example, orientation of household gathering spaces (porches and entryways) is toward the front of the structure. This overview of the street-space contributes to vital and safe public space and enhances the pedestrian environment.

(c) Buildings frame the majority of the street-space, and have façades that are closely related in orientation, position, and scale to exhibit an agreeable public space.

(d) Preferred exterior building materials include concrete, masonry, tile, stone, and wood.

(e) A variety of rooflines are encouraged to reduce the massive scale of large buildings and to complement the character of roofs with the Form District.

(2) Standards

(a) Buildings larger than 40,000 square feet are required to petition the Plan Commission for a Special Use Permit in accordance with Section 102-919 of this Chapter.

(b) Primary building entrances shall be oriented toward streets, parks and plazas, and not to the interior of blocks or to parking lots and garages. Secondary entrances oriented toward parking lots are permitted.

(c) Highly reflective exterior building materials, including but not limited to reflective glass and polished metal surfaces, are prohibited due to the undesirable blinding effect compounded by snow.

(d) All lots shall share a frontage line with a street-space. Residential layouts such as single-family cluster housing, urban townhouses, or apartment clusters shall be allowed to face an alley, common courtyard, or public space provided no street-space adjoins the building, but in general, primary ground floor residential entries must orient to and be visible from the street, not to interior blocks or parking lots.

(e) Building façades are the public "face" of every building. For each block face within the Sterling Redevelopment Form District, long façades located along the Required Building Line (RBL) shall be divided into discrete façades every seventy (70) feet on average so as not to present one long, continuous façade. Individual infill projects on lots with frontage of less than 75 feet are exempted from this requirement.

(f) The façade shall include a functioning, primary street-space entry. The entry requirement may be satisfied through the use of liner shops (small shops with direct access onto the fronting sidewalk) wrapping large footprint buildings.

(g) In no case shall the street-side façade of a building consist of a blank wall or an unbroken series of garage doors.

(h) Building façades of commercial, retail, and multi-family residential uses that exceed 100 feet in length measured along the street façade shall have variations in roofline or rooftop parapet to reduce the massive scale of the large buildings. Rooftop equipment shall be concealed behind parapets or screened from view by pedestrians.

(i) All sides of a multi-family residential building facing a public street shall display a similar level of quality.

(j) Drive-through service windows are permitted in the rear of mid-block and alley accessed locations with a Special Use Permit in accordance with Section 102-919.

(k) Accessory structures shall not be located in front of the primary building unless allowed in the individual Sub-District standards.

E. Streetscape Requirements

(1) Guiding Principles

(a) Streetscape elements include both man-made and planted features within the street-space that combine to create the character of the public domain. This includes travel lanes between the curbs as well as the sidewalks and planting strips. Public plazas and open space also contribute to the street space.

(b) street trees provide both form (canopy) and comfort (shade) to the street-space. Native trees and plants efficiently contribute to the reduction of air and noise pollution, maintenance of natural habitat, the conservation of water, and stormwater management.

(c) Regular spacing of street trees gives coherence to the streetscape, enhancing character.

(d) Sidewalks should be designed to facilitate both clear access to the fronts of buildings and passage for pedestrians along the block.

(e) The following street-type standards are designed to provide the necessary infrastructure to balance the needs of all multimodal forms of traffic, to maximize mobility, and to foster a character that is inviting to all users.

(2) Standards

(a) The tree planting zone (terrace) is located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees as covered below, this area may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as determined by the Community Services Director.

(b) Street trees shall be planted at an average spacing of no greater than 30 feet on the side(s) of the street-space being developed (dependent on available right of way width).

(c) The developer is required to install sidewalks and/or pedestrian spines, according to the appropriate Sub-District regulation, where none currently exist.

(d) Crosswalks shall be designed in accordance with City of Sterling Engineering Standards.

(e) Sidewalks and other pedestrian pathways and pedestrian spines shall be separated from the roadway.

(f) Public sidewalks shall be constructed of concrete, located along both sides of all public streets, and shall have minimum width of five (5) feet.

F. Parking

(1) Guiding Principles. Parking goals for the Sterling Redevelopment District are:

(a) Reduce fragmented, uncoordinated, inefficient, single-purpose reserved parking and encourage shared parking and access drives.

(b) Reduce the number of large, open parking areas that create unpleasant, windswept spaces for pedestrians.

(c) Reduce the amount of impervious surfaces that contribute to water pollution and/or excessive stormwater runoff.

(d) Avoid nuisance impacts on adjacent neighborhoods by providing for efficient and adequate parking for all uses contained within the form-district. Maximize on-street parking to increase pedestrian comfort by providing a buffer between the pedestrian and moving traffic, support commercial businesses, and provide residential visitor parking.

(e) Incorporate convenient bicycle parking.

(f) Conceal parking from the public street-space by locating the majority of parking beside or behind buildings.

(g) Utilize smaller parking lots within a framework of vegetation to create a better microclimate for pedestrians, reduce stormwater run-off, and provide more opportunities for snow storage.

(2) Standards.

(a) Parking requirements shall be met either on-site or within a 600 foot radius of the development parcel.

(b) The number of parking stalls required for a development or site shall comply with the regulations outlined in Section 102-227 of this Chapter.

(c) Parking lots shall be designed to accommodate the requirements of snow clearing equipment.

(d) Shared parking shall be designated by appropriate signage and markings.

(e) Landscape screening, landscaping, and tree canopy requirements for surface parking areas as provided for in Section 102-227(B) of this Title shall be required upon construction of any new surface parking area, or will be required for any existing surface parking area when 50-percent or more of the lot is reconstructed or resurfaced. Seal-coating shall be exempted

G. Landscaping, Buffering, and Screening. Landscaping, buffering, and screening for all development shall comply with the regulations outlined in Section 102-520: Landscaping.

H. Lighting. Outdoor lighting for all development shall comply with the regulations outlined in Section 102-606: Lighting.

Section 102-805: Sterling Redevelopment Form-District Sub-Districts

A. General Information

(1) Traditional Neighborhood-Residential (TN-R) Residential development is traditional, two-story, single family homes on small lots. It is important to the community to preserve this pedestrian-friendly, compact neighborhood type where homes are of similar scale and character.

(2) Traditional Neighborhood-Commercial Residential (TN-CR). In this Sub-District, neighborhood-scale retail and other commercial uses exist in harmony with a variety of residential forms. Buildings closely frame vibrant streets that are designed for pedestrian convenience.

(3) Corridor-Mixed Use (TN-CR). All Sub-Districts converge upon this lively, central Sub-District which contains a variety of activities supported through Corridor development and crucial neighborhood intersections. Because of this centrality, it is important to enhance the connectivity of this Sub-District to all others. Both regional-scale and neighborhood-scale activities are integrated with residences, creating a unique neighborhood environment. This Sub-District provides the most opportunity for a variety of residential forms including townhouses, apartments, housing over commercial use, and loft apartments. A wide variety of land

uses including retail, restaurants, office, civic, commercial, light industrial, and residential are accommodated. The inclusion of pedestrian and non-motorized pathways and connections is of primary importance in positioning this Sub-District as a mobility hub.

(4) Riverfront-Mixed Use (R-MU). This Sub-District maintains, foremost, a connection with the public riverfront while serving as a link between Downtown and the Sterling neighborhoods. As such, development must respect, maintain, and enhance public access to the riverfront and be carried out in such a way to avoid negative impact on the environment. Development is compact and oriented to the pedestrian, and illustrates a moderately dense, urban form consistent with Downtown yet unique in the preservation of connected open space and view corridors.

(5) Riverfront-Recreation Conservation (W-RC). This Sub-District exists for the specific preservation of public access to the Rock River riverfront, and provides for recreation and conservation activities.

B. Sub-District Regulations. The following Sub-District regulations shall apply for the Sterling Redevelopment Form-District:

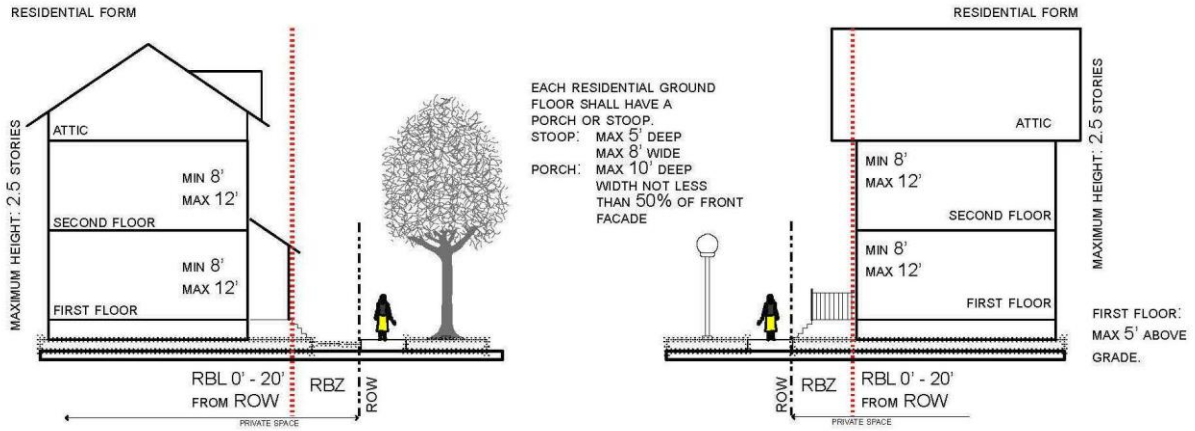
(1) Traditional Neighborhood-Residential (TN-R)

Intent	**Representative Character**
The TN-R Sub-District is intended to preserve the existing character of the traditional residential neighborhood and to guide redevelopment in a manner which is consistent and compatible with this form. residential character is reflected around a framework of well-connected, grid street systems with sidewalks, and the pedestrian environment is enhanced by compact development on small lots, and homes set relatively close to the street, with front porches and clearly defined front entrances. This Sub-District is intended to create and preserve viable and walkable neighborhoods and provide for all season non-motorized connections. The principles herein encourage pedestrian scale form with appropriate amenities such as pedestrian scale lighting, street trees, and street widths applying traffic calming principles while accommodating on-street parking	

Guiding Principles

Residential lots in this Sub-District exhibit a distinctive, traditional pattern of placement of principal and accessory structures, their relationship to streets and alleys, and provision for open areas. The active, visual features of the residence will dominate the streetscape, and garages will generally be positioned behind the principal structure to reduce their visual impact. This configuration allows residents to keep a watchful eye on the street and creates a more human-scaled and less monotonous environment.

Building Form Standards	Elements and Use



Building Height

Each principal building will be at least 1 story in height, but no greater than 2.5 stories in height.

Ground Story Height

1. The finished floor elevation shall be no more than 5-feet above the exterior sidewalk elevation at the RBL.
2. Minimum height of the ground story shall be 8-feet. Maximum story height shall be 12-feet.

Upper Story Height

1. Minimum height of the ground story shall be 8-feet.
2. Maximum story height shall be 12-feet

Accessory Structure Height

Accessory buildings shall be no greater than 1.5 story or 14 feet, measured to the eave or top of parapet.

Building Projections

1. Balconies, bay windows and stoops shall not project closer than 5 feet to a common lot line or more than 5 feet beyond the RBL.
2. Each lot/unit shall include a stoop of not more than 5 feet deep and 8 feet wide (plus steps) or a front porch a maximum of 10 feet deep and width not less than 50% of the front façade.
3. No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the SRFBC shall encroach beyond the required building line. No projections will encroach beyond the public right-of-way.

Doors/Entries

At least one (1) functioning entry door(s) shall be provided along the ground story façade of each building and at intervals not exceeding 75 feet.

Door and Wall (Window) Openings

1. Blank lengths of wall exceeding 25 linear feet are prohibited on all required building lines (RBL).
2. Door and wall openings shall comprise at least 20%, but not more than 75% of the façade.

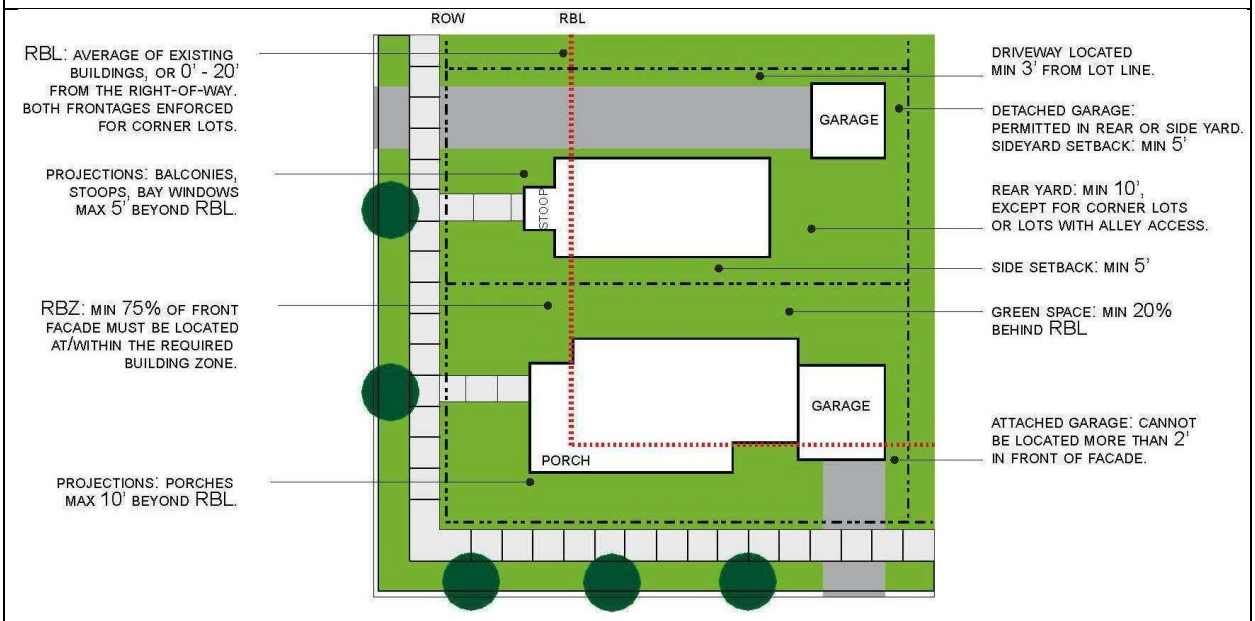
Permitted Uses

1. Permitted uses are one- and two-family residential as defined by the SRFBC.
2. The ground story shall house residential uses.
3. The upper stories shall house residential uses.

Fencing

A privacy fence conforming to Section 102-211 may be located on the lot.

Site Layout



Building Placement

1. The RBL is the average of the front setbacks of existing principal buildings located on the adjacent lots, provided their setback doesn't exceed 20 feet from the right-of-way).
2. Building façade shall be located parallel with the street and sidewalk.
3. The building façade shall be built to the RBL within 20 feet of a block corner (met on both frontages). The façade may be chamfered to form a corner entry.
4. Minimum of 75% of the building façade must be located at or within the RBZ.
5. Minimum 5-foot side yard setback.
6. Minimum 10-foot rear yard is required. No rear yard is required for lots with alley access.

Buildable Area/Density

1. Minimum lot width is 50 feet.
2. Minimum lot area is 5,000 square feet for single-family residence, and 10,000 square feet for two-family residence.
3. Maximum lot area is 12,000 square feet.
4. A contiguous open area equal to at least 20% of the total buildable area behind the RBL shall be preserved on every lot.

Accessory Structures

Accessory buildings shall adhere to a minimum side and rear yards of 3-feet.

Parking

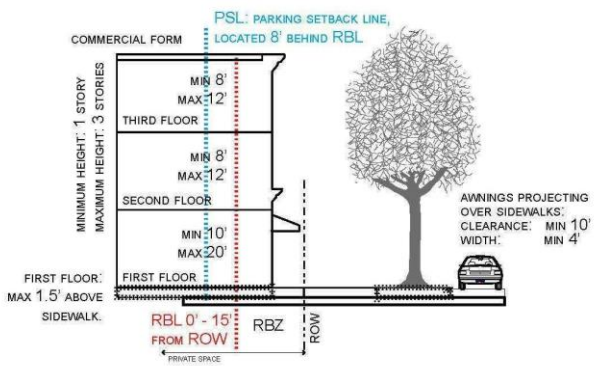
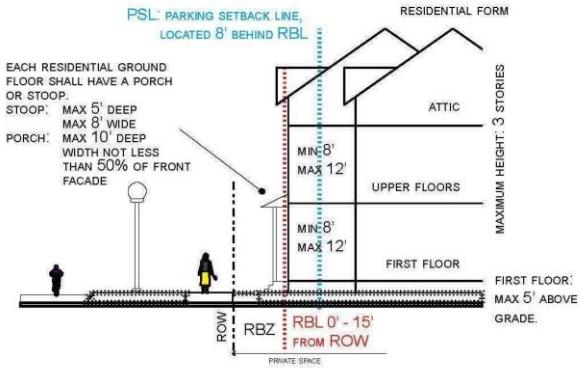
1. Parking is allowed only in a driveway, garage or in a driveway leading to a garage or rear yard.
2. Driveways shall be located a minimum of 3 feet side lot lines.

Garages

1. Garages may be sited in one of three ways: in the rear accessed from an alley; in the rear accessed by a side drive; or to the side recessed behind the leading edge of the porch or stoop.
2. Detached garages shall adhere to the minimum side and rear yard setbacks as prescribed in this Sub-District.
3. An attached, front loaded garage with access from the primary street may be used when there is no alley access.
4. Attached garages shall comprise no more than 50% of the total linear feet of the front façade of the principal building.
5. Garage entries or driveways shall be located at least 30 feet away from a block corner.

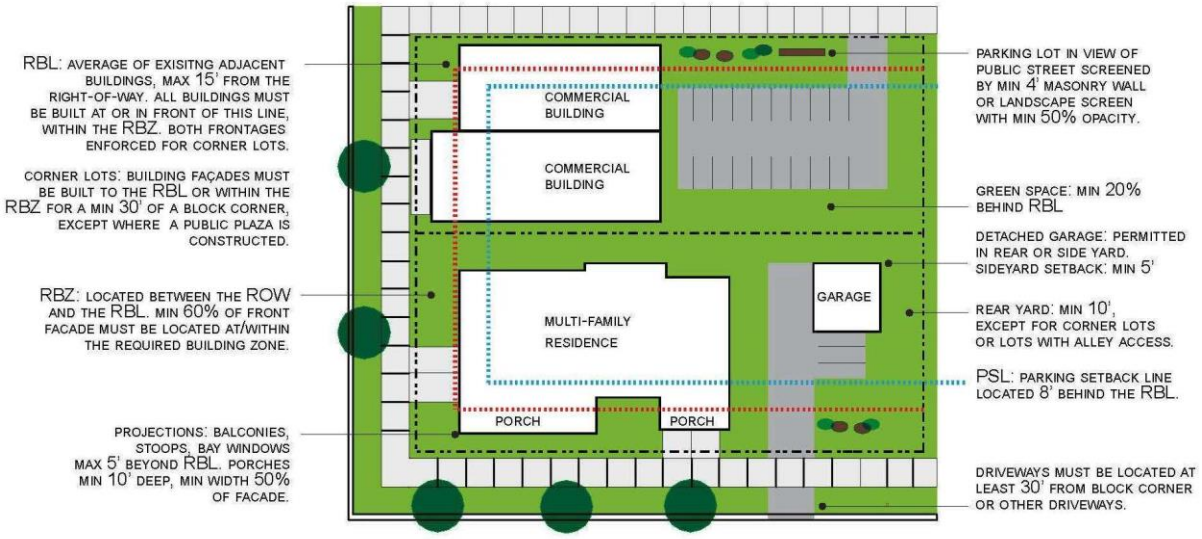
(2) Traditional Neighborhood-Commercial Residential (TN-CR)

Intent	Representative Character
The intent of the TN-CR is to promote the establishment of a mix of neighborhood-serving activities that effectively integrates retail, office, institutional, and other non-residential uses within residential neighborhoods while preserving traditional neighborhood character. This integration of uses will promote shopping and service opportunities within the neighborhoods, and will accommodate non-motorized forms of transportation, including public transit. Development in this Sub-District will provide for commercial at a scale that is appropriate for nearby residential areas, while placing primary importance on a safe and pleasing pedestrian environment. New development will be compatible within the context of traditional neighborhood form. commercial is closely integrated with residences so as to encourage vitality and safety as residents keep eyes on the streets. Trees and vegetation are necessary to improve the pedestrian landscape and provide buffers from activity.	
Guiding Principles	
Buildings in the Sub-District are often narrow, closely spaced or attached, and built out to or near the street, preserving pedestrian scale and welcoming streetscapes. Design standards promote pedestrian scale form with appropriate amenities such as pedestrian scale lighting, street trees, parks, and open spaces. Street widths facilitate traffic calming principles while accommodating on-street parking. On-street parking separates the pedestrian from traffic, and provides convenient access for businesses. On-site parking is located in the rear or on the side of the principal building.	

Building Form Standards	Elements and Use
	
Building Height 1. Each principal building will be at least 2 stories in height, but no greater than 3 stories in height. 2. Parking structures shall be limited to 3 stories in height measured to the eave or top of parapet. **Accessory Structure Height** Accessory buildings shall be no greater than 20 feet in height. **Ground Story Height: Commercial Uses** 1. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk. 2. Minimum height of the ground story shall be 10-feet. Maximum story height shall be 20-feet. **Ground Story Height: Residential Uses** 1. The finished floor elevation shall be no more than 5-feet above the exterior sidewalk elevation at the RBL. 2. Minimum height of the ground story shall be 8-feet. Maximum story height shall be 12-feet. **Upper Story Height: All Uses** Minimum height of the ground story shall be 8-feet. Maximum story height shall be 12-feet. **Permitted Uses** 1. No single-family detached residential uses shall be permitted. 2. The ground story may contain commercial, office, civic, or residential uses.	**Mezzanines** Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories. **Doors/Entries** At least one (1) functioning entry door(s) shall be provided along the ground story façade of each building. In addition, doors shall be provided at intervals not exceeding 75 feet. **Door and Wall Openings: General** Blank lengths of wall exceeding 25 linear feet are prohibited on all RBLs. **Door and Wall Openings: Ground Story** 1. For commercial uses, door and wall openings shall comprise at least 60%, but not more than 90% of the ground story façade area. 2. For residential uses, door and wall openings shall comprise at least 30%, but not more than 75% of the ground story façade area per story. **Door and Wall Openings: Upper Stories** 1. For commercial uses, door and wall openings shall comprise at least 30% but not more than 75% of the upper story façade area. 2. For residential uses, door and wall openings shall comprise at least 20% but not more than 75% of the upper story façade area per story. **Building Projections** 1. Balconies, bay windows and stoops shall not project closer than 5 feet to a common lot line or more than 5 feet beyond the RBL. 2. Each residential ground floor unit shall include a stoop of not more than 5 feet deep, or a front porch a maximum of 10 feet deep.

Building Form Standards	Elements and Use
3. The upper stories shall house residential, commercial, or civic uses as defined in the SRFBC. 4. No commercial or civic use is permitted above a residential use.	3. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet, and shall be a minimum of 6 feet wide. 4. No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the SRFBC shall encroach beyond the RBL. No projections will encroach onto the public right-of-way. **Fencing** A fence conforming to Section 102-211 may be located on the lot.

Site Layout



Building Placement

1. The RBL is the average of the front setbacks of existing principal buildings located on the adjacent lots, provided their setback does not exceed 15-feet from the right-of-way.
2. A minimum side yard of 5 feet is required, except where buildings share a common wall.
3. A rear yard of at least 10 foot depth is required. No rear yard is required with alley access or on a corner lot.

Street Façade

1. The required Building Zone is located between the public right-of-way and the Required Building Line. A minimum of 60% of the building façade must be located within the RBZ. These portions of the façade may include jogs or articulation of not more than 18 inches in depth.
2. Building façades shall be located parallel with the street and sidewalk.

Parking

1. Parking Setback Line (PSL) is 8-feet from the RBL. Parking stalls may not be located closer than this line.
2. All commercial parking that is visible from the street shall be screened by a fence or masonry wall at least 4 feet high, or a bermed, landscaped area in conformance with Section 102-520.
3. Driveways shall be located a minimum of 3 feet from side lot lines.

Garages

1. Garages may be sited in one of three ways: in the rear accessed from an alley; in the rear accessed by a side drive; or to the side recessed behind the leading edge of the porch or stoop.

3. The building façade shall be built to the RBL within 30 feet of a block corner (met on both frontages), except where a public plaza or seating areas is constructed. 4. The ground floor façade may be chamfered to form a corner entry. **Buildable Area/Density** 1. A contiguous open area equal to at least 20% of the total buildable area shall be preserved on every lot, behind the RBL. 2. Density for multi-family residential shall not exceed 12 units per acre. **Multiple-Family Residential Buildings** There shall be a separation between adjacent buildings of not less than 10 and not more than 20 feet. **Accessory Structures** Accessory buildings shall adhere to the minimum side and rear yards prescribed in this Sub-District (see Building Placement).	2. Detached garages shall adhere to the minimum side and rear yard setbacks as prescribed in this Sub-District. 3. An attached, front loaded garage with access from the primary street may be used when there is no alley access. 4. Attached garages shall comprise no more than 50% of the total linear feet of the front façade of the principal building. 5. Garage entries or driveways shall be located at least 30 feet away from a block corner.

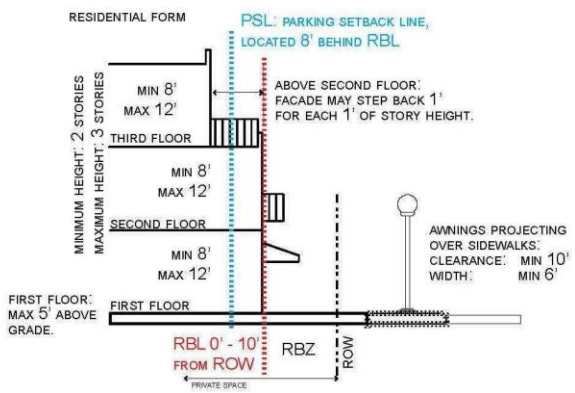
(3) Corridor-Mixed Use (C-MU)

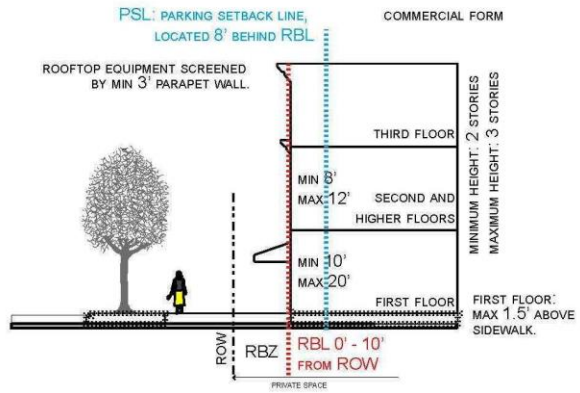
Intent	Representative Character
The Corridor-Mixed Use Sub-District is intended as a diverse, generally pedestrian-friendly environment that provides adequate vehicular access while creating an aesthetically pleasing appearance along heavily travelled corridors in Sterling. This District serves as a vital arterial link and a gateway connection to Downtown. The C-MU Sub-District serves to provide a smooth transition into more intense Downtown development patterns by strategically and efficiently accommodating vital commercial and residential uses while preserving a pleasing pedestrian environment. Pedestrian and non-motorized movement between Downtown, the riverfront, and the neighborhoods adjoining each is important in this District. Motorized access will be carefully designed and more intense activities will be carefully screened so as to place emphasis on the main building entrances. The area will reflect the community's desire to enhance the visual quality of the area by establishing minimum criteria for development while promoting amenities necessary to attract businesses, residents, and visitors. 	

Guiding Principles

Pedestrians are separated from the street with landscaped medians, and landscaping is incorporated along the front and sides of buildings and within surface parking lots. Landscaped pedestrian pathways connect sidewalks to the front entries of all non-residential uses. Landscaped areas are more extensive on both sides of W 3rd and W 4th Streets to create a gateway image for the City. Parking is located away from the street, or is properly screened from view. Access for large trucks is to the rear of buildings. Alleys and internal connections are created and utilized for improved access and circulation.

Building Form Standards | **Elements and Use**





Building height

1. Each principal building will be at least 2 stories in height, but no greater than 3 stories in height for non-residential and 3 stories for multi-family residential.
2. An additional tower story is allowed above the maximum building story height, within the following parameters.
   a) The footprint of the tower shall not exceed 300 square feet.
   b) No horizontal façade dimension of the tower shall exceed 20 feet.
   c) Story height is the same as those for upper stories.
3. No attic story is permitted above a tower story.
4. Floors over 2 stories may be set back a minimum of 1 foot from the front façade of the floor below for every 1 foot in height.

Accessory Structure Height

Accessory buildings shall be no greater than 1 story or 20 feet, measured to the eave or top of parapet.

Ground Story Height: Commercial and Civic Uses

1. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
2. Minimum height of the ground story shall be 10-feet. Maximum story height shall be 20-feet.

Building Projections

1. Balconies, bay windows and stoops shall not project closer than 5 feet to a lot line or more than 5 feet beyond the RBL.
2. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet, and shall be a minimum of 6 feet wide.
3. No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the SRFBC shall encroach beyond the RBL. No projections will encroach onto the public right-of-way.

Doors/Entries

1. At least one (1) functioning entry door shall be provided along the ground story façade of each building.
2. Doors shall be provided at intervals not exceeding 75 feet.

Door and Wall Openings

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBLs.
2. Door and wall openings shall comprise at least 30%, but not more than 90% of the ground story façade area per story, and at least 20% but not more than 75% of the upper story façade area per story.

Ground Story Height: Residential/Multi-Family Uses

1. The finished floor elevation shall be no more than 5-feet above the exterior sidewalk elevation at the RBL.
2. Minimum height of the ground story shall be 8-feet. Maximum story height shall be 12-feet.

Upper Story Height: All Uses

Minimum height of the ground story shall be 8-feet. Maximum story height shall be 12-feet.

Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

Fencing

A fence conforming to Section 102-211 may be placed on a lot.

3. Outdoor public space amenities such as parks with seating, trees and landscaping; plazas featuring public art and landscaping; or other suitable visual enhancement that contributes to the pedestrian environment and meets the requirements in (1) above can be substituted for transparency requirements.

Permitted Uses

1. No single-family detached residential uses shall be permitted.
2. The ground story shall house commercial, residential, multi-family residential, or civic uses as defined.
3. The upper stories shall house residential, multi-family residential, civic, or commercial uses.
4. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
5. No commercial or civic uses are permitted above a residential use.

Site Layout

Building Placement

1. The RBL is the average of the front setbacks of existing principal buildings located on the adjacent lots, provided their setback does not exceed 10-feet from the right-of-way.
2. Building façade shall be located parallel with the street and sidewalk.
3. The building façade shall be built to the RBL within 30 feet of a block corner (met on both frontages). The ground floor façade, within 7 feet of the block corner, may be chamfered to form a corner entry.
4. A minimum of 75% of the building façade must be located within the RBZ.
5. A minimum side yard of 5 feet is required, except where buildings share a common wall.

Pedestrian Connectivity

Abutting non-residential uses on W. 3rd Street shall provide for vehicular and pedestrian circulation between their sites through parking lot or alley connections, hard surface walkways, and similar measures in order to reduce traffic and to allow customers to visit multiple establishments without moving their vehicles.

Parking

1. Parking Setback Line (PSL) is 8-feet from the RBL. Parking stalls may not be located closer than this line.
2. All commercial parking that is visible from the street shall be screened by a fence or masonry wall at least 4 feet high, or a bermed, landscaped area in conformance with Section 102-520.

6. A rear yard of at least 10 foot depth is required. No rear yard is required with alley access. **Buildable Area/Density** 1. A contiguous open area equal to at least 15% of the total buildable area shall be preserved on every lot, at or above grade and behind the RBL. 2. Density for multi-family residential shall not exceed 12 units per acre. **Multiple-Family Residential and Civic Buildings** There shall be a space between adjacent buildings of not less than 10 and not more than 20 feet. **Accessory Structures (other than garages)** 1. Any accessory buildings shall be located behind the parking setback line, 2. Accessory buildings shall be no greater than 1 story or 20 feet, measured to the eave or top of parapet. 3. Accessory buildings shall adhere to the minimum rear yard prescribed in this Sub-District.	3. Driveways shall be located a minimum of 3 feet from side lot lines. **Garages** 1. Garages may be sited in one of three ways: in the rear accessed from an alley; in the rear accessed by a side drive; or to the side recessed behind the leading edge of the porch or stoop. 2. Detached garages shall adhere to the minimum side and rear yard setbacks as prescribed in this Sub-District. 3. An attached, front loaded garage with access from the primary street may be used when there is no alley access. 4. Attached garages shall comprise no more than 50% of the total linear feet of the front façade of the principal building. 5. Garage entries or driveways shall be located at least 30 feet away from a block corner.

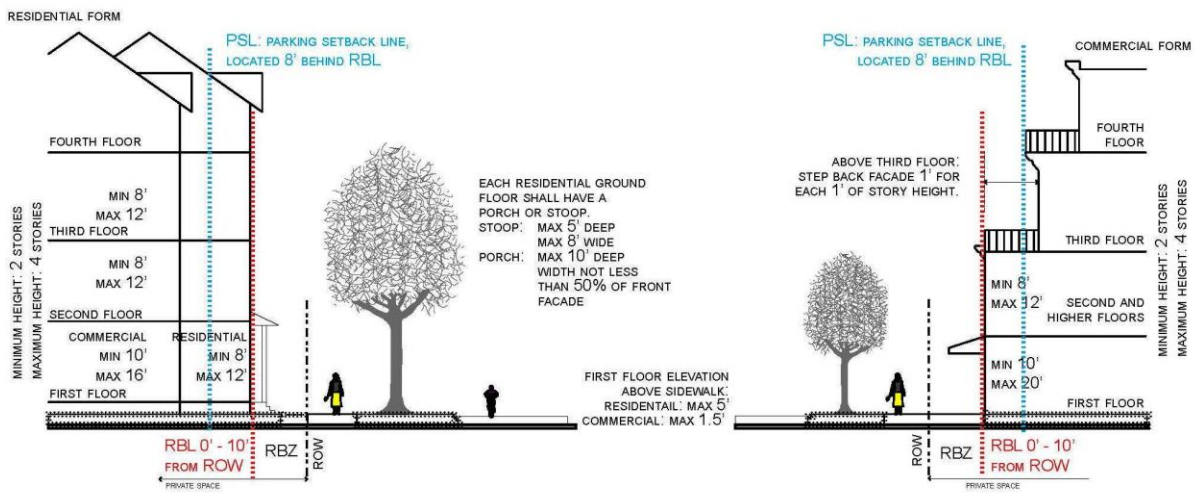
(4) Riverfront-Mixed Use (R-MU)

Intent	Representative Character
This Sub-District is intended to serve as an extension of Downtown with a mix of uses complementary to Downtown and a framework of streets and blocks that integrates and connects with those Downtown. Urban character is reflected in compact, environmentally-friendly development that is similar in size and scale to riverfront buildings traditionally found Downtown. Primary importance will be placed on development patterns that preserve access and view corridors to the riverfront. Building design and Site Layout will reflect the importance of the relationship to the river.	

Guiding Principles

Buildings are built out to or near the street so as to preserve pedestrian scale and welcoming streetscapes. Design standards promote pedestrian scale form with appropriate amenities such as pedestrian scale lighting, street trees, parks, open space resources, and street widths. Buildings will be oriented to the street when possible or to public courtyards or common areas if there is no adjacent street (as in courtyard or cluster housing). Direct pedestrian pathways a minimum of seven (7) feet wide will connect all public sidewalks to principal building entrances. Parking is located in the rear or underneath buildings.

Building Form Standards	Elements and Use



Building height

1. Each principal building will be at least 2 stories in height, but no greater than 4 stories in height.
2. An additional tower story is allowed above the maximum building story height, within the following parameters.
   a) The footprint of the tower shall not exceed 300 feet.
   b) No horizontal façade dimension of the tower shall exceed 20 feet.
   c) Story height is the same as those for upper stories.
   d) No attic story is permitted above a tower story.
3. Parking structures shall be limited to 3 stories in height or 40 feet, measured to the eave or top of parapet.

Ground Story Height: Commercial Uses

The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk..

Ground Story Height: Residential Uses

The average finished floor elevation shall be no less than 2 feet and no more than 7 feet above the exterior sidewalk elevation at the RBL.

Upper story height: All Uses

Door and Wall Openings

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBLs.
2. Door and wall openings shall comprise at least 30%, but not more than 90% of the ground story façade area per story, and at least 20% but not more than 75% of the upper story façade area per story.

Building Projections

1. Balconies, bay windows and stoops shall not project closer than 5 feet to a common lot line or more than 5 feet beyond the RBL.
2. Each residential ground floor unit shall include a stoop of not more than 5 feet deep or a front porch a maximum of 10 feet deep.
3. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet, and shall be a minimum of 6 feet wide.
4. No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the SRFBC shall encroach beyond the

Building Form Standards	Elements and Use
Each upper story shall have an interior clear height (floor to ceiling) of at least 8 feet and maximum story height of 12 feet. **Accessory Structures (other than garages)** 1. Any accessory buildings shall be located behind the parking setback line, 2. Accessory buildings shall be no greater than 1 story or 20 feet, measured to the eave or top of parapet. 3. Accessory buildings shall adhere to the minimum rear yard prescribed in this Sub-District. **Mezzanines** Mezzanines with a floor area greater than 1/3 of the floor area of the story shall be counted as full stories. **Fencing** A fence conforming to Section 102-211 may be placed on a lot.	RBL. No projections will encroach onto the public right-of-way. **Doors/Entries** At least one (1) functioning entry door(s) shall be provided along the ground story façade of each building. In addition, doors shall be provided at intervals not exceeding 75 feet. **Permitted Uses** 1. No single-family detached residential uses shall be permitted. 2. The ground story shall house commercial, residential, multi-family residential, or civic uses as defined. 3. The upper stories shall house residential, multi-family residential, civic, or commercial uses. 4. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

Site Layout

Building Placement	Pedestrian Connectivity
1. The RBL is the average of the front setbacks of existing principal buildings located on the adjacent lots, provided their setback does not exceed 10-feet from the right-of-way.	Abutting non-residential uses on W. 3rd Street shall provide for vehicular and pedestrian circulation between their sites

2. Building façade shall be located parallel with the street and sidewalk.
3. The building façade shall be built to the RBL within 30 feet of a block corner (met on both frontages). The ground floor façade, within 7 feet of the block corner, may be chamfered to form a corner entry.
4. A minimum of 75% of the building façade must be located within the RBZ.
5. A minimum side yard of 5 feet is required, except where buildings share a common wall.
6. A rear yard of at least 10 foot depth is required. No rear yard is required with alley access.

Buildable Area

A contiguous open area equal to at least 15% of the total buildable area shall be preserved on every lot, at or above grade and behind the RBL.

Multiple-Family Residential and Civic Buildings

1. There shall be a space between adjacent buildings of not less than 10 and not more than 20 feet.
2. See Section 102-904(D) for further requirements.

Accessory Structures (other than garages)

1. Any accessory buildings shall be located behind the parking setback line,
2. Accessory buildings shall be no greater than 1 story or 20 feet, measured to the eave or top of parapet.
3. Accessory buildings shall adhere to the minimum rear yard prescribed in this Sub-District.

through parking lot or alley connections, hard surface walkways, and similar measures in order to reduce traffic and to allow customers to visit multiple establishments without moving their vehicles.

Parking

1. Parking Setback Line (PSL) is 8-feet from the RBL. Parking stalls may not be located closer than this line.
2. All commercial parking that is visible from the street shall be screened by a fence or masonry wall at least 4 feet high, or a bermed, landscaped area in conformance with Section 102-520.
3. Driveways shall be located a minimum of 3 feet from side lot lines.

Garages

1. Garages may be sited in one of three ways: in the rear accessed from an alley; in the rear accessed by a side drive; or to the side recessed behind the leading edge of the porch or stoop.
2. Detached garages shall adhere to the minimum side and rear yard setbacks as prescribed in this Sub-District.
3. An attached, front loaded garage with access from the primary street may be used when there is no alley access.
4. Attached garages shall comprise no more than 50% of the total linear feet of the front façade of the principal building.
5. Garage entries or driveways shall be located at least 30 feet away from a block corner.

(5) Riverfront-Recreation Conservation (R-RC)

Intent	Representative Character
This Sub-District includes lands located along riverfront and shoreline areas that are preserved for community recreational and conservation purposes and valued for scenic and ecological qualities. The intent is to promote public access and enjoyment of water resources and to protect those same resources through responsible land use practices. The City recognizes the unique physical, economic, and social benefits of riverfront and shoreline properties, and places a priority on their protection for future generations. The riverfront will provide recreation activities and enhance pedestrian and non-motorized connectivity. Public parking facilities should be effectively integrated for convenience.	

Guiding Principles

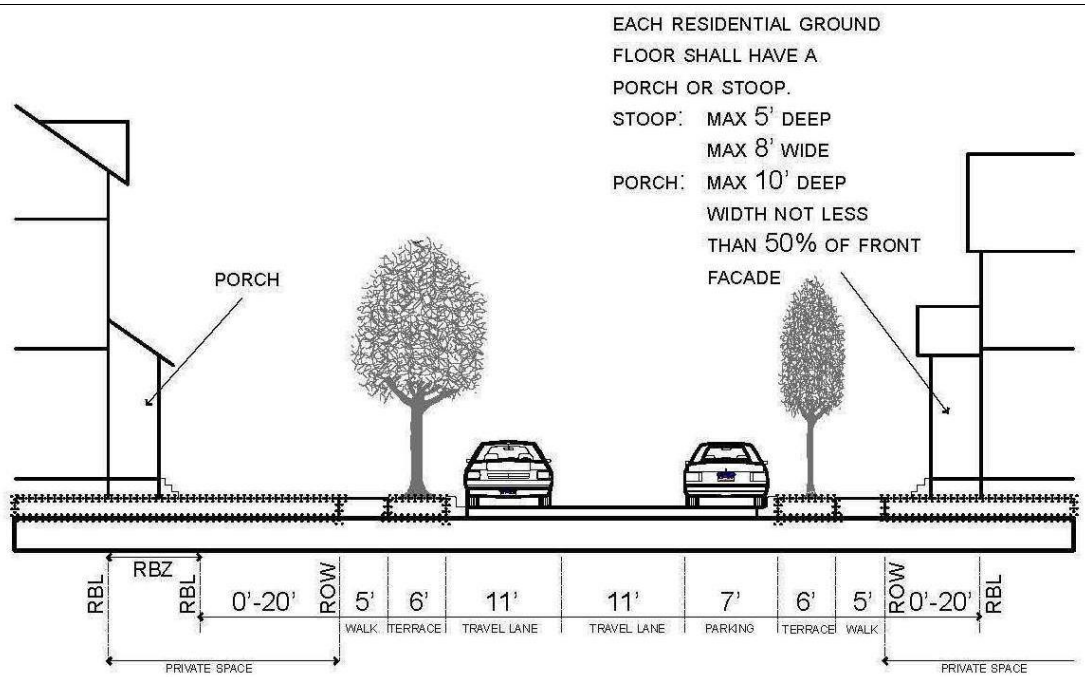
No private development permitted. Useable open space should be located where it is visible and easily accessible from public areas (sidewalks, streetscapes). Views and sun exposure should be maximized. New public spaces should contain direct access from adjacent streets. Public spaces should be open along the adjacent sidewalks and allow for multiple points of entry. Public spaces should be visually permeable from the sidewalk, allowing passersby to see directly into the space.

SECTION 102-806: Street Type Specifications

Illustrative Street Type Specifications for typical, pedestrian-friendly, mixed-use streets are included for each Sub-District. These specifications address vehicular traffic lane widths, sidewalk and tree planting area dimensions, and on-street parking configurations. The street typical section also provides a comparative pedestrian crossing distance as a gauge of pedestrian comfort. These specifications provide a basic template for streets in each Sub-District. Because the existing and proposed rights-of-way (ROW) vary, the exact street specifications may vary. For ROW widths greater than 66 feet, extra dimension should be given to the pedestrian areas.

Traditional Neighborhood-Residential (TN-R)

Representative Street-Space



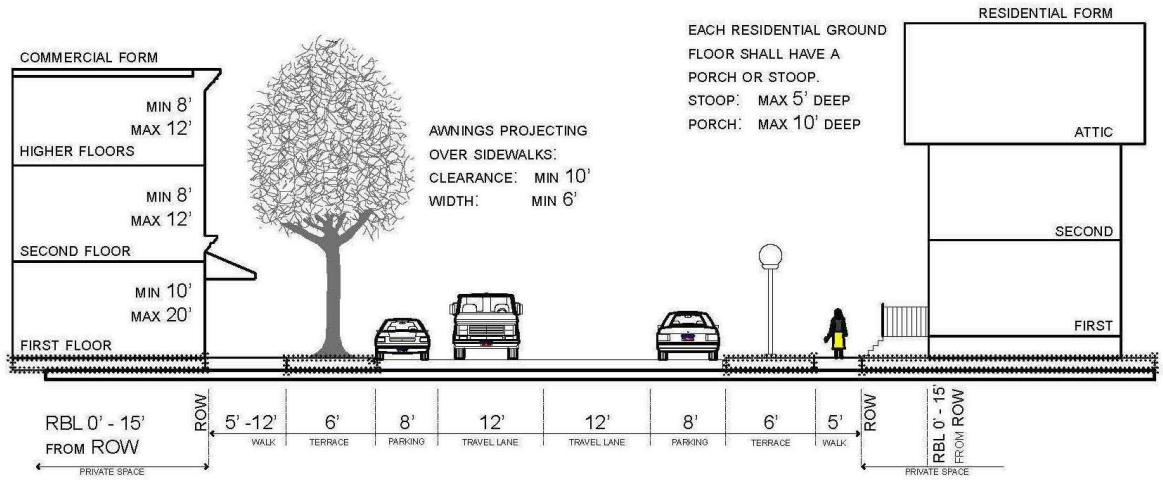
Guiding Principles	Standards
Streets will be kept to as narrow a width as possible while still accommodating on-street parking. This will help to reduce traffic speeds in compact, residential neighborhoods.	1. There are two drive lanes which are each typically eleven (11) feet wide. 2. A seven (7) foot wide lane accommodates for on-street parking on one side of the street. 3. A six (6) foot wide tree planting strip is adjacent to the curb, separating the street from a sidewalk that is a minimum 5–feet wide. 4. Comparative pedestrian crossing distance is twenty-nine (29) feet.

Traditional Neighborhood-Commercial Residential (TN-CR)

Corridor-Mixed Use (C-MU)

Riverfront-Mixed Use (R-MU)

Representative Street-Space



Guiding Principles	Standards
This Sub-District is characterized by narrow streets and higher traffic volumes accommodating business customers, residents, and through traffic. On-street parking is important as a buffer between pedestrians and fast-moving traffic, and provides a more pedestrian-friendly environment in this traditional neighborhood.	1. Two twelve (12) foot wide travel lanes. 2. Two eight (8) foot wide lanes accommodate on-street parking on each side of the street. 3. A six (6) foot wide tree planting strip is adjacent to the curb, separating the street from a sidewalk that is a minimum 5-feet for in front of residential uses. The sidewalk should be widened in front of commercial and multi-family developments. 4. Comparative pedestrian crossing distance is forty-two (42) feet.

ARTICLE IX: ZONING PROCEDURES AND ADMINISTRATION

Section 102-901: Purpose

The purpose of this portion of the article is to establish the procedural requirements for zoning text amendments, zoning map amendments, special use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Building and Zoning Superintendent, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

Section 102-902: RESERVED

Section 102-903: RESERVED

Section 102-904: Administration and Enforcement Official

A. Purpose. The administrative and enforcement officials are to ensure the provisions of this Title shall be administered and enforced equitably under the general police powers of the City of Sterling.

B. Personnel Designated. The Building and Zoning Superintendent, or their designee, is hereby designated as the Zoning Administrator and Enforcement Officer for administering the provisions of this ordinance. For such duties he may be provided with the assistance of such additional persons as the City Council may direct.

C. Duties.

(1) In the administration of this Title the Building and Zoning Superintendent shall perform the following duties:

(a) Maintain permanent and current records of this Title, including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications therefore;

(b) Forward to the City Plan Commission all applications for special uses and for amendments to this Title that are initially filed with the City;

(c) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.

(2) In the enforcement of this Title the Zoning Enforcement Officer shall perform the following duties:

(a) Responsible for the official interpretation of the provisions of this Title.

(b) Issue the necessary Zoning Use Permits and Occupancy Permits required by the provisions of this ordinance, provided its provisions and those of the building code have been complied with.

(c) Forward to the Board of appeals application for appeals, variances, or other matters on which the Board of Appeals is required to pass under this Title;

(d) In case of any finding of a violation of a provision of this ordinance, notify in writing, the actual violator where known, owner of the property on which the violation has taken place and the City Manager, indicating the nature of the violation and the action necessary to correct it.

(e) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Title;

(f) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.

D. Authority. In the enforcement of said ordinance, the Zoning Enforcement Officer shall have the power and authority for the following:

(1) At any reasonable time to enter upon any public or private premises and make inspection to determine compliance with this Title. However, if he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Illinois Statutes.

(2) Upon reasonable cause or question as to proper compliance, to revoke any Zoning Use Permit or Occupancy Permit, and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance, such revocation to be in effect until reinstated by the Zoning Enforcement Officer or the Board of Appeals; or take any other action as directed by the City Council to ensure compliance with or to prevent violation of the Sterling Municipal Code provisions.

(3) In the name of the City and with the endorsement of the City Attorney, commence any legal proceedings necessary to enforce the provisions of this ordinance, including the collection of forfeitures provided for herein.

Section 102-905: Zoning Board of Appeals

A. Establishment. There is hereby established a Zoning Board of Appeals in the City of Sterling in accordance with Section 65 ILCS 5/11-13-3 of Illinois State Statutes for hearing appeals and applications, and granting variations and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

B. Membership

(1) Composition. The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council.

(2) Terms. The members of the Board of Appeals shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor of each member so appointed shall serve for a term of five years.

(3) Officers. One of the members of the Zoning Board of Appeals shall be selected by the Board of Appeals as chairman, and shall hold office as chairman until a successor is appointed.

(4) Recording Secretary; Executive Secretary. The Zoning Board of Appeals shall have a secretary and may employ a court reporter who shall make and keep a record of all of its meetings and official acts. The Building and Zoning Superintendent shall be the executive secretary to the Board and shall attend all meetings called by the Board.

(5) City Staff. The City may designate that a member of the staff to attend meetings of the Board of Appeals for providing the City's case.

(6) Continuation of existing board. The zoning Board of Appeals in existence at the time of the passage of the ordinance from which this chapter is derived shall be recognized as the zoning Board of Appeals established under the provisions of this chapter, and the members previously appointed under the old ordinances shall be recognized as members thereof, and shall serve for such period of time as designated at the time of appointment, the time to run from the date of the original appointment under the old ordinance.

(7) Vacancies. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

C. Powers of the Board. The Board of Appeals shall have the following powers:

(1) Hear and pass upon applications for variations from the terms provided in this chapter in the manner prescribed by, and subject to, the standards established in this chapter.

(2) Hear and decide all matters referred to it or upon which it is required to pass under this chapter as prescribed by statute.

(3) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

(4) To hear and decide special exceptions to the terms of this ordinance upon which such Board is required to pass under this ordinance.

(5) To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(6) To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation. To permit, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(7) The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(8) The Board of Appeals may request assistance from other City officers, departments, commissions, and boards.

D. Meetings and procedures.

(1) Rules of Procedure. The Board may adopt such rules of procedure as it deems necessary for the conduct of its proceedings, and may require submission of such records, plats and other information necessary to make its determinations. A copy of the rules of procedure, and all recommendations relating thereto, shall be filed in the office of the secretary

(2) Meetings. All meetings of the zoning Board of Appeals shall be held at the call of the chairman and at such other times as the zoning Board of Appeals may determine. There shall be at least 15 days' but not more than 30 days' notice of the time and place of such meeting published in a paper of general circulation in the city, such notice to contain a statement of the particular purpose of such meeting and a brief description of the location of the property under consideration at such meeting. All meetings of the zoning Board of Appeals shall be open to the public.

(3) Minutes. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case and the reasons for granting or denying each application shall be specified. Every rule and regulation and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the secretary and shall be of public record.

(4) Oaths: The Chair of the Board of Appeals or their designee may administer oaths and compel the attendance of witnesses.

(5) Finality of decisions. All decisions and findings of the zoning Board of Appeals, on appeal or upon application for a variation after a hearing, shall, in all instances, be final administrative determinations and shall be subject to review by courts as by law may be provided.

E. Appeals.

(1) General.

(a) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officers from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(b) An application for a variation shall be filed in writing with the Building and Zoning Superintendent. The application shall contain such information as the Zoning Board of Appeals may from time to time, by rule, require.

(c) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(d) Appeals of the Subdivision, Land Division, and Platting Provisions. The granting of variances to the land division and platting related issues of Chapter 82 Subdivisions of the City of Sterling Municipal Code shall be the sole charge of the Plan Commission.

(2) Administrative Appeals

(a) General Application Requirements. Appeals from the decision of the Building and Zoning Superintendent and/or the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved, or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Planning Department within twenty (20) days after the date of written notice of the decision or order of the Building and Zoning Superintendent or Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected anytime and shall be filed with the Planning Department. Such appeals and application shall include that information and data as outlined in the Board of Appeals Rules of Procedure.

(b) Applications Relating to Floods, Shoreland, and Wetland Related Mapping Disputes. See the provisions of Chapter 46 Floods of the City of Sterling Municipal Code.

(3) Dimensional Variances

(a) Purpose. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact according to the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

(b) Application and Notice of Hearing. An application for a variance shall be filed in writing with the Planning Department. The application shall contain such information as outlined in the Board of Appeals Rules of Procedure. Before decisions on such petitions, the Board of Appeals shall hold a public hearing thereon pursuant to the requirements set forth in the Board of Appeals Rules of Procedure.

(c) Findings of Facts. No variance to the provisions of this Ordinance (except as otherwise provided) shall be granted by the Board of Appeals unless it finds that if the variance is granted it would not be contrary to the public interest; a literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions; the spirit of the Ordinance is preserved; public safety and welfare are secured and substantial justice done. In reviewing the application and evidence relating to a variance the Board of Appeals shall consider the findings statements set forth this Section of this Ordinance.

F. Public Hearings for Board of Appeals

(1) General. The Board of Appeals shall hold a public hearing upon each variance within a reasonable time of the date of filing. The Zoning Board of Appeals shall publish notice of a public hearing, at least 15 days but not more than 30 days notice of the time and place of such meeting published in a paper of general circulation in the City, on such application for variation, stating the time and place and the purpose of the hearing. Notice of the public hearing shall be mailed to the petitioner and the owners of all property deemed by the Zoning Board of Appeals to be affected thereby. The cost of notifying the affected property owner and the cost of advertising the notice of public hearing shall be borne by the petitioner. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

(2) Conduct of Public Hearing. The Board of Appeals shall place all witnesses under oath. The Board of Appeals shall hear all relevant evidence presented for and against the application. The Chairman of the Board of Appeals may rule on exceptions to evidence and permit examination of witnesses.

G. Findings. The Board of Appeals shall grant no variance to the provisions of this Ordinance unless it finds that the following facts and conditions exist when applicable and so indicates in the minutes of its proceedings:

(1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall permit a use in any district that is not a stated permitted use, accessory use, or Special Use in that particular district.

(2) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.

(4) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(5) Preservation of Health, Safety, Welfares, Morality of the Community. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(6) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(7) Additional Requirements in Shoreland-Wetland Districts. See the provisions of Chapter 82 Floods of the City of Sterling Municipal Code.

H. Decision.

(1) Required Vote. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to grant a variation.

(2) Finding Of Fact. Every Finding of Fact shall be signed by the Chair or acting Chair and attested to by the Board Secretary as evidence of the action of the Board. The original Finding of Fact letter shall be sent to the Appellant. Copies of each Finding of Fact letter shall be filed with the Board's record of the case, the property file, and the Administrative Officer by the Recording Secretary

(3) Conditions. Conditions may be placed upon any Zoning Permit ordered or authorized by the Board of Appeals.

(4) Decision. The Zoning Board of Appeals shall, within 30 days after the public hearing, render its decision in writing.

I. Resubmittal. No appeal that has been dismissed or denied shall be considered again within one year except: on a motion to reconsider the vote made by a member voting with the majority within thirty (30) days of the date of the decision, or on a request for a re-hearing.

J. Re-Hearing. No request to grant a re-hearing shall be entertained unless substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. In all cases, the request for a re-hearing shall be in writing listing the reasons for the request, and shall be duly verified and accompanied by the necessary data and diagrams. The party requesting the re-hearing shall be notified to appear before the Board on a date to be set by the Board, of which the requestor shall be notified. If a motion to grant a re-hearing receives the affirmative votes of four or more members of the Board, the case shall be put on the calendar for a re-hearing. Re-hearings shall be subject to the same requirements as the original hearing.

K. Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition for judicial review as outlined in 65 ILCS 5/11-13-13. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the secretary of the Board of Appeals.

L. Compensation. The City Council shall determine the annual compensation for service of the members of the Board of Appeals.

Section 102-906: Plan Commission

A. Created; purpose. In order that adequate provisions be made for the preparation of a comprehensive city plan for the guidance, direction and control of the growth and development or redevelopment of the city and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality, a plan commission is hereby created under authority of the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.).

B. Composition. The plan commission shall consist of seven voting members who shall reside within the city, or within territory contiguous to the city, and not more than 1 1/2 miles beyond the corporate limits of the city, and not included within the corporate limits of any other municipality, and who shall be appointed by the mayor and confirmed by the City Council on the basis of the qualifications for duties as a member of the plan commission.

C. Term of members; vacancies. The seven members of the plan commission appointed by the mayor and approved by the City Council shall serve terms of three years each. Vacancies shall be filled by appointments for unexpired terms only. Present members shall serve out their unexpired terms.

D. Compensation of members. The City Council shall determine the compensation for annual service of all members of the Plan Commission.

E. Organization; rules of procedure; records; annual report. Immediately following their appointment the members of the plan commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with city ordinances and state laws. The commission shall keep written records of its proceedings, which shall be open at all times to public inspection.

F. Powers and duties. The plan commission shall have the following powers and duties:

(1) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the city. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds and other improvements specified in this section. The plan, as recommended by the plan commission and as thereafter adopted in the city, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances (a) establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as defined in this section; (b) establishing reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, schoolgrounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and (c) may designate land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.

(2) To recommend changes, from time to time, in the official comprehensive plan.

(3) To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(4) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.

(5) To prepare and recommend to the City Council schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in section 1.2 of the Comprehensive Solar Energy Act of 1977 (30 ILCS 725/1.2), or to recommend changes in such schemes.

(6) To exercise such other powers germane to the powers granted by article 11 of the Illinois Municipal Code (65 ILCS 5/11-1-1 et seq.) as may be conferred by the corporate authorities.

G. Official map; land subdivision requirements.

(1) At any time, before or after the formal adoption of the official comprehensive plan by the City Council, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within 1 1/2 miles from the corporate limits of the city. All requirements for public hearing, filing of notice of adoption with the County Register of Deeds, and filing of the plan and ordinances, including the official map, with the city clerk shall be complied with as provided for by law.

(2) No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the city or within contiguous territory which is not more than 1 1/2 miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of

design, and standards governing streets, alleys, public ways, ways for public service facilities, streetlights, public grounds, size of lots to be used for residential purposes, stormwater and floodwater runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.

H. Reports regarding public improvements. The city clerk shall furnish the plan commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The plan commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the City Council.

I. Time Restrictions for Plan Commission Approvals. Plan commission approvals granted for building, site and operation plans, signs, second garage structures, temporary structures and sketch land divisions in which the petitioner has not commenced construction activity or preparation of the land, or has not submitted a Certified Survey Map or Preliminary Plat within the past 24 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Plan Commission may grant one six month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause. This section shall be in force and effect for all applications filed after the date of adoption and publication.

J. Expenditures. The plan commission may, with the approval of the mayor or city manager, employ a secretary or staff, or both, whose wages or salaries and other necessary expenses shall be provided for by the City Council from the public funds. If the plan commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council.

K. Fees. Fees, as established from time to time by resolution of the City Council, associated with Plan Commission petitions shall be paid by the petitioner prior to the item being added to the agenda.

Section 102-907: Historic Preservation Commission

A. Establishment of the Historic Preservation Commission.

(1) Plan Commission Designated. The Sterling Plan Commission, as constituted under Division 10 of Article V in Chapter 2 of the City of Sterling Municipal Code is hereby designated as the Historic Preservation Commission. This designation shall not be delegated to any subordinate organization, committee, or sub-committee unless specifically proposed by the Plan Commission and approved by a three-quarters vote of the City Council.

(2) Qualifications. The members shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction or engineering, finance historical and architectural preservation, neighborhood organizing or real estate.

(3) Terms. The terms for members of the Historic Preservation Commission members shall coincide with the terms for Plan Commission members as outlined in Section 102-906(C). Members shall serve without compensation.

(4) Officers. Officers shall consist of a chairman and vice-chairman as elected by the Plan Commission.

B. Powers and Duties. The commission shall have the power to:

(1) Adopt its own procedural regulations for Historic Preservation.

(2) Conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas.

(3) Investigate and recommend to the City Council to adopt procedures to protect properties or structures having special historic, community, or architectural value.

(4) Determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of properties or structures which have special historic, community, or architectural value.

(5) Advise property owners on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places.

(6) Inform and educate the citizens of Sterling concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

(7) Accept and administer on behalf of the City of Sterling, upon designation by the City Council, such gifts, grants and money as may be appropriate for the purpose of this ordinance.

(8) Call upon available City staff members as well as other experts for technical advice.

(9) Testify before all boards and commissions, including the City Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant properties.

(10) Review periodically the Sterling Zoning Ordinance and to recommend to the City Council any amendments appropriate for the protection and continued use of historically or architecturally significant properties.

C. Meetings.

(1) A quorum shall consist of a majority of the members. All decisions or actions of the Historic Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of four (4) meetings per year.

(2) No member of the Historic Preservation commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition. The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.

(3) All meetings of the Preservation Commission shall be open to the public. The Preservation Commission keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records if its examinations and other official actions, all of which shall be immediately filed in the office of the Preservation Commission and shall be a public record.

D. Procedures for Designation of Historic Structures, Sites, and Districts.

(1) Nominations. Structures, sites, and districts shall be nominated for designation as historic in nature. Nominations shall be in writing to the commission. Nominations for historic structures or sites may only be submitted by the following: the property owner or owners of record as listed in the office of the City Clerk, or any two members of the City Council. Nominations for historic districts may only be submitted by the owners of 51% of the property in the proposed district or by 51% of the owners of the property in the proposed district, or by any two members of the City Council.

(2) Nominations received by the commission shall be considered during routine business meetings of the commission. The property owner(s) shall be permitted to offer any statement(s) to the commission concerning the nomination. This statement may be written or oral. In the case of nominations for historic districts, the nomination shall not be considered for the purposes of interim controls until the underlying Historic Preservation Plan has been completed and submitted to the commission

(3) Public Notice. The Commission shall hold a public hearing in accordance with Section 102-918 and conduct said hearing for all nominations to designate an historic structure, site, or district. In the case of a nomination of a historic district, no notice or hearing shall proceed unless a historic preservation plan has been made available to the commission prior to such notice and hearing.

(4) Property Owner Notification. The City Clerk shall notify the property owner(s) of record of any property nominated by first class mail at least ten (10) days prior to such hearing. In addition, the City Clerk shall notify the owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.

(5) The commission shall then conduct such hearing and, in addition to the notified persons, may hear expert witnesses, and may conduct an independent investigation of the proposed designation. The commission shall make a preliminary written findings of fact, after applying criteria in Section 102-334(D)(1), on all nominations within sixty (60) days of the hearing. Owners of nominated property shall be provided a copy of the preliminary findings of fact, and any required historic preservation plan, within ten (10) days of the issuance of the preliminary written findings of fact.

(6) Protest. The owners of nominated property shall have thirty (30) days in which to protest in writing to the commission any of its preliminary findings of fact. The commission shall issue final findings of fact on designating any property as historic no less than sixty (60) days nor more than ninety (90) days after the date of the preliminary findings of fact.

(7) Recommendation. A three-fourths vote of the commission shall be required to recommend designation historic structures or sites to the City Council. The City Council shall act on such recommended designations within sixty (60) days of receipt of the Plan Commission recommendation and finding of fact. Failure by the City Council to act upon the recommended designation shall result in a denial of said designation unless the Council, for good reason, extends the timeframe for final action. A three-fourths vote of the Council shall be required to designation a historic structure or site.

(8) Nominations for historic district designation shall be accompanied by a historic preservation plan for each district. It is the responsibility of the individuals submitting the nomination to prepare and fund the Historic Preservation Plan. The Historic Preservation Commission, subject to City Council approval, or the City Council may elect to fund the preparation of the Historic Preservation Plan at its discretion. Once submitted, the nomination for Historic District designation shall be evaluated by the Historic Preservation Commission according to Subsection (D). The commission shall submit final written findings of fact and their recommendation for designation of Historic Districts to the City Council. The City Council shall act on the Commission's recommendation within sixty (60) days of receipt. Failure of the Council to act shall result in the nomination being denied. A three-fourths (3/4) vote of the City Council is required to designate a Historic District.

(9) Rescission. Rescission of a designation as a historic structure, site, or district shall be in accordance with the procedures established in (D).

(10) After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building and Zoning Superintendent, and city assessor. The Commission shall cause the designation or rescission to be recorded, at city expense, in the office of the Whiteside County Register of Deeds.

E. Interim Control. No building permit shall be issued by the Zoning Enforcement Officer for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination is first presented in writing, or in the case of a historic district, from the date of the receipt of the historic preservation plan, until the final disposition of the nomination by the Historic Preservation Commission or the City Council, unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health

or safety. In no event shall the delay be for more than one hundred and eighty (180) days, unless specifically extended by the City Council.

F. Historical Markers.

(1) Property owners may request the placement of Illinois Historical Markers on their designated properties by completing the Illinois Historical Marker Application Form. The cost of these markers shall be paid by the property owner.

(2) The commission may request the placement of Illinois Historical Markers on any property designated as a historic site or structure, or within the boundaries of a historic district. The cost of these markers shall be paid by the City. The markers may be located upon public property subject to approval of the Plan Commission (and Sterling Park District, if located on park land) or on private property provided the property owner approves and grants an easement for emplacement and maintenance of the historical marker.

Section 102-908: RESERVED

Section 102-909: RESERVED

Section 102-910: Zoning Permit

A. Purpose. The purpose of the zoning permit is for the city to communicate an official statement that the land use and operations described in the permit application are deemed to comply with the regulations as set forth under this Title.

B. Permit Required. No building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the Building and Zoning Superintendent. Such permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

C. Application. Applications for a zoning permit shall be made to the Building and Zoning Superintendent on forms furnished by the Building and Zoning Superintendent and shall include the following where pertinent and necessary for proper review:

(1) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.

(2) Property owner signature.

(3) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(4) Site plan. Every application for zoning permit submitted to the Building and Zoning Superintendent shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and location of existing buildings on the lot. The site plan shall also show all accessory buildings, existing and proposed structures, all existing and proposed off-street parking and loading, streets and public ways, and accurate dimensions of the lot, yards and buildings, together with locations, size and use of any land and all buildings not on the lot and within 50 feet from the boundaries thereof, unless separated by a street.

(5) Additional information as may be required by the Plan Commission or Building and Zoning Superintendent.

D. Conformance with chapter. Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this chapter.

E. A zoning permit shall be granted or denied by the Building and Zoning Superintendent in writing within thirty (30) days of the application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four (4) months unless the project site exhibits progress. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

F. Fees

(1) All applicants shall pay a zoning permit fee at the time of application.

(2) Zoning permit fees do not include and are in addition to building permit fees established by the City.

(3) Fees for zoning permits amendments shall be in accordance with Section 102-933: Fees of this Chapter.

(4) If work is started before a permit is applied for and issued by the Building and Zoning Superintendent, a penalty may be applied. Such penalty shall not release the applicant from full compliance with the provisions of Chapter 102 nor from prosecution for violation of this Chapter.

(5) Fees for written determinations by the Building and Zoning Superintendent may be applied.

Section 102-911: Certificate of Occupancy

A. Purpose. The purpose of this Section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan per the requirements of Section 102-924: Building, Site and Operation Plan Review and Approval, and the requirements of this Chapter as a whole.

B. A certificate of occupancy, to be issued by the Building and Zoning Superintendent, shall be required for any of the following, except buildings incidental to agricultural operations other than residences:

(1) Occupancy and use of a building hereafter changed, erected, or enlarged.

(2) Change in use of an existing building.

(3) Occupancy and use of vacant land, except for the raising of crops.

(4) Change in the use of land to a use of a different classification, except for the raising of crops.

(5) Any change in the use of a nonconforming use.

C. Issuance of Certificate of Occupancy. No such occupancy, use or change of use shall take place until a certificate of occupancy shall have been issued based upon the following:

(1) Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. For all other certificates, or for copies of any original certificate, a fee may be required. The certificate shall be acted upon within three days after a written request for the certificate has been made to the Building and Zoning Superintendent after the erection or enlargement of such building or part thereof has been completed in conformance with the provisions of this chapter.

(2) Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Building and Zoning Superintendent for a period of not more than six months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary

certificate may be renewed, but it shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use of occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

(3) Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as provided in this chapter, shall be made to the Building and Zoning Superintendent.

(4) If the proposed use is in conformity with the provisions of this chapter, the certificate of occupancy therefore shall be issued within three days after application for the certificate has been made.

(5) Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.

(6) A record of all certificates of occupancy shall be kept on file in the office of the Building and Zoning Superintendent, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

D. Certificate of Occupancy for Legal Nonconforming Uses. Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter. Application for such Certificate of Occupancy for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a legal nonconforming use.

E. Termination of a Certificate of Occupancy. It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection (B), above, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. The City shall post a notice on the property specifying that the Certificate is revoked, and shall mail a notification of said Revocation to the property owner and/or operator.

F. Fee. A fee may be required for this procedure as established from time-to-time by the City Council..

Section 102-912: RESERVED

Section 102-913: Annexation Review

A. Purpose and Intent. This section is intended to facilitate the orderly annexation of unincorporated areas into the City of Sterling. It is designed to provide guidance and to aid in the necessary procedural and decision making processes that are required when reviewing annexation proposals. The purpose of annexation is to allow the city to:

(1) Advance the goals and objectives of the City of Sterling Comprehensive Strategic Plan.

(2) Provide for a planned, rational, and integrated pattern of land uses and lot configurations in those areas in and adjoining the City.

(3) Protect residential, business, commercial, office, and industrial areas within the City from encroachment by incompatible unincorporated uses and ensure that land allocated to a class of uses shall not be usurped by other inappropriate unincorporated uses.

(4) Provide a more rational pattern of relationships between incorporated and unincorporated land uses for the mutual benefit of residents, patrons, and employees.

(5) Promote the recognition of aesthetics as a value and a standard throughout and around the City.

(6) Ensure the provision of public necessities, such as water, sewers, streets and parks for land within the City limits.

(7) Improve the quality of services provided to those areas on the periphery of the City through annexation.

(8) Protect its interest and maintain control of the uncompensated demands made upon the City facilities and/or services from unincorporated areas.

B. Petition for Annexation. A property owner desiring to annex territory into the City shall file with the City Clerk a legally sufficient petition for annexation as provided by the Municipal Code and statutory procedures outlined in the 65 ILCS 5/Art. 7 Division 1. Annexation. Such petition will be reviewed by the City to determine its adequacy for review and action by the Plan Commission and City Council.

C. Staff Review. The Building and Zoning Superintendent, or their designee, shall conduct a thorough review and study of the proposed annexation and any agreements. The Superintendent shall consult with the heads of the City Departments and City Attorney in making a recommendation or modifications of the petition. All relevant factors and circumstances shall be reported to the Plan Commission and City Council.

D. Plan Commission Review. The Plan Commission shall review the petition for annexation and make a written report to the City Council and/or shall state in the minutes, its findings regarding the application as a whole. Specifically, the Plan Commission shall evaluate and recommend to the City Council:

(1) Zoning designation(s) upon annexation.
(2) Number, location and type of units to be permitted.
(3) Preservation of existing features.
(4) Proposed roadways, parking areas, recreational and other public facilities, water and sewer lines, and retained open space.
(5) Deeding and dedication of land, water rights, rights-of-way, and easements for public purposes.
(6) Status of non-conforming uses or site characteristics existing on the property.

E. City Council Action. The City Council, after due consideration and recommendation by the Plan Commission, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions as provided by the Municipal Code and 65 ILCS 5/Art. 7 Division 1. Annexation

Section 102-914: Amendment of Zoning Regulations

A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Title while promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the City, and lessening or avoiding congestion in the public streets and highways. The City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed by this Title, provided that in all ordinance amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire City, and the uses to which property is devoted at the time of the adoption of an ordinance amendment.

B. Initiation of Request for Amendment of Chapter 102. Proceedings for amendment of this Ordinance may be initiated by any one of the following methods:

(1) Application by any member of the general public;

(2) Recommendation of the City Staff;

(3) Recommendation of the Plan Commission; or

(4) Action of the City Council.

C. Application Requirements. All applications for proposed amendments to this Ordinance, regardless of the party of their initiation per (b) above shall be approved as complete by the Building and Zoning Superintendent prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Building and Zoning Superintendent has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda for action shall occur with certification. The item may be placed on any agenda as a discussion-only item, with the permission of the Building and Zoning Superintendent or the Plan Commission Chair, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with the requisite number of copies of the complete application as certified by the Building and Zoning Superintendent. Said complete application shall be comprised of all of the following:

(1) A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;

(2) A copy of the text which is proposed to replace the current text; and

(3) Written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the Comprehensive Strategic Plan, particularly as evidenced by compliance with the standards set out in Subsection (D)(3).

(4) Any further information which may be required by the City Staff or Plan Commission to facilitate the making of a comprehensive report to the Common Council.

D. Review by the Building and Zoning Superintendent and City Departments. The proposed text amendment shall be reviewed by the Building and Zoning Superintendent, the City Planner, the City Engineer, pertinent City Departments including Police, Fire, Public Works, and Streets as follows:

(1) The Building and Zoning Superintendent shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Building and Zoning Superintendent determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Building and Zoning Superintendent determines that the application is complete, he shall so notify Applicant.

(2) Upon notifying the Applicant that his application is complete the Building and Zoning Superintendent shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per Subsection (C).

(3) The Building and Zoning Superintendent may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Strategic Plan, particularly as evidenced by compliance with the following standards:

(a) The proposed text amendment furthers the health, safety, morals or general welfare of the public.

(b) The proposed text amendment furthers the purposes of the general Article in which the amendment is proposed to be located.

(c) The proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.

(d) Is in harmony with the recommendations of the Comprehensive Strategic Plan.

(e) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.

(f) Addresses any of the following factors which have arisen that are not properly addressed in the current zoning text:

(i) A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);

(ii) New methods of development or providing infrastructure;

(iii) Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.

(4) The Building and Zoning Superintendent shall forward the report per Subsection (D)(2), and if it has been prepared, the report per Subsection (D)(3), to the Plan Commission for the Commission's review and use in making its recommendation to the City Council. If the Building and Zoning Superintendent determines that the proposal may be in conflict with the provisions of the Comprehensive Strategic Plan, the Building and Zoning Superintendent shall note this determination in the report.

E. Review and Recommendation by the Plan Commission. The City Council shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.

(1) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application after the acceptance and determination of the complete application as determined by the Building and Zoning Superintendent. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 102-918 of this Title. Said notice shall contain a description of the proposed text change.

(2) After the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the City Council and/or shall state in the minutes, its findings regarding Subsection (E)(1) and its recommendations regarding the application as a whole. Said report and/or minutes shall include a finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (D)(3).

(3) If the Plan Commission fails to make a report within 60 days after the filing of said complete application or in the absence of an Applicant-approved extension per Subsection (E)(2), then the City Council may hold a public hearing. Failure to receive said written report or minutes from the Plan Commission per Subsection (E)(1) shall not invalidate the proceedings or actions of the City Council. If such a public hearing is necessary, the City Council shall provide notice per the requirements of Section 102-918.

(4) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in Section 102-914(D)(3).

F. Review and Action by the City Council. The City Council shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Council may request further information and/or additional reports from the Plan Commission, Building and Zoning Superintendent, and/or the Applicant. The Council may take final action on the application at the time of its initial meeting, or may continue the proceedings, at the Council's, or the Applicant's request. The City Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Building and Zoning Superintendent, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the City Council wishes to make significant changes in the proposed text amendment, as

recommended by the Plan Commission, then the procedure set forth in 65 ILCS 5/11 of the Illinois Municipal Code shall be followed prior to City Council action. The City Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

G. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Building and Zoning Superintendent.

H. Fee. A fee may be required for this procedure as established from time-to-time by the City Council.

Section 102-915: Amendment to Official Zoning Map

A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map. The City shall cause to be published each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of the City of Sterling for the preceding calendar year.

B. Initiation of Request for Amendment to Official Zoning Map. Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following methods:

(1) An application of the owner or agent of the subject property;

(2) A recommendation of the City Staff;

(3) A recommendation of the Plan Commission; or

(4) By action of the City Council.

C. Application Requirements. All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per Subsection 102-915(B) shall be filed in the office of the Building and Zoning Superintendent, and shall be approved as complete by the Building and Zoning Superintendent prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Building and Zoning Superintendent has certified acceptance of the complete application. No placement of the application on any agenda for action shall occur without certification. The item may be placed on any agenda as a discussion-only item, by the Building and Zoning Superintendent or Plan Commission Chair, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with the requisite number of copies of the complete application. Said application shall be comprised of the following:

(1) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 150-feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map shall include lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A legal description of the property.

(3) A map, such as the Land Use Plan or Zoning Map, of the generalized location of the subject property in relation to the City as a whole; and

(4) Written justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan, particularly as evidenced by compliance with the standards set out in Subsection (D)(3).

D. Review by the Building and Zoning Superintendent. The proposed amendment to the Official Zoning Map shall be reviewed by the Building and Zoning Superintendent as follows:

(1) The Building and Zoning Superintendent shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Building and Zoning Superintendent determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Building and Zoning Superintendent determines that the application is complete, he shall so notify the Applicant.

(2) Upon notifying the Applicant that his application is complete, the Building and Zoning Superintendent shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per Section 102-915(C)(3).

(3) The Building and Zoning Superintendent shall review the complete application and evaluate whether the proposed amendment:

(a) Advances the purposes of this Chapter as outlined in Section 102-113 and the applicable rules and regulations of the Illinois Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA).

(b) Is in harmony with the recommendations of the Comprehensive Strategic Plan.

(c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

(d) Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:

(i) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Strategic Plan;

(ii) A mistake was made in mapping on the Official Zoning Map. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading;

(iii) Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;

(iv) Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.

(4) The Building and Zoning Superintendent shall forward a written report per Section 102-915(D)(2) and Section 102-915(D)(3) to the Plan Commission for review and use in the making its recommendation to the City Council. If the Building and Zoning Superintendent determines that the proposal may be in conflict with the provisions of the Comprehensive Strategic Plan, the Building and Zoning Superintendent shall note this determination in the report.

E. Review and Recommendation by the Plan Commission. The City Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.

(1) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the Building and Zoning Superintendent. The Applicant may appear in person, by agent, and/or by attorney. Notice of the

proposed amendment and the public hearing shall conform to the requirements of Section 102-918 of this Title. Said notice shall contain a description of the subject property and the proposed change in zoning..

(2) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report or minutes to the City Council stating its findings regarding Section 102-915(D) and its recommendations regarding the application as a whole..

(3) If the Plan Commission fails to make a report within 60 days after the filing of said complete application or in the absence of an Applicant-approved extension per Section 102-915(E)(2)), then the City Council may hold a public hearing. Failure to receive said written report or minutes from the Plan Commission per Section 102-915(D)(2), shall not invalidate the proceedings or actions of the City Council . If such a public hearing is necessary, the City Council shall provide notice per the requirements of Section 102-918.

(4) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts that the potential public benefits of the proposed amendment outweigh potential adverse impacts of the proposed amendment, as identified in Section 102-915(D).

F. Review and Action by the City Council. The City Council shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Council may request further information and/or additional reports from the Plan Commission, the Building and Zoning Superintendent, and/or the Applicant. The Council may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings, at the Council's, or the Applicant's request. The City Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Building and Zoning Superintendent, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the City Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in Section 65 ILCS 5/11 of the Illinois Municipal Code shall be followed prior to Council action. The City Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

G. Protests. In the event of written protest against the proposed amendment, signed and acknowledged by the owners of 20-percent of the frontage proposed to be altered, or by the owners of 20-percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20-percent of the frontage directly opposite the frontage proposed to be altered, is filed with the clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all of the members of the City Council.

H. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Building and Zoning Superintendent.

I. Fee. A fee is required for this procedure as established from time-to-time by the City Council.

Section 102-916: RESERVED

Section 102-917: RESERVED

Section 102-918: Public Hearings

A. Notice .Notice of the hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the municipality. The notice shall state the time

and place of the hearing and the place where copies of the proposed ordinance will be accessible for examination by interested persons. The City Clerk shall mail an identical notice to the Applicant and to all property owners within 150 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section. The hearing may be adjourned from time to time.

B. Decisions. Within thirty (30) days after the final adjournment of the hearing the Commission shall make a final report and submit a recommendation to the City Council. The City Council may act upon the recommendation with or without change, or may refer it back to the commission for further consideration.

Section 102-919: Special Use Review and Approval

A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed special uses. Special uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Title. In addition to such potential, special uses also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan and on a case by case basis. In order to prevent this from occurring, all special uses are required to meet certain procedural requirements applicable only to special uses, in addition to the general requirements of this Title and the requirements of the zoning district in which the subject property is located.

B. Approval Required. Uses listed as permitted by special use may be permitted in the zoning district in which it is listed upon petition grant to the Plan Commission and subject to the approval of the City Council and to such other conditions as hereinafter designated.

C. Basis for Approval. The Plan Commission and City Council shall base their determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City and specifically of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of special use grants. No special use permit shall be recommended or granted pursuant to this Code unless the applicant shall establish the following:

(1) Zoning Code and Adopted Plans and Policies purposes and intent. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Sterling Comprehensive Strategic Plan or any other plan, program, or policy, adopted by the City. Further, the proposed special use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the property.

(2) Adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

(3) Interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to unreasonably interfere with the use and development of neighboring property according to the applicable zoning district regulations.

(4) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer,

police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

(5) Traffic congestion and parking. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through streets inadequate for such operations. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The proposed use will be able to provide the necessary parking and loading facilities on-site to avoid adverse impacts to public infrastructure or property.

(6) Destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance as determined by the Plan Commission.

(7) Public benefit. The public benefits of the proposed special use will outweigh any and all potential adverse impacts of the proposed special use as identified in Subsections (1) through (6) above, after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to alleviate such impacts.

D. Procedure.

(1) Initiation of Request for Approval of a Special Use. Proceedings for approval of a special use shall be initiated by:

(a) A petition of the owner(s) of the subject property.

(b) A recommendation of the Plan Commission.

(c) By action of the City Council.

(2) Petition. A request for special use grant shall be submitted in writing to the City Clerk who shall promptly refer such petition to the Plan Commission and City Council for determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request, specifically including the following:

(a) An accurate map of the property including indication of general terrain and topographical characteristics, the location of all significant terrain features such as streams, ponds, tree growths, etc., and the location of all existing structures.

(b) An accurate and complete written description of the use for which a special use is being requested including pertinent statistics and operational characteristics.

(c) Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc.

(d) Written justification for the proposed special use, including evidence that the application is consistent with the Comprehensive Plan.

(3) Review by City Staff. The proposed special use shall be reviewed by City Staff in the following steps:

(a) The Building and Zoning Superintendent shall review the submittal in order to ensure that all required portions of the submittal are provided and the application is complete.

(b) Upon the receipt and acknowledgement of a complete submittal, City Staff shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed special use provided in the submittal per Subsection (C), Basis for Approval, above.

(c) A staff report shall be forwarded to the Plan Commission for review and use in the development of a recommendation to City Council.

(4) Review by Plan Commission. City Council shall not approve a special use without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.

(a) Within 45 days after the receipt of the complete petition as determined by the Building and Zoning Superintendent, the Plan Commission shall hold a public hearing pursuant to Section 102-918: Public Hearings of this Chapter.

(b) Within 60 days after the receipt of the complete petition as determined by the Building and Zoning Superintendent (or within an extension of said period requested in writing by the Petitioner and granted by the Plan Commission), the Plan Commission shall provide a written report, minutes, or motion to the City Council stating its findings regarding Subsection (D)(3), above, and its recommendation regarding the petition as a whole. The report, minutes, or motion shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (D)(3)(c) above.

(c) If the Plan Commission fails to make a report within 60 days after the receipt of said complete petition (and in the absence of a petitioner-approved extension per Subsection (D)(4)(b) above), then the City Council may hold a public hearing within sixty (30) days after the expiration of said sixty (60) day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of City Council. If such a public hearing is necessary, the City Council shall provide notice per the requirements of Section 102-918: Public Hearings.

(5) Hearing. The Public Hearing shall be held before the Plan Commission as soon as practical pursuant to Section 102-918: Public Hearings of this Chapter. The Plan Commission shall make a recommendation regarding the petition to the City Council.

(6) Review and Action by City Council. Following a public hearing, necessary study and investigation, and recommendation of the Plan Commission, the City Council shall as soon as practical render its decision in writing and a copy made a permanent part of the Council's records. City Council shall consider the recommendation of the Plan Commission regarding the proposed special use. The Council may request further information and/or additional reports from the Plan Commission, City Staff, and/or the Petitioner. The Council may take final action on said special use at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. City Council may approve the special use as originally proposed, may approve the proposed special use with modifications (per the recommendations of City Staff, the Plan Commission, or City Council itself), or may deny the proposed special use. Such decision shall include an accurate description of the special use permitted, of the property on which the special use is permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. Approval of the proposed special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

(7) Mapping & Recording: When a special use is approved, the requisite Building Permits, Occupancy Permits, and Zoning Permits shall be applicable solely to the structures, use and property so described. The City Clerk shall be responsible for recording the approved special use permit. Indication of such approval shall also be made on the Zoning Map by appropriate code number or symbol.

E. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change in factors found valid by the Building and Zoning Superintendent.

F. Compliance with standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this division and Code authorizing such use.

G. Special standards for specified special uses. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards as set forth in Article V of this Chapter, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

H. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the City Council shall consider the following:

(1) Alternative locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at another site or in another area that may be more appropriate than the proposed site.

(2) Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

I. Conditions on special use permits. The Plan Commission may recommend, and the City Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, maintenance, screening, operation, hours of operation (except as may be allowed by other Federal, State, or County requirements), need for a developers agreement, and other matters relating to the purposes and objectives of this Code upon the premises benefited by the issuance of a Special Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in this Code. Such conditions shall be expressly set forth in the resolution granting the Special Use Permit, and the City Council may require the unconditional consent of the applicant to such conditions. Violation of any such condition of limitation shall be a violation of this Code and shall constitute grounds for revocation of the Special Use Permit.

J. Costs. The costs of all professional, expert, technical consultant services retained by the City and rendered in review of a Special Use Permit, administration of a Special Use Permit, checking and/or inspections relating to a Special Use Permit including, but not limited to, consulting professional engineers, consulting planners, City Attorney, or other professional, expert, or technical services shall be borne by the applicant for a Special Use Permit and shall be considered as a part of the application fees for a Special Use Permit.

K. Affidavit of compliance with conditions. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. Whenever any Special Use Permit granted pursuant to this Code is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Building and Zoning Superintendent so stating.

L. Effect of issuance of a special use permit. The grant of a Special Use Permit shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the City of Sterling, including but not limited to Building Permit, Zoning Permit, Occupancy Permit, Certificate of Appropriateness, land division approval, site plan approval, or other type of permit or approval.

M. Limitations on special use permits.

(1) Time limitations. Subject to an extension of time granted by the City Council, upon recommendation of the Plan Commission, no Special Use Permit shall be valid for a period longer than twelve (12) months unless a Building Permit and/or Occupancy Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Permit is issued and a use commenced within that period.

(2) Use discontinuance. A Special Use Permit shall be deemed to authorize only the particular use for which it was issued. Such permits shall automatically expire and cease to be of any force or effect if such use shall be discontinued for twelve (12) consecutive months or more; provided, however, that if such use is discontinued due to labor strikes, war, natural disasters, or other similar cause(s) beyond the reasonable control of the holder of the Special Use Permit, such twelve (12) month period shall be extended for a period of time equal to the period that the holder of the Special Use Permit is prevented from engaging in the particular use for which the Special Use Permit was issued.

(3) Special use permit runs with land and not the applicant. Unless otherwise provided in the resolution granting a Special Use Permit, a Special Use Permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot.

(4) Additions and enlargements to special uses.

(a) Any additions or enlargements of an existing legal special use for which a Special Use Permit has been issued may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Code for its original approval.

(b) Any additions or enlargements of an existing special use for which a Special Use Permit has not been issued shall be subject to the provisions of Subsection 102-919(N).

(5) Amendments to special use permits. A Special Use Permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Code for its original approval.

N. Existing Special Uses

(1) Application to existing uses:

(a) A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a special use grant, shall automatically be granted special use status.

(b) The grant of a special use in such case shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the special use grant.

(c) Petition may be made at any time for expansion or other change of the special use grant and such petition shall not prejudice the existing grant as herein authorized.

(d) Special use status granted under previous zoning regulations shall be considered in effect under this ordinance subject to the conditions established by the original grant. Any expansion or other change, however, shall be subject to the provisions of this ordinance.

(2) Review of existing special use permits. An existing Special Use Permit may be reviewed by the City as follows.

(a) The Plan Commission may review a Special Use Permit if any of the following determinations are made by the Plan Commission:

(i) The special use has not continued in conformity with the City's conditions of approval of the Special Use Permit or with any subsequent amendments to the Special Use Permit.

(ii) Violations of other statutes, ordinances, or laws.

(iii) A change in the character of the surrounding area or in the special use itself which has caused the special use to become incompatible with the surrounding uses.

(iv) A change in ownership or tenant; a change in the use or occupancy of property. This can involve the review of existing site/building conditions with a determination by the Plan Commission of where nonconforming elements are brought into compliance.

(b) The determination for the review of a Special Use Permit shall be made by the Plan Commission after due notice to the property owner, occupant, or agent as indicated on the Special Use Permit, as to the reasons for the review.

(c) Upon review of the Special Use Permit, the Plan Commission may recommend to the City Council that no action be taken, recommend revisions to the Special Use Permit or additional conditions be added to the Special Use Permit or may recommend that the City Council proceed with a public hearing for possible termination of the Special Use Permit.

(d) Termination: Where a permitted special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special use grant may be terminated by action of the City Council following referral to the Plan Commission for recommendation, and public hearing thereon. Such use shall thereafter be classified as legal nonconforming use, except that where the action is due to failure to comply with the conditions of the special use grant, the City Council may require complete termination of such use.

(3) Subsequent Change or Addition to the approved plans or use shall first be submitted for approval to the Community Services Department. If in the opinion of the Community Services Department such change or addition constitutes a substantial alteration based on the standards set forth, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to Section 102-918: Public Hearings.

Section 102-920: Temporary Use Review and Approval

A. Purpose

(1) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.

(2) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(3) Land uses which fail to meet one of the requirements for temporary uses of Section 102-317: Matrix of Land Use may be reviewed as a special use.

B. Regulations Applicable to All Temporary Uses. No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Article must be made at time of site plan application. Furthermore, no Building Permit shall be issued for any development that does not

comply with the requirements of Section 102-911: Certificate of Occupancy. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

C. Application Requirements. All applications for proposed temporary uses, shall be approved as complete by the Building and Zoning Superintendent prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the Land Use Plan or Zoning Map, of the generalized location of the subject property in relation to the City as a whole; and

(3) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

(4) The Building and Zoning Superintendent may require a BSO Plan of the subject property. Said BSO Plan shall conform to any and all the requirements of Section102-924.

D. Approval by the Building and Zoning Superintendent. Approval of a temporary use shall be by the Building and Zoning Superintendent following review of said complete application per Subsection (C).

E. Fee. A fee is required for this procedure.

Section 102-921: Sign Permit

A. Permit requirements.

(1) If a sign requiring a permit under the provisions of this article is to be placed, constructed, erected or modified on a zoning lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of Subsection (D).

(2) No signs shall be erected in the public right-of-way except in accordance with Section 102-711 and the special use requirements of Section 102-919.

(3) No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this article, including those protecting existing signs, in every respect, and with the signage plan in effect for the property.

B. Submission of signage plan; contents; effect. No permit shall be issued for an individual sign requiring a permit unless and until a signage plan for the zoning lot on which the sign will be erected has been submitted to the Building and Zoning Services Coordinator and approved as conforming to Chapter 102.

(1) Required information. For any zoning lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Building and Zoning Services Coordinator a signage plan containing the following:

(a) An accurate plot plan of the zoning lot, at such scale as the Building and Zoning Services Coordinator may reasonably require;

(b) Location of buildings, parking lots, driveways and landscaped areas on such zoning lot;

(c) Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zoning lot included in the plan under this article; and

(d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

(2) Window signs. A signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window), and need not specify the exact dimensions or nature of every window sign.

(3) Other restrictions. The signage plan may contain such other restrictions as the owners of the zoning lots may reasonably determine.

(4) Consent of owners. The signage plan shall be signed by all owners or their authorized agents in such form as the Building and Zoning Services Coordinator shall require.

(5) Submission and processing. A signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(6) Amendments. A signage plan may be amended by filing a new signage plan that conforms with all requirements of this chapter then in effect.

(7) Binding effect. After approval of a signage plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, this article shall control.

(8) Assignment of sign permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. This assignment shall be accomplished by filing and shall not require approval.

C. Approval of sign permits and signage plans. The following procedures shall govern the application for and issuance of all sign permits under this article, and the submission and review of signage plans:

(1) Application. All applications for sign permits of any kind and for approval of a signage plan shall be submitted to the Building and Zoning Services Coordinator on an application form or in accordance with application specifications published by the Building and Zoning Services Coordinator. Applications for display advertising signs shall include the name and address of the owner of the display advertising sign if different from the owner or tenant of the property.

(2) Fees. Each application for a sign permit or for approval of a signage plan shall be accompanied by the applicable fees, which shall be established by the council from time to time by resolution.

(3) Determination of completeness. Within five working days of receiving an application for a sign permit or for a signage plan, the Building and Zoning Services Coordinator shall review it for completeness. If the Building and Zoning Services Coordinator finds that it is complete, the application shall then be processed. If the Building and Zoning Services Coordinator finds that it is incomplete, the Building and Zoning Services Coordinator shall, within such five (5) working-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this article.

(4) Issuance or denial of permit. Within five working days of the submission of a complete application for a sign permit, the Building and Zoning Services Coordinator shall either:

(a) Issue the sign permit, if the signs that are the subject of the application conform in every respect with the requirements of this article and of the applicable signage plan; or

(b) Reject the sign permit, if the signs that are the subject of the application fail in any way to conform to the requirements of this article and of the applicable signage plan. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article or applicable plan with which the signs are inconsistent.

(5) Action on signage plan. On any application for approval of a signage plan, the Building and Zoning Services Coordinator shall take action as follows: not more than ten working days after the submission of a complete application if the application is for signs for existing buildings; or on the date of final action on any related application for a building permit, site plan or development plan for signs involving new construction. On or before such applicable date, the Building and Zoning Services Coordinator shall either:

(a) Approve the proposed plan if the signs as shown on the plan and the plan itself conforms in every respect with the requirements of this article; or

(b) Reject the proposed plan if the signs as shown on the plan or the plan itself fails in any way to conform to the requirements of this article. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article with which the plan is inconsistent.

D. Permit for construction or modification; inspection. Signs identified as "P" on Table A shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Building and Zoning Services Coordinator. Such permits shall be issued only in accordance with the following requirements and procedures:

(1) Signs outside of public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a signage plan then in effect for the zoning lot. One application and permit may include multiple signs on the same zoning lot.

(2) Signs within public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign within the public right-of-way shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a signage plan then in effect for the zoning lot. Prior to the issuance of a permit for a sign within the public right-of-way, the applicant shall comply with the requirements of Chapter 102 Article VII: Signs.

(3) Inspection. The Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which each permit for a new sign or for modification of existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete but not in full compliance with this article and applicable codes, the Building and Zoning Services Coordinator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected.

E. Certificate of compliance for existing signs. The owner of a zoning lot containing signs present at the date of adoption of this chapter or annexation to the city and requiring a permit under this chapter shall be provided a certificate of compliance for such property.

(1) Signs existing at adoption of chapter. A preliminary certificate of compliance for all zoning lots with existing signs shall be issued by the Building and Zoning Services Coordinator within 180 days of adoption of this chapter. The

Building and Zoning Services Coordinator may cause an inspection of the zoning lot for which the certificate is to be issued.

(2) Signs existing at time of annexation. For any sign on property annexed after the date of adoption of this chapter, a preliminary certificate of compliance shall be issued within 180 days of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner.

(3) Objection to accuracy of preliminary certificate of compliance. Upon receipt of the preliminary certificate of compliance, the owner of the zoning lot or a designee shall be allowed thirty (30) days to object in writing to the accuracy of the certificate. Upon objection, the Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which the certificate is to be issued. A final certificate of compliance shall be issued within 60 days of receipt of the objection. If no objection is filed within thirty (30) days, a final certificate of compliance shall be issued by the Building and Zoning Services Coordinator.

(4) Assignment. A current and valid certificate of compliance shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

(5) Permit Fees. The Building and Zoning Services Coordinator shall collect fees in advance for sign permits. Fees for permits shall be established in resolution form by the city council.

Section 102-922: RESERVED

Section 102-923: RESERVED

Section 102-924: Building, Site, and Operation (BSO) Plan Review and Approval

A. Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of building, site, and operational plans by the City before the building, occupancy, and building permits can be issued—except, however, that development activity associated with an approved final plat of subdivision for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the SIP phase of the Planned Development is exempt from this requirement.

B. Applicability of this Section

(1) The procedures to be followed in this subchapter shall be applicable to design, building and operational plans for all construction or external remodeling or enlargement of any primary or accessory structure, if such construction or external remodeling requires a building permit, and if such development activity is located within the NB, CB, RB, DB, PB, LM, GM, HM, MR-6, or MR-12 zoning districts, unless said district specifically provides for an exemption from either site plan approval or administrative design review.

(2) If the ordinances contained elsewhere within this title require a site plan approval or design review procedure of any kind prior to initiating any construction or remodeling or enlargement activity of any structure whatsoever, this subchapter shall supersede such procedural requirements contained within those other provisions, and this subchapter shall be the exclusive procedural requirement for applying for and receiving any site plan or design review approval.

(3) If the ordinances contained elsewhere within this title require a site plan approval or design review procedure of any kind, the substantive standards for landscaping, open space, parking, screening, lighting, building materials or any other similar requirement that is of a substantive, rather than purely procedural nature, then those substantive requirements shall continue to be applicable, but the process for review shall be exclusively those procedural requirements contained in this subchapter.

C. Review Process/Procedure

(1) Initiation of Request for BSO Plan Approval. Procedures for approval of a BSO plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).

(2) Pre-Application Meeting. The petitioner is encouraged, but not required, to first meet with the Director of Community Services and other applicable City Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Petitioner on technical requirements and procedures, and a timetable for project review may be discussed.

(3) Application Requirements. Petitioner shall submit a complete BSO Plan application as outlined in Section 102-924(C) BSO Submittal Requirements for Community Services Department review, accompanied by all fees and deposits which from time to time may be adopted by the City Council and in effect at the time of submittal.

(4) Community Services Department Review. The Community Services Department shall review the application and submitted plans to determine whether the development complies with the provisions of this Guide. As part of its review, the Community Services Department may consult with other City Staff, consultants, the Plan Commission and officials of the City, county, state, fire and emergency medical services departments, or other agencies. The Community Services Department review may be combined with related Plan Commission reviews for rezoning, special use permit, land division, or other land use approvals. The Director of Building and Zoning Services or their designee shall reserve the right to defer decision regarding a BSO Plan to the Plan Commission for review and approval.

(5) Timeframe. The Administrative Review shall not be conducted until the planning consultant has received a complete application. After the application is certified as complete, the review of the submitted application shall be completed within thirty (30) working days of application certification.

D. Appeals. Final actions of the Community Services Department under this Guide shall be permitted to be appealed as administrative interpretations to the Plan Commission and, following Plan Commission decision, to the City Council.

(1) To Plan Commission. If the Petitioner is dissatisfied with the decision of the Director of Building and Zoning Services, the Petitioner may apply within thirty (30) days after the decision is issued to the Plan Commission for a review of that decision. The Plan Commission shall hear such appeals and issue a written decision with respect to the appeal within thirty (30) days after receipt of the appeal.

(2) To the City Council. If the Petitioner is dissatisfied with the decision of the Plan Commission, the Petitioner may apply within thirty (30) days after the decision is issued to the City Council for a review of that decision. The City Council shall hear such appeals and issue a written decision with respect to the appeal within thirty (30) days after receipt of the appeal.

E. Project Commencement. No building permit shall be issued and no development project under the jurisdiction of this Guide shall commence construction until the Director of Building and Zoning Services has received, in writing, Community Services Department approval of the application and submitted plans (or Plan Commission or City Council approval if the decision was appealed), and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. The property owner shall be responsible for installing and maintaining all site improvements in conformance with the approved plans and all conditions.

F. BSO Submittal Requirements. All Building, Site, and Operation Plan applications for review shall contain or include the plans listed in this section, and such other information as deemed necessary for consideration or as waived by the Plan Commission or the City Council. All plans shall be drawn to a recognized scale, and include a north arrow, date of preparation, and contact information.

(1) Written Description. A narrative which outlines the following:

(a) Full name and contact information of the petitioner and / or agent, and property owner, if different;

(b) Full name and contact information of petitioner's engineers, surveyors, architects, and other design professionals used in BSO Plan preparation;

(c) Existing zoning district(s) and proposed zoning district(s) if different;

(d) Current land uses present on the subject property;

(e) Proposed land uses for the subject property

(f) Land use designation(s) as depicted In the adopted Comprehensive Plan;

(g) Description of environmental features existing on the property;

(h) Projected number of residents, employees, and/or daily customers;

(i) Proposed amount of dwelling units, floor area, open space area, and landscape surface area, expressed in square feet and acreage to the nearest one-hundredth of an acre;

(j) Resulting site density, floor area ratio as calculated using the criteria established in Chapter 102, Article III of the Municipal Code, and greenspace;

(k) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,

(l) Traffic generation;

(m) Operational considerations relating to potential nuisance creation pertaining to the appropriate design of street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;

(n) Material Safety Data Sheets (MSDS) for all materials anticipated to be used or stored on site;

(o) Exterior building and fencing materials;

(p) Possible future expansion and related implications for (a) – (o) above, and:

(q) Any other information pertinent to adequate understanding by the Plan Commission or City Staff of the intended use and its relation to nearby properties.

(2) Site Plan. Illustrating, where applicable:

(a) Lot area and current zoning of the site;

(b) All existing and proposed lot lines, labeling dimensions, required minimum setbacks for buildings and other structures;

(c) Wetlands, shoreland zoning areas, and floodplains;

(d) Slopes of greater than twelve (12) percent;

(e) Existing and proposed buildings, indicating gross floor area and capacity.

(f) Other structures, such as accessory structures, fences, etc.;

(g) Parking lots, vehicle and pedestrian circulation and driveway areas, loading areas, and proposed ingress and egress to the site;

(h) Calculations for determining the number of off-street parking spaces as required by the Section 102-227 of the Municipal Code.

(i) Outdoor storage areas, dumpsters, and proposed screening;

(j) Adjacent streets and land uses, including all buildings within 50-feet of the site's boundaries.

(3) Tree Survey Plan. As outlined in Section 3.02(2) of the City of Sterling Design Guide.

(4) Landscape Plan. All existing plantings and all proposed new landscape plantings for the site, indicating their locations, quantities, species, size at time of planting, and size at maturity in accordance with Section 102-520.

(5) Grading, Erosion Control, and Stormwater Plans. As required to meet all applicable City, County, and state requirements, and including existing and proposed surface elevations of the parcel.

(6) Building Elevations. Depicting and describing the dimensions, colors, and materials proposed for all exterior building sides and roofs, along with building mounted lighting, signs, and mechanical units in accordance with Article V: Design Guidelines and Landscape Regulations.

(7) Sign Plan. Including the location, height, dimensions, color, materials, lighting and sign copy area of all proposed exterior signage.

(8) Exterior Lighting Plan. Applicants shall submit a unified lighting plan in accordance with Section 102-606: Exterior Lighting Standards.

Section 102-925: Planned Development District (PDD) Procedures

A. Purpose and Intent

(1) Purpose. Planned Developments are designed to forward both the aesthetic and economic development objectives of the City by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than is normally required for other developments.

(2) Intent. This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to promote both the aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. They are also intended to provide for flexible development standards to accommodate unique sites, mixtures of land uses, or development configurations. In exchange for such flexibility, the Planned Development District (PDD) shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments. The application of these standards will ensure long-term progress and broad participation toward these principles.

PDDs are required to meet certain procedural requirements applicable only to PUDs, in addition to the general requirements of this title. A public hearing process is required to review a request for a PDD. This process shall essentially combine the process for a zoning map amendment with that required for a Special Use, with several additional requirements.

B. Initiation of Request. Proceedings for amendment of this Ordinance may be initiated by any one of the following methods:

(1) An application by any member of the general public;

(2) A recommendation of the City Staff;

(3) A recommendation of the Plan Commission; or

(4) By action of the City Council.

C. Application Requirements. All applications for proposed Planned Development Districts, regardless of the party of their initiation per (B) above, shall be approved as complete by the Building and Zoning Superintendent. The Building and Zoning Superintendent shall forward copies of said complete application to the office of the City Clerk. Said application shall apply to each of the process steps in (D) below.

D. Procedure.

(1) Pre-Application Conference. The Petitioner shall contact the Building and Zoning Superintendent to place an informal discussion item for a Planned Development on the Plan Commission agenda. No details beyond the name of the Petitioner and the identification of the discussion item as a PDD is required to be given in the agenda. At the Plan Commission meeting, the Petitioner shall engage in an informal discussion with the Plan Commission regarding the potential Planned Development. Appropriate topics for discussion may include the location of the PDD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Petitioner or the City, but should be considered as the informal evaluation for proceeding to the next step.

(2) Concept Plan. The Petitioner shall provide the Building and Zoning Superintendent with a draft Planned Development Concept Plan for a determination of completeness prior to placing the proposed Planned Development on the Plan Commission agenda for Concept Plan review. This submittal shall contain all of the following items, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for Concept Plan review.

(a) Legal description of the subject property.

(b) A location map of the subject property and its vicinity as depicted on the City of Sterling Future Land Use Map;

(c) A general written description of the proposed Planned Development District including:

(i) General project themes and images;

(ii) The general mix of dwelling unit types and/or land uses;

(iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

(iv) The general treatment of natural features;

(v) The general relationship to nearby properties and public streets;

(vi) The general relationship of the project to the Comprehensive Strategic Plan;

(vii) An initial draft list of zoning standards which will not be met by the proposed PDD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PDD and the location(s) in which they apply. The purpose of this listing shall be to provide the City Staff with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit and in regard to the mitigation of potential adverse impacts created by design flexibility;

(d) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

(i) Land Use Exemptions;

(ii) Density and Intensity Exemptions;

(iii) Bulk Exemptions;

(iv) Landscaping Exceptions;

(v) Parking and Loading Requirements Exceptions;

(e) A conceptual plan drawing of general land use layout and general location of major public streets and/or private drives.

(f) At the Plan Commission meeting, the Petitioner shall engage in an informal discussion regarding the PDD Concept Plan submittal. Appropriate topics for discussion may include any of the information provided in the PDD Concept Plan submittal or other items as determined by the Plan Commission.

(g) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon Petitioner or the City, but should be considered as informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of City Staff review of the Concept Plan to occur prior to introduction of the formal rezoning petition which accompanies General Development Plan (GDP) application.

(3) General Development Plan (GDP). The Petitioner shall provide the Building and Zoning Superintendent with a draft GDP Plan submittal for a determination of completeness prior to placing the proposal on the Plan Commission agenda for review.

(a) The submittal shall contain all of the following items, with the number of copies to be determined by the Building and Zoning Superintendent, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for review:

(i) Legal description of the subject property.

(ii) A location map of the subject property and its vicinity, as depicted on the City of Sterling Future Land Use Map;

(iii) A map of the subject property showing all lands for which the Planned Development District is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Whiteside County (as provided by the City of Sterling). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be at a reasonable scale. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(iv) A general written description of proposed Planned Development District including:

1. General project themes and images;
2. The general mix of dwelling unit types and/or land uses;
3. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
4. The general treatment of natural features;
5. The general relationship to nearby properties and public streets;
6. The general relationship of the project to the Comprehensive Plan,

(v) Statement of Rationale outlining the need for Planned Development District zoning. This shall identify barriers that the Petitioner perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Petitioner suggests are available through the proposed PDD zoning.

(vi) A complete list of zoning standards which will not be met by the proposed PDD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PDD and the location(s) in which they apply shall be identified to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(vii) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

1. Land Use Exemptions;
2. Density and Intensity Exemptions;
3. Bulk Exemptions;
4. Landscaping Exceptions;
5. Parking and Loading Requirements Exceptions.

(viii) A General Development Plan Drawing at a reasonable scale of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A conceptual plan drawing of the general land use layout and the general location of major public streets and/or private drives.
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
4. Notations relating the written information provided in (iv) above to specific areas on the GDP Drawing.

(ix) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all

landscaping requirements of Section 102-520: Landscaping and Buffer Regulations (except as noted in the listing of exceptions) and the use of extra landscaping and buffer strips.

(x) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or City practices.

(xi) Written justification for the proposed Planned Development District. (The Petitioner is advised to use the requirements of the Special Use procedure to develop said written justification.)

(b) The process for review and approval of the GDP shall be identical to that for a zoning amendment as outlined in Section 102-915: Zoning Map Amendments. The approval of a GDP by the City Council shall establish a PDD/GDP Overlay District that is depicted as such on the official zoning map. The previous zoning, however, shall control development within the area of the GDP until all or portions of the GDP are approved as a Precise Implementation Plan (PIP) as outlined in (4) below.

(c) Where a land division or lot consolidation is proposed, a preliminary plat final plat or CSM of the entire development area included in the GDP shall meet all requirements of Title 11, the City's Land Division and Subdivision regulations.

(d) For multi-lot Planned Development District Districts, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.

(e) All portions of an approved GDP not fully developed within five years of final City Council approval shall expire, unless extended by Resolution of the City Council following a public hearing.

(4) Precise Implementation Plan (PIP). After the effective date of the rezoning to PDD/GDP, the Petitioner may file an application for a proposed Precise Implementation Plan with the Development Review Committee.

(a) The PIP submittal shall contain all of the following items, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for review. The number of copies to be submittal shall be determined by the Building and Zoning Superintendent.

(i) A location map of the subject property and its vicinity as depicted on a copy of the City of Sterling Land Use Plan Map;

(ii) Compliance with the submittal requirements as outlined in Section 102-924: Building Site and Operation Plan Review and Approval reference, and the Design Regulations outlined in Chapter 5 of this Title.

(iii) Statement of Rationale outlining the need for Planned Development District zoning. This shall identify barriers that the Petitioner perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Petitioner suggests are available through the proposed PDD zoning.

(iv) A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified to provide the Development Review Committee with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(v) Location of recreational/open space areas and facilities, specifically describing those that are to be reserved or dedicated for public acquisition and use;

(vi) A written description which demonstrates the full consistency of the proposed PIP with the approved GDP. Any and all variations between the requirements of the applicable PDD/GDP zoning district and the proposed PIP development; shall be identified.

(vii) The Plan Commission or City Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

(b) The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Development Plan. The proposed PIP shall comply with the requirements outlined in Section 102-924: Building Site and Operation Plan Review and Approval and the Design Regulations outlined in Chapter 5 of this Title.

(c) Where a land division or lot consolidation is proposed, a preliminary plat or final plat of the entire development area included in the PIP shall meet all requirements of Chapter 82: Subdivisions, the City's Land Division and Subdivision regulations. The approval of a PIP shall establish a PDD/PIP District that is depicted as such on the official zoning map.

(d) For multi-lot Planned Development District Districts, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.

(e) All portions of an approved PDD/PIP not fully developed within two years of final City Council approval shall expire, unless extended by Resolution of the City Council following a public hearing.

(f) The City may require the Petitioner to provide surety and/or contractual agreement, with the approval of the City Attorney, to ensure the development of public and private improvements.

(5) Consolidated PDD Approval Process. The Petitioner may file an application for simultaneous approval of the GDP and PIP with the Plan Commission and City Council. The consolidated process shall include all the steps outlined in (D)(3)(a) – (d) above, and decisions shall be made in accordance with Subsection (a) below for Basis for Approval.

(a) Basis for Approval. The Plan Commission, in making its recommendations, and the City Council in making its determination shall give consideration and satisfy themselves as to the following:

(i) That the proposed development is consistent with the spirit and intent of these regulations and produces significant benefits in terms of improved environmental design sufficient to justify the application of the "Planned Development District" concept;

(ii) That the site development plan reflects proper consideration of the natural features of the site, with particular concern for preservation of open space and careful grading to ensure proper drainage and conservation of natural features;

(iii) That the general character of the development produces an attractive environment appropriate to the intensity of uses proposed and which is compatible with existing developments in the surrounding area, and with general community development plans and policies;

(iv) That the development can be provided with appropriate municipal services or their equivalent in private services.

(v) That proposed design standards provide adequately for practical operation and maintenance of circulation, parking, emergency services, delivery services, and snow plowing.

(vi) That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the PDD District, that the project appears economically sound, that a surety/proof of financing is

provided to the City, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.

(vii) That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the PDD District.

(b) In the case of proposed residential developments:

(i) That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.

(ii) The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.

(iii) That the total average residential density of the project will be compatible with the Comprehensive Plan.

(iv) That the aggregate open space of the development will be no less, than would have resulted from the application of open space requirements of the previous district.

(v) That adequate guarantee is provided for permanent retention as "open space area" of the residual open land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public.

(vi) Ownership, maintenance, and tax liability of private open space reservation shall be established in a manner acceptable to the municipality and made a part of the conditions of the plan approval.

(c) In the case of proposed PDD Planned Development District for commercial developments:

(i) That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.

(ii) That the proposed development will be adequately served by off-street parking and truck service facilities.

(iii) That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the Comprehensive Plan.

(iv) That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible whit that anticipated under the Comprehensive Plan.

(d) In the case of mixed use developments:

(i) That the proposed mixture of uses produces a unified composite which is compatible to itself and which as a total developmental entity is compatible with the surrounding neighborhood and consistent with the general objectives of the Comprehensive Plan.

(ii) That the various types of uses conform to the general requirements as herein set forth, applicable to projects of such use and character.

E. Determination of the City Council.

(1) The City Council, after due consideration and recommendation by the Plan Commission, may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions. A PDD may only be approved by an ordinance adopted by the City Council. Any ordinance approving a Planned Development District shall specify the special conditions and restrictions imposed on the PDD and shall include the development plan and plat of subdivision, provided that a plat or re-division or consolidation may be approved by the City Council as part of the PDD and must be recorded before permits may be issued. Said ordinance shall further contain a legal description of the property subject to such PDD and said ordinance shall be recorded in the office of the Register of Deeds of Whiteside County before any permits may be obtained.

(2) The approval of a petition and resulting amendment of the zoning map to include the PDD District shall be based on and include conditions to comply with the Building Site and Operation (BSO) Plans for the development. The development as approved by the City Council shall be mapped and recorded as specified by Section 102-915. Such plans, however, need not necessarily be completely detailed at the time of zoning provided they are of sufficient detail to satisfy the Plan Commission and City Council as to the general character, scope, and appearance of the proposed development as outlined in the GDP.

(3) No permits, as outlined in Section 102-910: Zoning Permit shall be approved or issued for any use or construction activity in a Planned Development District without final approval of a PIP by ordinance of the City Council.

F. Conditions and Restrictions.

(1) The Plan Commission may recommend, and the City Council may adopt by resolution, conditions, and restrictions for planned developments that specify permitted uses, set bulk regulations and density standards for lot coverage and dwelling unit size and distribution, and yard setbacks. The Plan Commission, and the Public Works Board when applicable, may recommend, and the City Council may adopt by ordinance, such permissible modifications to Chapter 102 that are applicable to the PDD/GDP and the PDD/PIP.

(2) The developer shall enter into a developer's agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development, and to assure the construction of all facilities and infrastructure associated with the project.

(3) No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a developer's agreement has been approved and executed and a bond has been posted. For staged development, such developer's agreements may provide for the construction of improvements and the use of City areas outside of the subject stage.

(4) If the owner of the Planned Development fails to adequately perform maintenance functions, such as snow and ice removal, weed cutting, or trash disposal, the City shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

G. Changes or Revisions.

(1) All proposed changes, revisions, and additions to any aspect of an approved Planned Development project shall be submitted to the Building and Zoning Superintendent for its review. The Building and Zoning Superintendent shall determine whether the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.

(2) If the requested change is determined by the Building and Zoning Superintendent to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing, subject to the notice requirements of a special use request, shall be held by the Plan Commission to review and pass its findings to the City Council for final approval.

(3) If the change is determined to be minor, the Building and Zoning Superintendent shall review the request and may approve the change without a public hearing.

(4) If the City Council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any developer's agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

Section 102-926: RESERVED
Section 102-927: RESERVED
Section 102-928: RESERVED

Section 102-929: Performance Standards Administration and Enforcement

A. Intent. It is the intent of Article VI of this Chapter that determinations necessary for administration and enforcement of performance standards set forth herein can be made with satisfactory accuracy by a reasonable person using normal senses.

(1) The Zoning Enforcement Officer or a designee shall make such determinations before a notice of violation is issued.

(2) The Zoning Enforcement Officer shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice, to the person or persons responsible for the alleged violations and to the property owners, if different from the persons responsible. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Enforcement Officer believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Enforcement Officer within thirty (30) days.

(3) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes a violation of the terms of this Title.

B. Enforcement. The Zoning Enforcement Officer shall enforce violations of the Performance Standards under Article VI of this Chapter, after following paragraphs (1), (2), and (3), in Subsection (A) above.

C. Violations and Legal Actions. If after investigation the Zoning Enforcement Officer finds that any provision of Article VI of this Chapter is being violated, he shall give notice of such violation by hand delivery or by certified mail, return-receipt requested, to the owner of such premises, demanding that such violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of such notice. If the violation is not abated within the thirty-day period, the Zoning Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this section. Nothing in this paragraph shall prohibit the City from instituting Public Nuisance procedures in accordance with this Code, nor shall any other remedy available to the Zoning Enforcement Officer be limited under this paragraph.

Section 102-930: RESERVED

Section 102-931: RESERVED

Section 102-932: Violations and Penalties

A. Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's shall, upon conviction thereof, be subject to the penalties set forth in Subsection (b), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.

B. Penalties. Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a forfeiture as determined from time-to-time by the City Council, together with the costs of the action. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.

C. Hazardous Condition Caused by Violation of this Chapter. If the Building and Zoning Superintendent determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Building and Zoning Superintendent shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (e), below. The Building and Zoning Superintendent is hereby authorized to abate a violation of this Chapter.

D. Non-Hazardous Condition Caused by Violation of this Chapter. If the Building and Zoning Superintendent determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Building and Zoning Superintendent shall serve written notice by Registered Mail on the current owner of the property (as indicated by current City of Sterling tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Building and Zoning Superintendent shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below.

E. Cost of Abatement. In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections (a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter such charges onto the tax roll as a special tax as provided by Illinois Statute.

Section 102-933: Fees

A. Review Fees. A minimum review fee, as from time to time established by Resolution of the City Council, shall be charged for all applications to the Plan Commission where a fee has not been otherwise established by the zoning

ordinance. Fees shall be, as from time to time, established by Resolution of the City Council. A penalty may be applied if work, use or activity is commenced before a permit is issued or approval is granted.

B. Consultant Fees. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or City Council. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of a professional services reimbursement form as a prerequisite to the processing of the development application.